

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Brent Fallon,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EC-2012-0007
	)	
KCP&L Greater Missouri Operations	)	
Company,	)	
	)	
Respondent.	)	

**RESPONSE TO STAFF'S RECOMMENDATION**

KCP&L Greater Missouri Operations Company (GMO) hereby submits its response to *Staff's Investigation and Report* in response to Brent Fallon's complaint in this proceeding.

1. GMO appreciates the analysis contained in Staff's August 18, 2011 report and concurs in staff's conclusion that the Company billed Mr. Fallon correctly and did not violate its tariffs or Commission rules.

2. However, GMO disagrees with staff's recommendation that the Commission consider setting this matter for hearing so that the complainant may have an opportunity to provide any additional evidence to support his allegations.

3. At this point in the proceeding, it is fair to assume that Mr. Fallon has presented all the information that he believes is relevant to his claim. The Company and Staff have investigated and determined that Mr. Fallon does not have a valid claim. If Mr. Fallon has additional information, it should be presented before hearing so that it can be investigated by GMO and the Staff. Staff's approach would circumvent this investigation.

4. Staff does not question that Complainant's meter is accurate. Under Rule 5.04(C) (Sheet R-33) of GMO's tariffs, refunds for meter errors are only made if the error is greater than 3%. Since the meter demonstrated a meter accuracy of essentially 100%, no refund is due to Complainant. Because the meter has been twice tested accurate in accordance with the Company's tariffs, there is no factual question that the consumption occurred at the Complainant's residence and was billed accurately.

5. Since it has been established that Complainant's meter is accurate, Mr. Fallon is responsible for the electricity registered by that meter. Any new evidence from Mr. Fallon regarding electricity consumption cannot overcome the fact that the meter is operating accurately and the billing is correct. A hearing will be a waste of resources because readings by the meter are the definitive measure of Mr. Fallon's electricity usage.

WHEREFORE, GMO requests that the Commission dismiss the complaint with prejudice.

Respectfully submitted,

*/s/ Roger W. Steiner*

Roger W. Steiner, MO #39586  
Kansas City Power & Light Company  
1200 Main Street, 16<sup>th</sup> Floor  
Kansas City, MO 64105  
Telephone: (816) 556-2314  
Facsimile: (816) 556-2787  
Email: [Roger.Steiner@kcpl.com](mailto:Roger.Steiner@kcpl.com)

Attorney for KCP&L Greater Missouri Operations  
Company

Dated: August 19, 2011

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all parties of record on this 19<sup>th</sup> day of August, 2011.

*/s/ Roger W. Steiner*

Attorney for KCP&L Greater Missouri Operations Company