

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

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

In the Matter of the Complaint Against)
Evergy, Inc. by Latisa Micheaux.) Docket No. 22-EKCE-219-COM

ORDER ON PRIMA FACIE DETERMINATION

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 November 15, 2021, Latisa Micheaux (Complainant) submitted a formal complaint against Evergy, Inc. Ms. Micheaux's Complaint identifies an "abode" that states "care of: 849 South Drury Lane", rather than an address, and her listed abode does not include a city or zip code. Accordingly, the Commission has no way of knowing whether she resides within Evergy's service territory or whether her Complaint is against Evergy Kansas Metro or Evergy Kansas Central. More importantly, Ms. Micheaux's Complaint is not signed or verified.

2. Ms. Micheaux's Complaint makes a variety of allegations, including:

As a noncommercial, nonresident alien, not engaged in interstate or foreign commerce for pecuniary purposes, Consumer is not and cannot be liable to pay any amount. Therefore presenting a "statement" that attempts to act as a "bill" demanding payment is a false and misleading representation.

Furnishing certain deceptive forms [15 USC 1692j (a)] It is unlawful to design, compile, and furnish any form knowing that such form would be used to create the false belief in a consumer that a person other than the creditor of such consumer is participating in the collection of or in an attempt to collect a debt such consumer allegedly owes such creditor, when in fact such person is not so participating. Yet, Respondents are doing this every month.

Creating fictitious obligation [8 U.S. Code§ 514]

Since the rates charged by Public Utilities are only for business consumers as per your GSA contract, using the service for pecuniary purposes, to send a "statement" attempting to act as a "bill" to demand payment is proof of Respondents creating a fictitious obligation.

Demanding an impossibility [12 USC 411] There is no "money of account" in circulation and no law authorizes private people the use for Federal Reserve Notes or the Federal reserve system for private debt. The system is "for the purpose of making advances to Federal reserve banks through the Federal reserve agents... and for no other purpose".

Threatening to terminate service for not participating in a Federal Funding ponzi scheme is a form of deprivation and conspiracy to deprive rights [18 USC 241 and 18 USC 242].

Congress has already determined that public utilities like electricity and Gas are the class of service that creates an obligation to keep the services on as it is necessary to protect life and property. Further, the GSA Respondents have agreed to dictate that funding for the services are already provided for by "appropriation".

3. Ms. Micheaux claims that since her alleged obligations are already pre-paid to Respondents by government appropriation (According to the GSA contract), she is entitled to a refund for all statements since the initiation of service began, which she calculates to equal \$425,000.

4. Pursuant to K.A.R. 82-1-230(h), the Commission takes administrative notice of the 21-EKCE-170-COM Docket (21-170 Docket), where a Latisah Michaux filed a Complaint against Evergy, Kansas Gas Service, and Wichita Public Works making similar allegations. While there is a slight difference in the spelling of the Complainant's name in the 21-170 Docket, both Complaints listed the same email address for the Complainant. In the 21-170 Docket, the

Commission found she failed to make a Prima Facie Case.¹ The Commission subsequently denied her Amended Complaint,² and her Petition for Reconsideration.³

5. 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.

6. Upon review, the formal complaint does not comply with the requirements of K.A.R. 82-1-220(b), and therefore fails to establish a *prima facie* case for Commission action. Specifically, the formal complaint fails to: (1) advise of any provisions of law, regulations, or Commission orders 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) fails to set forth concisely and in plain language the facts claimed to constitute the violations; and (3) fails to state relief sought by the Complainant.

7. Pursuant to K.A.R. 82-1-220(c), Complainant shall be given an opportunity to amend the formal complaint. Accordingly, Complainant is given thirty days, from the date of this Order, to correct the procedural deficiencies described above. If the Complainant fails to amend

¹ Order on Prima Facie Determination, 21-EKCE-170-COM, Nov. 19, 2020.

² Order on Amended Formal Complaint, 21-EKCE-170-COM, Jan. 5, 2021.

³ Order on Petition for Reconsideration, 21-EKCE-170-COM, Feb. 11, 2021.

the formal complaint in a manner that satisfies K.A.R. 82-1-220(b), the formal complaint will be dismissed without prejudice.

THEREFORE, THE COMMISSION ORDERS:

A. The formal complaint fails the procedural requirements of K.A.R. 82-1-220(b) and does not establish a *prima facie* case for Commission action.

B. Complainant has 30 days to amend the formal complaint. If Complainant fails to amend the formal complaint in a manner that satisfies K.A.R. 82-1-220(b), the formal complaint will be dismissed without prejudice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 11/23/2021



Lynn M. Retz
Executive Director

BGF

CERTIFICATE OF SERVICE

22-EKCE-219-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
11/23/2021
first class mail and electronic service on _____.

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/S/ DeeAnn Shupe

DeeAnn Shupe