

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

County of Jackson, Missouri,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. HC-2005-0331</u></b>
	)	
Trigen-Kansas City Energy Corp.,	)	
	)	
and	)	
	)	
Thermal North America, Inc.	)	
	)	
Respondents.	)	

**ORDER DIRECTING JACKSON COUNTY TO SHOW CAUSE WHY ITS**  
**COMPLAINT SHOULD NOT BE DISMISSED**

Issue Date: July 26, 2005

Effective Date: July 26, 2005

On March 29, 2005, the County of Jackson, Missouri, filed a complaint against Trigen-Kansas City Energy Corp. regarding that company's plan to cut its steam loop serving Jackson County and other customers in Kansas City. Following an expedited hearing, the Commission denied Jackson County's request for interim relief, but allowed the complaint to proceed on other issues.

On May 24, the Commission established a procedural schedule for the resolution of the remaining issues. That procedural schedule required Jackson County to file its direct testimony on July 20. Jackson County has failed to file such testimony.

On July 25, the Staff of the Commission filed a motion asking the Commission to suspend the procedural schedule. Staff also asks the Commission to order Jackson County to file its testimony and to respond to Staff's data requests. Furthermore, Staff asks that the Commission schedule a new prehearing conference for the purpose of discussing a revised procedural schedule.

Jackson County is the complainant in this case and that means that it has the burden of proving its case. For whatever reason, Jackson County has chosen not to submit its direct testimony in compliance with the established procedural schedule. Jackson County's complaint is therefore subject to dismissal for its failure to prosecute. The Commission will not grant the relief sought by Staff at this time because that relief is not necessary if Jackson County's complaint is dismissed. Instead, the Commission will order Jackson County to file a pleading within ten days showing cause why its complaint should not be dismissed.

**IT IS THEREFORE ORDERED:**

1. That the County of Jackson, Missouri, shall file a pleading, not later than August 5, 2005, showing cause why its complaint against Trigen-Kansas City Energy Corp. and Thermal North America, Inc. should not be dismissed.

2. That this order shall become effective on July 26, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

(S E A L)

Morris L. Woodruff, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of July, 2005.