

Cheryl L. Fabulae,
Complainant,
v.
Kansas City Power & Light Company,
Respondent.

1. Staff advises the Commission that it received the letter attached hereto as Exhibit A via facsimile transmission on October 27, 2006, which purports to be a request from a physician engaged in the treatment of Complainant, which physician requests restoration of service to Complainant on humanitarian grounds. The letter states that Complainant suffers from lymphoma and is subject to recurrent episodes of pneumonia. The letter states in part, "It is detrimental to her health to not have electricity, which controls her heat,

especially this time of year when the nights are very cold.” Staff hereby incorporates Exhibit A herein by reference.

2. Staff states that it has no independent knowledge of the truth or falsity of the contents of Exhibit A, which is not verified, but asserts that it has no reason to doubt its veracity.

3. Assuming that it is true that Complainant suffers from lymphoma and is subject to recurrent episodes of pneumonia, Staff suggests that lack of heat, now and during the upcoming winter heating season due to an interruption in electric service, constitutes a likelihood of an imminent threat of harm to Complainant’s life and requests that the Commission so find.

4. Pursuant to § 386.310.1, RSMo., in any case in which it “determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property,” the Commission may “waive the requirements for notice and hearing and provide for expeditious issuance of an order . . . provided that the commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order.”

5. The above-cited section authorizes the Commission by order “to require the performance of any . . . act which the health or safety of its . . . customers or the public may demand”

6. Staff suggests that the above-cited section authorizes the Commission to peremptorily order KCPL to restore service to Complainant on the strength of the finding that Staff requests the Commission make in Paragraph 3, above.

7. The Commission's Order should also include a setting for an evidentiary hearing within ten days; and should include arrangements for Complainant to attend by telephone.

8. Staff suggests that in weighing this motion, the Commission consider the worst-case scenario, namely, that Complainant expires in circumstances due in whole or in part to lack of heat. It could be that the situation described in Exhibit A is either exaggerated or false and, if so, that fact will soon become apparent. In the interim, however, Staff suggests that the letter should be taken at face value and that the Commission should act to preserve Complainant's life. A balancing-of-the-harms analysis suggests that KCPL will be exposed to little additional loss if the Commission acts, whereas Complainant may suffer the gravest loss of all if the Commission does not act.

9. Staff states that it has filed this motion as soon as it could possibly be done in that it only received Exhibit A on this date.

10. The harm that may be avoided by acting expeditiously herein is, as Paragraph 8, above, suggests is the death of Complainant due to lack of heat in her weakened state.

WHEREFORE, under the authority granted in § 386.310.1, RSMo., Staff urges the Commission to find that Complainant suffers from lymphoma and is subject to recurring episodes of pneumonia; that lack of heat, now and during the upcoming winter heating season due to an interruption in electric service, constitutes a likelihood of an imminent threat of harm to Complainant's life; waive the requirements for notice and hearing and expeditiously issue an Order

directing KCPL to restore service to Complainant forthwith; and set an evidentiary hearing within ten days of the issuance of said Order, with arrangements for Complainant to attend by telephone; and grant such other and further relief as is just in the premises.

Respectfully submitted,

s/ Kevin A. Thompson
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **27th day of October, 2006**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson