

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 GRANTING MOTION TO ACCEPT ANSWER OUT OF TIME

Issue Date: May 18, 2005

Effective Date: May 18, 2005

In its Report and Order – Denying Interim Relief issued on April 7, 2005, the Commission ordered Trigen-Kansas City Energy Corp. and Thermal North America, Inc. to file their answer to Jackson County’s complaint no later than Friday, April 29. Trigen-Kansas City filed its answer on Monday, May 2, along with a motion asking the Commission to accept its late-filed answer. 4 CSR 240-2.080(15) provides that parties are allowed not more than ten days in which to respond to a pleading unless otherwise ordered by the Commission. More than ten days have passed since Trigen-Kansas City filed its motion and no responses have been filed. Therefore, the Commission will presume that the motion is unopposed.

Trigen-Kansas City's motion is reasonable and is not opposed by any party. It will be granted.

IT IS THEREFORE ORDERED:

1. That Trigen-Kansas City Energy Corp.'s Motion to Accept Answer One Day Out of Time is granted.
2. That Trigen-Kansas City Energy Corp.'s Answer to Complaint is accepted.
3. That this order shall become effective on May 18, 2005.

BY THE COMMISSION

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 18th day of May, 2005.