



SLOVER & LOFTUS LLP

ATTORNEYS AT LAW

KELVIN J. DOWD

308823

ENTERED

Office of Proceedings

October 16, 2024

Part of

Public Record

October 16, 2024

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: STB Docket No. NOR 42180, *Evergy, Inc., Evergy Metro, Inc. and
Evergy Kansas Central, Inc. v. BNSF Railway Company*

Dear Ms. Brown:

On October 15, 2024, BNSF Railway Company, Defendant in the above-referenced action, filed Confidential and Public versions of what it characterized as a "Supplement" to a May 17, 2024 partial Motion to Dismiss, to which Complainants Evergy, Inc., Evergy Metro, Inc. and Evergy Kansas Central, Inc. timely replied on June 5, 2024. In its October 15 filing, BNSF cites no Board rule authorizing the filing of this "Supplement," and the Board's rules are clear that replies to replies are not permitted. *See* 49 C.F.R. § 1104.13(c).

The purpose of this letter is to advise that unless otherwise directed by the Board, Complainants will submit a response to BNSF's "Supplement" within the time prescribed by 49 C.F.R. § 1104.13(a).

Thank you for your attention to this matter.

Sincerely,

Kelvin J. Dowd
Attorney for
Evergy, Inc.
Evergy Metro, Inc. and
Evergy Kansas Central, Inc.

cc: Counsel of Record