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November 19, 2025

ENTERED
Office of Chief Counsel
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Part of
Public Record

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: STB Docket NOR 42180, Evergy, Inc., Evergy Metro, Inc., and Evergy Kansas Central, Inc. v. BNSF Railway Company

Dear Chief of Case Administration:

BNSF Railway Company (“BNSF”) writes in opposition to the motion to modify the procedural schedule that Evergy, Inc., Evergy Metro, Inc. and Evergy Kansas Central, Inc. (collectively “Evergy”) filed on November 17, 2025.

The schedule established by the Board in its order of November 14, 2025, is fair. Evergy will have 49 days to make its rebuttal filing, 15 more days than Evergy would have had if BNSF had not previously agreed to extend the time for rebuttal following the Board’s orders relating to Evergy’s discovery failures. *See Evergy, Inc. v. BNSF Ry.*, NOR 42180 (STB served May 23, 2025). Evergy’s motion offers no reason why such time is insufficient for it to make a rebuttal filing when Evergy’s case-in-chief is already complete. *See General Procedures for Presenting Evidence in Stand-Alone Cost Rate Cases*, 5 S.T.B. 441, 446 (2001) (explaining that “the party with the burden of proof on a particular issue must present its entire case-in-chief in its opening evidence”); *see also Xcel Energy v. BNSF Ry.*, NOR 42057, slip op. at 2 (STB served Apr. 4, 2003).

The existing schedule already gives Evergy what it asked BNSF for: an extension of time commensurate with the length of the government shutdown. Nonetheless, BNSF would not object to an extension for Evergy’s rebuttal until January 15, 2026 with simultaneous final briefs due on February 17, 2026.

Respectfully submitted,

/s/ Timothy J. Strafford

Timothy J. Strafford

Attorney for BNSF Railway Company

CC: Counsel for Evergy

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2025, I have caused the foregoing Opposition to Evergy's 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