

BEFORE THE
SURFACE TRANSPORTATION BOARD

309596

DOCKET NO. NOR 42180

ENTERED
Office of Proceedings
May 22, 2025
Part of
Public Record

EVERGY, INC., EVERGY METRO, INC.,
AND EVERGY KANSAS CENTRAL, INC.

v.

BNSF RAILWAY COMPANY

JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE

Pursuant to 49 C.F.R. §§ 1104.7(b) and 1115.5(a), Complainants Evergy, Inc., Evergy Metro, Inc., and Evergy Kansas Central, Inc. (collectively, “Evergy”) and Defendant BNSF Railway Company (“BNSF”) hereby file this joint motion respectfully requesting that the Surface Transportation Board (the “Board”) issue an order modifying the procedural schedule deadlines for: 1) Complainants’ Rebuttal Evidence; and 2) the Simultaneous Final Briefs.

In its decision served in this proceeding on May 14, 2025, the Board issued the following procedural schedule¹:

June 4, 2025	Deadline for completion of Complainants’ production
June 25, 2025	Complainants’ Opening Evidence due
October 23, 2025	BNSF Reply Evidence due
November 26, 2025	Complainants’ Rebuttal Evidence due
December 29, 2025	Simultaneous Final Briefs, 30-page limit (including appendices), no new evidence

¹ See *Evergy, Inc. v. BNSF Ry.*, NOR 42180, slip op. at 8 (STB served May 14, 2025).

Good cause exists for modifying the procedural schedule to accommodate a modest extension during the holiday season. Rather than requiring that Complainants' Rebuttal Evidence be submitted the day before Thanksgiving, and that the Simultaneous Final Briefs be filed between the Christmas/Hanukkah and New Years' holidays, the parties request extensions of these deadlines to December 8, 2025 and January 9, 2026, respectively. The resulting schedule would be:

June 4, 2025	Deadline for completion of Complainants' production
June 25, 2025	Complainants' Opening Evidence due
October 23, 2025	BNSF Reply Evidence due
December 8, 2025	Complainants' Rebuttal Evidence due
January 9, 2026	Simultaneous Final Briefs, 30-page limit (including appendices), no new evidence

Such an extension will not unduly delay the Board's consideration of this matter and will not prejudice any party. For these reasons, the parties jointly request that the Board grant this motion.

Respectfully submitted,

/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

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

/s/ Timothy J. Strafford

Timothy J. Strafford
Anthony J. LaRocca
Steptoe LLP
1330 Connecticut Ave., NW
Washington, DC 20036
(202) 429-3000

Justin Waggoner
Alexander M. Wolf
Steptoe LLP
717 Texas Ave., Suite 2800
Houston, Texas 77002
(713) 221-2309

Counsel for BNSF Railway Company

Dated: May 22, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 2025, I have caused the foregoing Joint Motion to Modify Procedural Schedule to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Tara A. Woods

Tara A. Woods

Attorney for BNSF Railway Company