

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Complaint Against Evergy) Docket No. 21-EKME-081-COM
by Scott Worthey.)

ORDER

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, the Commission concludes the following:

1. On August 7, 2020 Scott Worthey (Complainant) submitted a Formal Complaint against Evergy Kansas Metro (Evergy). Complainant alleges Evergy was grossly negligent in the maintenance of their power pole arms, causing a 34.5 kV wire to fall into a 12 kV wire, resulting in a surge into Complainant's home that damaged several household items.¹

2. K.A.R. 82-1-220(b) sets forth the following procedural requirements. Formal Complaints must:

- (1) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;
- (2) Set forth concisely and in plain language the facts claimed by the Complainant to constitute the violation(s); and
- (3) State the relief sought by the Complainant.

¹ Formal Complaint Against Evergy Metro, Inc. by Scott Worthey, p. 3 (Aug. 11, 2020).

3. Upon review of the Formal Complaint, the Commission finds the Formal Complaint complies with the requirements above and establishes a *prima facie* case for Commission action. The Commission has jurisdiction over this matter pursuant to K.S.A. 66-101 *et seq.* The Commission is authorized to investigate formal complaints regarding rates, rules, regulations, or practices of gas and electric public utilities.² In this instance, the Commission is authorized to conduct an investigation into the Formal Complaint regarding Evergy's alleged negligent maintenance of its power poles. The Commission concludes the Formal Complaint shall be served upon Evergy.

THEREFORE, THE COMMISSION ORDERS:

A. The Formal Complaint complies with the procedural requirements of K.A.R. 82-1-220.


B. The Formal Complaint shall be served upon Evergy Kansas Metro. Evergy Kansas Metro may submit an Answer within 10 days of service of this Order.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 09/17/2020

PZA



Lynn M. Retz
Executive Director

² K.S.A. 66-101-66-101h.

CERTIFICATE OF SERVICE

21-EKME-081-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 09/17/2020.

CATHRYN J. DINGES, CORPORATE COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@evergy.com

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

SCOTT WORTHEY
13033 W 359TH STREET
PAOLA, KS 66071
scott.worthey@aig.com

/S/ DeeAnn Shupe

DeeAnn Shupe