

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

ORDER DIRECTING THE PARTIES TO ADDRESS THE QUESTION OF
WHETHER THERMAL NORTH AMERICA IS A PROPER PARTY

Issue Date: June 13, 2005

Effective Date: June 13, 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. The complaint also named Thermal North America, Inc. as a defendant. Thermal North America is a holding company that is in the process of purchasing the stock of Trigen-Kansas City.

Trigen-Kansas City filed an answer and litigated Jackson County's request for interim relief. Thermal North America, however, has not filed an answer. Counsel for Thermal North America appeared at the prehearing conference held on May 16 and

asserted that Thermal North America had never been properly served with the complaint and that, even if it were properly served, it was not an appropriate party to the complaint. Thermal North America has not, however, filed a motion to dismiss the complaint against it.

A procedural schedule has now been established and the complaint is set for hearing in October 2005. However, it is not clear whether the complaint should proceed against Thermal North America, as it is against Trigen-Kansas City. The presiding officer directed the parties appearing at the prehearing conference to discuss whether Thermal North America should be dismissed from this complaint and to report their conclusions to the Commission.¹ They have not done so. The Commission will, therefore, direct Jackson County to file a report indicating whether the parties have reached an agreement regarding the dismissal of the complaint against Thermal North America.

IT IS THEREFORE ORDERED:

1. That the County of Jackson, Missouri, after consulting with the other parties to this complaint, shall file a pleading, not later than June 24, 2005, indicating whether the parties have reached an agreement regarding the dismissal of the complaint against Thermal North America, Inc.

¹ Transcript page 234.

2. That this order shall become effective on June 13, 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 13th day of June, 2005.