

ENTERED
Office of Proceedings
August 26, 2024
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EVERGY, INC.,)	
EVERGY METRO, INC. and)	
EVERGY KANSAS CENTRAL, INC.)	
)	
Complainants,)	
)	
v.)	Docket No. NOR 42180
)	
BNSF RAILWAY COMPANY)	
)	
Defendant.)	

COMPLAINANTS' REPLY TO BNSF'S PETITION FOR SUBPOENA

EVERGY, INC.
EVERGY METRO, INC.
EVERGY KANSAS CENTRAL, INC.
1200 Main Street, Suite 29
Kansas City, MO 64105

Kelvin J. Dowd
Andrew B. Kolesar III
Daniel M. Jaffe
Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
202.347.7170
kjd@sloverandloftus.com
abk@sloverandloftus.com
dmj@sloverandloftus.com

Of Counsel:

Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036

Dated: August 26, 2024

*Attorneys for Evergy, Inc.,
Evergy Metro, Inc., and
Evergy Kansas Central, Inc.*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EVERGY, INC.)	
)	
EVERGY METRO, INC. and)	
EVERGY KANSAS CENTRAL, INC.)	
)	
Complainants,)	
)	
v.)	Docket No. NOR 42180
)	
BNSF RAILWAY COMPANY)	
)	
Defendant.)	
)	

COMPLAINANT’S REPLY TO BNSF’S PETITION FOR SUBPOENA

Evergy, Inc. (“Evergy”), Evergy Metro, Inc. (“Evergy Metro”), and Evergy Kansas Central, Inc. (“EKC”) (collectively “Evergy”) hereby reply to the Petition for Subpoena (“Petition”) that Defendant BNSF Railway Company (“BNSF”) filed in this proceeding on August 5, 2024. BNSF’s Petition asks the Board to issue a subpoena directed to Southwest Power Pool (“SPP”), located at 201 Worthen Drive, Little Rock, AR 72223, for the production of documents. Exhibit 1 to BNSF’s Petition sets forth twenty individual categories of documents that BNSF seeks from SPP.

Evergy takes no position on the merits of BNSF’s Petition. However, Evergy respectfully requests that the Board direct BNSF to produce to Evergy copies of any documents or written responses that BNSF receives from SPP in connection with BNSF’s requested subpoena.

Evergy also specifically reserves all rights and arguments to oppose any request to extend the procedural schedule in this proceeding on the basis of BNSF's effort to obtain third-party discovery.

Respectfully submitted,

EVERGY, INC.
EVERGY METRO, INC.
EVERGY KANSAS CENTRAL, INC.
1200 Main Street, Suite 29
Kansas City, MO 64105

By: /s/ Kelvin J. Dowd
Kelvin J. Dowd
Andrew B. Kolesar III
Daniel M. Jaffe
Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
202.347.7170
kjd@sloverandloftus.com
abk@sloverandloftus.com
dmj@sloverandloftus.com

Of Counsel:

Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036

Dated: August 26, 2024

*Attorneys for Evergy, Inc.,
Evergy Metro, Inc., and
Evergy Kansas Central, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that this 26th day of August 2024, I have caused a copy of the foregoing to be served via email upon counsel of record for BNSF Railway Company.

/s/ Andrew B. Kolesar III
Andrew B. Kolesar III
An Attorney for Complainants