

Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case Nos. ER-2009-0089,
ER-2009-0090 and HR-2009-0092

FROM: Chairman Robert Clayton *RC*
Commissioner Connie Murray *cm*
Commissioner Kevin Gunn *kg*

DATE: April 9, 2009



On April 8, 2009, we received the attached email message. Case Nos. ER-2009-0089, ER-2009-0090 and HR-2009-0092 are contested cases. The Commission is bound by its *ex parte* rule, and, we are therefore giving notice to the parties this communication has been received.

Although communications from members of the public and members of the legislature are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication from any person interested in a case (either oral or written) occurs outside the hearing process, any member of the Commission or Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, we submit this report pursuant to the rules cited above. This will ensure that any party to these cases will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Commissioners
Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

Neuner, Joyce

Subject: FW: ADA non-compliance issue remains UNRESOLVED!

From: mjearll@tmail.com [mjearll@tmail.com]
Sent: Wednesday, April 08, 2009 2:37 PM
To: jamie.mcgin@kcpl.com; katie.mcdonald@kcpl.com; chuck.caisley@kcpl.com; Mills, Lewis; bill.downey@kcpl.com; jim.alberts@kcpl.com
Cc: Clayton, Robert; Murray, Connie; Davis, Jeff; Gunn, Kevin; chuck.tickles@kcpl.com
Subject: ADA non-compliance issue remains UNRESOLVED!

Please be informed that I, Melissa Earll of Nevada, MO, am once again making a formal complaint related to ADA non-compliance and website inaccessibility against KCP&L as is my right as a profoundly deaf ratepayer currently residing within KCP&L's electric utility jurisdiction in SW Missouri.

The inherent nature of this complaint was but one of many ADA-related issues that I discussed during my public testimony against KCP&L's rate hike request at the public hearing held on March 11th here in Nevada, MO. I submitted documentation printed up from KCP&L's own website to substantiate many of my remarks to the MO State Public Service Commission at the request of the Commission's Counsel.

Following the conclusion of the public hearing, I was approached by KCP&L representatives who sought me out so as to provide me with assistance that might produce a resolution on my behalf. I also made the acquaintance of Mr. Lewis Mills, Jr., Missouri Public Counsel, who was present to the ensuing discussion I had with the KCP&L representatives.

At the request of the KCP&L representatives, Mr. Chuck Caisley and Ms. Katie McDonald, I made a deaf relay call to KCP&L customer service from my T-Mobile Sidekick. This was done for two reasons: one, so they could personally witness what a deaf relay call actually entails, and two, so as to provide them with the knowledge of how ADA non-compliance issues impact deaf ratepayers like myself.

Unexpectedly, both Mr. Caisley & Ms. McDonald were soon witness to my surprise when the deaf relay call was not only processed without interruption or delay as had previously been the case (and to which I had testified) but that I was soon connected to Maria, the KCP&L customer service representative with whom I subsequently spoke.

I say surprise because one aspect of my complaint discussed during my public testimony was how, following KCP&L's acquisition of Aquila, I had NOT been able to engage any KCP&L customer service representatives through a deaf relay calls; the calls were either disconnected or were not answered at all.

I need not remind any of you that not only is this an unacceptable form of customer service, but that this issue had not occurred previously while I was an Aquila ratepayer. Furthermore, it is clearly evident that when I'm not able to talk to a customer service representative, even through a deaf relay call, my access to the same equitable provision of goods and services afforded non-disabled ratepayers is substantially impacted.

Another aspect of my complaint discussed during my public testimony was how, when one attempts to create an online account on the KCP&L website, one is asked to provide and insert a telephone number in one of many data fields found on the webpage. Furthermore, if one does not insert a telephone number as part of their online profile, one cannot continue with establishing an online account from which bills can be paid, statements can be viewed, and many other features that are easily convenient.

To further document my complaint, I am copying the entire dialogue that I had with KCP&L representative Maria on March 11th in full view of Mr. Caisley & Ms. McDonald, as well as Mr. Lewis Mills, Jr. here for your review. I am doing this as it appears the sum of this dialogue with Maria proves that I was given false and misleading information on March 11th and that, almost a month later and contrary to KCP&L

assurances and instructions, I am still unable to access the online customer account services portion of the KCP&L website!

