

A:

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Donald S. McCandless, Jr.,)	
)	
Petitioner,)	
)	
v.)	<u>CASE NO. EC-99-338</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

NOTICE OF FILING

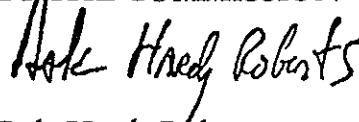
On March 22, 1999, the attached four-page letter was submitted to the Secretary of the Commission so that it might be filed in Case No. EC-99-338. The sender initially directed this letter to one of the Commission's attorneys. However, upon review of this document it would appear to be an attempted response to the Respondent's answer filed herein. Therefore, this document was forwarded to the Commission's Secretary for filing.

Commission rules require that all such pleadings be filed with the Secretary of the Commission with one original and fourteen copies. See 4 CSR 240-2.080(1). However, the attached four-page document is written in the form of a letter and correspondence is specifically excluded from the definition of a pleading. See 4 CSR 240-2.010(12). If the comments of the

Complainant as set out in this letter were meant to be considered by the Commission and the other parties, it should have been submitted in compliance with the rules. It would appear from the record that the Complainant is not represented by legal counsel. However, parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel. Sutton v. Kestler, 930 S.W.2d 516 (Mo.App. W.D. 1996).

However, in the interest of judicial economy, it would seem that accepting the Complainant's letter as a pleading may help to reveal those points upon which the Complainant and Respondent disagree and thereby may increase the chances for settlement. If this increased communication does not facilitate settlement, it might, at the least, expand each party's understanding of those issues which remain contested. Therefore, the attached document will be filed as a pleading and, pursuant to the Commission's rules on such matters, every party shall have ten days from the date of this notice to respond or object to this pleading.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 25th day of March, 1999.

Roberts, Chief Regulatory Law Judge

March 13, 1999

RECEIVED

MAR 22 1999

Adjudication Division
Public Service Commission

Mr. Steve Dottheim
Public Service Commission
Jefferson City, Mo.

Re: Kansas City Power & Light
Case No. EC-99-338

Dear Steve

Thank you for the information you provided in our phone discussion of this case. This has been dragging on for six months now and it would seem to me that all parties concerned would want to move it toward a resolution as soon as possible.

Accordingly, I have herelby drafted my immediate response to Kansas City Power & Light's answer dated March 10, 1999. In the interest of simplicity and in getting something going on this I have picked out what I consider to be the key statements in the KCPL report and for each state-

ment I am assigning a one word characterization that summarizes my reaction to the particular statement.

Following are definitions of each of these one word characterizations which I will use!

DISPUTED — statement of opinion to which I disagree,

QUESTIONABLE — statement could be either right or wrong but more information is needed to clarify —
or — the statement on the surface of it appears to be unreasonable

FALSE — statement is absolutely untrue.

Here are the statements in the KCPL report:

1. At the top of page 2 — "During this billing period the Complainant used 5215 Kwh of electricity" — DISPUTED

2. Immediately following on page 2 — "KCPL checked its records to verify the accuracy of the \$444.42 Bill" — QUESTIONABLE

3. Bottom of page 2 — "as set forth in KCPL's General Rules and Regulations Apply to Electric Service, Rule 6.08 the registration of the Company's meters will be accepted and received at all times and places as prima facie evidence of the amount of power and energy taken by the customer" — QUESTIONABLE
4. Bottom of page 3 — "During this conversation, the KCPL representative extended the Complainant's due date to Jan. 11, 1999" — FALSE —
5. Middle of page 4 — "Mr. Thomas Hopson the customer service representative did not know that the Complainant's meter had been tested, and that he had been told that the \$444.42 was accurate. Shortly after he learned the underlying facts Mr. Hopson contacted the Complainant and informed him that he did indeed owe KCPL \$444.42 for electricity consumed between July 13, 1998 and Aug. 14, 1998, — FALSE
6. Bottom of page 4 — "During this conversation the Complainant agreed to participate in KCPL's average pay plan. — FALSE

Bottom of page 3 note 3 —

" — — — — the Complainant failed or refused to test his air conditioning unit." ——— FALSE,

Would you please see to it that this information gets to the proper party or into the proper channel so that this case may proceed toward resolution.

Please advise of any further information I need to provide or other steps I should take.

Thank you very much,

Sincerely,

Donald S. McEandless,