

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

Eddie Shepherd,)	
)	
Complainant,)	
)	
v.)	File No. EC-2011-0373
)	
KCP&L Greater Missouri Operations)	
Company,)	
)	
Respondent.)	

**KCP&L GREATER MISSOURI OPERATIONS COMPANY’S
RESPONSE TO COMPLAINANT**

COMES NOW, KCP&L Greater Missouri Operations Company (“GMO”) and hereby submits its response to the Complainant’s February 6, 2012 pleading entitled “Motion to Quash Dismissal from Court Motion to Quash New Test Reading” (“Motion”).

1. On January 13, 2012, pursuant to the Commission’s December 23, 2011 Order, the Company filed affidavits of the individuals who performed meter tests at the Complainant’s premises. These affidavits are exhibits in support of the Company’s November 4, 2011 Motion for Summary Determination. The Commission’s December 23 Order also indicated that responses to the Motion for Summary Determination needed to demonstrate that (i) that the Motion for Summary Determination does not establish the material facts of a defense or (ii) that those material facts remain subject to a genuine dispute. Complainant’s Motion does not establish either of these points.

2. The first sentence of Complainant’s Motion states: “The new test reading is not the same as what is displayed on the meter.” There is no new test reading. As

shown on the January 13, 2012 Affidavits and Exhibits, meter tests were performed on March 10, 2011 and June 19, 2011. There is a meter reading at the time of the meter tests and it is found on the test results (57770 on the March 10 test and 04304 on the June 19 test) (see January 13, 2012 Exhibits to Affidavits filed by GMO). Because these readings were taken last year (and for the March 10 test performed on a different meter) they necessarily don't match current readings on Complainant's current meter.

3. The second sentence of Complainant's Motion states: "From March 2011 to February 2012 only 17, 075 Kw have been used in comparison to the amount billed in 2010". Complainant is apparently trying to compare what he believes his usage to be during a twelve month period (March 2011 to February 2012) to usage during January to December of 2010. This comparison does not rebut the accuracy of Complainant's meters as established in GMO's Motion for Summary Determination. Different usage amounts during different time periods are common and can be caused by differences in weather or appliance usage in the two time periods. These differences in usage for different time periods are why GMO's (and other utilities') tariffs provide that disputes regarding usage are resolved by testing the meter.

4. The basis of Mr. Shepherd's complaint is that he does not believe that he used the amount of electricity registered by his meter. Disputes regarding a customer's usage are governed by GMO's tariffs (Rule 5.04(C) (Sheets 32-33) which provide that unless the error is greater than 3% no billing adjustment will be made. Since the meter in question demonstrated a meter accuracy of essentially 100%, a billing adjustment is not appropriate. Complainant's argument that his usage for a different time period was less than his usage in 2010 does not establish that his meter was not accurate nor does it

provide a basis for a claim for a billing adjustment under GMO's tariffs. Complainant's Motion does not provide any grounds to deny GMO's Motion for Summary Determination.

5. Company's uncontroverted meter tests results show that the prior meter and the current meter are accurate. GMO has at all times correctly billed Mr. Shepherd for his electrical usage.

WHEREFORE, GMO respectfully requests that the Commission grant the Motion for Summary Determination.

Respectfully submitted,

/s/ Roger W. Steiner

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Attorney for KCP&L Greater Missouri Operations
Company

Dated: February 21, 2012

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 21st day of February 2012.

/s/ Roger W. Steiner

Attorney for KCP&L Greater Missouri Operations
Company