To wit:

-----Original Message-----

From: mjearll@tmail.com

To: Melissa Earll <mjearll@tmail.com>

Subject: Conversation with i711relay

Date: Wed, 11 Mar 2009 20:15:17 -0500

----- 7:01 pm

landoport: 8164715275 I need a live customer service rep, please, thanks ga
i711relay: Connecting to relay center... to disconnect, type HANGUP or SKSK.
i711relay: Waiting for next available operator...
i711relay: Connected at 7:50pm EDT on Wednesday, March 11, 2009
i711relay: Hello! i711.com CA#70190F
i711relay: Special Instructions:I need a live customer service rep, please, thanks
i711relay: THK U DIALING
i711relay: 816 471 5275
i711relay: RINGING 1...
i711relay: (AUTOMATED SYSTEM)
i711relay: thank you for
i711relay: calling kcp in dell (navigating to live representative)
i711relay: please
i711relay: hold for a representative
i711relay: RINGING 1...
i711relay: for quality purposes your call may be
i711relay: monitored (too fast) please remain on
i711relay: the line (too fast)(music)(ON HOLD)
i711relay: we
i711relay: appreciate your patience please continue to hold
i711relay: for the next available customer service
i711relay: representative (too fast)(music)(still holding)
i711relay: (VCO IS ON GA)
i711relay: xxx(music)(still holding)
landoport: (Operator, stay on hold)
i711relay: (thank you holding)
i711relay: (F)
i711relay: (INTRO CALL PLS HLD)
i711relay: thank you for calling kansan city
i711relay: power and light this is maria how can i
i711relay: help you qq GA
landoport: I need to set up an online account for kcp&l's website, thanks ga
i711relay: thank you i could try to help you
i711relay: with
i711relay: that today could i get your address qq GA
landoport: 1005 south college, nevada missouri 64772, my name is melissa earll ga
i711relay: (confirming spelling)
i711relay: thank you
i711relay: could i have you please verify
i711relay: for security purposes the last 4
i711relay: of your
i711relay: social miss earll qq GA
landoport: 9390 ga
i711relay: thank you and i could also have you verify
i711relay: for me your current telephone
i711relay: number please qq GA
landoport: I don't have a telephone number, I am deaf and do not use a phone for talking
ga
i711relay: thank you for that information and
i711relay: how could i help you today with the registration qq GA
i711relay: ...

----- 7:11 pm

landoport: On the kcp&l website, I created an online profile but could not submit the

information because the website asked for a phone number as well and would not allow me further access without a phone number on record. Ga
i711relay: thank you for that information well
i711relay: what we can do is i can
i711relay: give you the phone number to kansas city
i711relay: power and
i711relay: light
i711relay: which is 8164715275
i711relay: and you
i711relay: can enter that number
i711relay: where it
i711relay: is requesting a phone number GA
landoport: Maria, this call has been monitored and I appreciate the fact that you answered and accepted a deaf relay call in the first place and I will call tomorrow to set up a payment plan for my account balance, thank you ga
i711relay: ...
i711relay: you re welcome
i711relay: and i m glad that i could assist
i711relay: you this evening we will waiting
i711relay: for your call tomorrow is there
i711relay: anything else i can help you with on
i711relay: your account qq GA
landoport: No thank you ga
i711relay: this evening qq
i711relay: thank you and i hope you have a good evening GA
landoport: Sksk
i711relay: Disconnected at 8:05pm EDT on Wednesday, March 11, 2009
i711relay: Thank you for using i711.com. Begin another relay call at any time by typing a 10 digit phone number or by visiting www.i711.com .

To recap: Maria informs me that I need only enter KCP&L's own phone number in the data field where I am required to do so. Once I have done this, I will then be able to complete my online profile and access the KCP&L's website reserved for ratepayers with online profiles.

I currently have in my possession copies of screen captures that I printed up earlier today from KCP&L's own website whereupon I attempted to do this very thing: enter KCP&L's own phone number in the telephone data field and establish an online account.

These screen captures depict my attempts to enter KCP&L's toll-free number, as well as its toll number (888.471.5275 and 816.471.5275). Each time, an error message pops up and informs me that the phone number I entered does not match the primary phone number on my account. Seeing as how I'm deaf and do NOT have a phone number, I cannot understand why I am expected to produce a phone number so that I can complete my online profile and access the KCP&L website.

I was assured a month ago by KCP&L representatives that this matter would be quickly resolved in my favor. It is evident, however, that I was provided misleading and inaccurate information, thus this formal complaint of ADA non-compliance and website inaccessibility.

As a deaf ratepayer, I should have access to the same provision of goods and services as non-disabled ratepayers. I should not be required to have, much less submit a phone number as a step in accessing KCP&L's resources on its webpage. Further, I should not be given false and misleading information as is apparently the case here.

I am quite concerned how this issue impacts not only me, but the numerous other KCP&L ratepayers in Missouri who have a disability. Perhaps the MO State Public Service Commission should investigate if any, much less ALL public utilities servicing Missouri ratepayers are in full compliance with the ADA as it is apparent that if KCP&L has barriers in place that affect the quality of service provided to me, then quite likely other utilities do, as well.

Seeing as how the ADA was passed almost 19 years ago, there is no reason why barriers should even exist in this day and age, nor why it is necessary that I be expected to be

the one to educate and inform any of you of these barriers' existence.

Regards,
Melissa Earll
1005 S College
Nevada, MO 64772

"Courage in women is often mistaken for insanity." -- anonymous quotation