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SERVICE DATE – DECEMBER 8, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42180

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

v.

BNSF RAILWAY COMPANY

Decided: December 8, 2025

By decision served on November 14, 2025 (November 2025 Order), the procedural schedule in this proceeding was amended in light of a lapse in the Board's appropriations. On November 17, 2025, Evergy, Inc., Evergy Metro, Inc., and Evergy Kansas Central, Inc. (collectively, Evergy), moved to modify the amended procedural schedule established by the November 2025 Order. In its motion, Evergy requests a 12-day extension of time to file their rebuttal evidence and to modify the due date for the simultaneous final briefs to account for the requested extension of time. (Mot. 3.) In support of their request, Evergy cites the relative length of time afforded to BNSF Railway Company (BNSF) to file its reply evidence and the various holidays that fall within the time period between when BNSF's reply evidence is due and when their rebuttal evidence is due. (Id. at 2.) Evergy asserts that the requested extension will not cause undue delay to the proceeding or cause BNSF any hardship. (Id. at 3.) Evergy represents that it sought BNSF's consent for the extension of time, but that BNSF declined to provide such consent. (Id. at 1.)

On November 19, 2025, BNSF filed an opposition to Evergy's motion. BNSF asserts that the procedural schedule set by the November 2025 Order is fair. (Opp'n 1.) BNSF argues that Evergy has not shown why the time allotted by the November 2025 Order is not sufficient to present its rebuttal evidence. (Id.) However, BNSF states that it would not object to a seven-day extension of time and corresponding modification of the due date for the simultaneous final briefs. (Id.) BNSF does not argue that the requested 12-day extension will cause undue delay to the proceeding or hardship to BNSF.

There is good cause to grant the requested extension of time. The extension will not result in undue delay to the proceeding or hardship to any party. Therefore, the procedural schedule will be amended as follows:

January 20, 2026	Complainants' Rebuttal Evidence due.
February 23, 2026	Simultaneous Final Briefs due, 30-page limit (including appendices), no new evidence.

It is ordered:

1. The procedural schedule is amended as outlined above.
2. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.