

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

Monty Scroggins,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EC-2015-0155
	)	
KCP&L Greater Missouri Operations	)	
Company,	)	
	)	
Respondent.	)	

**KCP&L GREATER MISSOURI OPERATIONS COMPANY MOTION TO DISMISS**

COMES NOW KCP&L Greater Missouri Operations Company (“GMO”) and hereby submits its Motion to Dismiss to the Missouri Public Service Commission (“Commission”).

In support, GMO states as follows:

**BACKGROUND**

1. Complainant (Monty Scroggins), GMO and the Staff of the Commission (“Staff”) filed a Proposed Procedural Schedule on April 9, 2015.
2. On April 10, 2015 the Commission issued a Procedural Schedule in the above-captioned matter.
3. The first deadline in the aforementioned Procedural Schedule was the filing of Direct Testimony by Complainant on May 29, 2015. Complainant has failed to meet this deadline.
4. The next scheduled deadline is the filing of Rebuttal Testimony on July 31, 2015. Since Complainant has failed to file Direct Testimony, GMO is unable to offer responsive Rebuttal Testimony.

## MOTION TO DISMISS

5. GMO requests that the Complaint filed on January 6, 2015 be dismissed for failure to comply with the Commission's Procedural Schedule.

6. Under 4 CSR 240-2.116(3) a party may be dismissed from a case for failure to comply with any Commission order. Complainant has not complied with the Commission's procedural order and therefore his Complaint should be dismissed.

7. In addition, Section (2) of the same rule provides that cases may be dismissed for lack of prosecution if no action has occurred in the case for 90 days and no party has filed a pleading requesting a continuance beyond that time. There has been no action in this case for 90 days and no request for a continuance made.

WHEREFORE, Respondent GMO prays the Commission dismiss the complaint. Should the Commission not dismiss the Complaint, GMO notes that the parties will need to develop a new procedural schedule and a new hearing date for the Commission to approve.

Respectfully submitted,

/s/ Roger W. Steiner

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**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 31<sup>st</sup> day of July, 2015.

**/s/ Roger W. Steiner**

Attorney for KCP&L Greater Missouri Operations Company