

ENTERED
Office of Chief Counsel
July 30, 2026
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' MOTION TO DISMISS WITH PREJUDICE

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

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Dated: July 30, 2026

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

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	)	
Defendant.	)	
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COMPLAINANTS’ MOTION TO DISMISS WITH PREJUDICE

By Joint Motion dated July 6, 2026, Complainants Evergy, Inc. (“Evergy”), Evergy Metro, Inc. (“Evergy Metro”) and Evergy Kansas Central, Inc. (“EKC”) (collectively “Evergy” or “Complainants”) and Defendant BNSF Railway Company (“BNSF”) filed a Joint Motion to hold the above-captioned proceeding in abeyance until August 5, 2026. In their Joint Motion, Evergy and BNSF reported that they had reached an agreement in principle to settle this case and that they expected to finalize that settlement by the August 5 date. By decision dated July 7, 2026, the Board’s Office of Chief Counsel approved the parties’ Joint Motion.

The parties now have finalized their settlement and Evergy therefore files this Motion to Dismiss with Prejudice as to all claims in this proceeding. The parties have agreed that each party shall bear its own costs, attorneys’ fees, and expenses associated with this proceeding.

Evergy respectfully requests that the Board dismiss this proceeding with prejudice as described herein.

Respectfully submitted,

By: /s/ Kelvin J. Dowd
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Dated: July 30, 2026

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

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of July 2026, I have caused copies of the foregoing to be served electronically upon counsel for Defendant BNSF Railway Company.

/s/ Andrew B. Kolesar III
Andrew B. Kolesar III