

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
October 6, 1999**

**CASE NO: EC-99-553**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Paul S. DeFord, Esq.**  
Lathrop & Gage, L.C.  
2345 Grand Boulevard, Ste 2800  
Kansas City, MO 64108

**James M. Fischer**  
101 West McCarty Street, Suite 215  
Jefferson City, MO 65101

**William G. Riggins**  
Kansas City Power & Light Company  
P.O. Box 418679  
Kansas City, MO 64141

**James W. Brew**  
Brickfield, Burchette & Ritts, P.C.  
1025 Thomas Jefferson Street NW  
8<sup>th</sup> Floor, North Tower  
Washington, DC 20007

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

**Uncertified Copy:**

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

GST Steel Company,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. EC-99-553</u>
	)	
Kansas City Power & Light Company,	)	
	)	
Respondent.	)	

**ORDER DIRECTING FILING**

On October 4, 1999, GST Steel Company (GST) filed its Request for Reconsideration and Reply to Kansas City Power and Light Company's (KCPL) Motion to Compel GST Responses to the First Set of Interrogatories and Requests for Production of Documents and Suggestions in Support; on the same day, James W. Brew, Esq., of Brickfield, Burchette & Ritts, P.C., Washington, D.C., filed his Application for Leave to Appear *Pro Hac Vice* on behalf of GST. Pursuant to Commission Rule 4 CSR 240-2.080(12), KCPL must file its responses to GST's motion and Brew's application, if any, on or before October 14, 1999.

The Commission notes, as well, that KCPL filed its Revised Answer herein on September 9, 1999. GST has never filed any pleading in response thereto. GST is hereby advised that any such response must be filed on or before October 14, 1999.

In its Request for Reconsideration, GST avers that it was never served with a copy of KCPL's First Motion to Compel, filed on August 31,

1999, and that GST was thereby deprived of any opportunity to respond thereto. This deprivation, GST complains, amounts to deprivation of due process of law. The Commission agrees and, if it is true that GST was never served with KCPL's First Motion to Compel, then the portion of the Commission's Order of September 21, 1999, that grants KCPL's First Motion to Compel must be vacated.

KCPL's motion includes the certificate of one Tim Swenson, attesting to service by mail on counsel for GST, both in Missouri and in Washington, D.C., as well as upon the Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (OPC). Mr. Swenson is associate counsel for KCPL. The purposeful filing of a false or misleading certificate of service is a most serious matter and that is the accusation made herein by GST against Mr. Swenson. Of course, it is an equally serious matter to purposefully make a groundless accusation.

The Commission will require Mr. Swenson to file his affidavit concerning service of KCPL's First Motion to Compel upon GST. Mr. Swenson should set out therein as many specific details as are available to him, including dates and times and the identities of any support personnel who may have assisted him in serving the motion on GST. Likewise, the Commission will require a similar affidavit from each attorney who has entered an appearance herein on behalf of GST, including Mr. DeFord, Mr. Schaefer, Mr. Brew, and Mr. DeVito. Each of these affidavits should state with specificity the date, time, and manner in which the affiant first became aware of KCPL's First Motion to Compel.

Each such affidavit must also affirmatively state whether or not a service copy of the motion was ever received in the normal course of the United States Mail.

Finally, the Staff and OPC shall each file in this case, on or before October 14, 1999, a pleading stating whether or not each of them was served with a copy of KCPL's First Motion to Compel, filed on August 31, 1999, and further stating, if possible, the manner of service and the date of receipt.

**IT IS THEREFORE ORDERED:**

1. That GST Steel Company shall file its response, if any, to Kansas City Power and Light Company's Revised Answer, filed on September 9, 1999, on or before October 14, 1999.

2. That Timothy G. Swenson, Esq., of Blackwell Sanders Peper Martin, L.L.P., Kansas City, Missouri, shall by October 14, 1999, file his affidavit concerning service of KCPL's First Motion to Compel upon GST. Mr. Swenson should set out therein as many specific details as are available to him, including dates and times and the identities of any support personnel who may have assisted him in serving the motion on GST.

3. That each attorney who has entered an appearance herein on behalf of GST, including Paul S. DeFord, Esq., and Kurt U. Schaefer, Esq., of Lathrop and Gage, L.C., Kansas City, Missouri, and James W. Brew, Esq., Christopher C. O'Hara, Esq., and Eric M. DeVito, Esq., of Brickfield, Burchette & Ritts, P.C., of Washington, D.C., shall each file his affidavit herein, on or before October 14, 1999, stating with specificity the date, time, and manner in which each such affiant

first became aware of KCPL's First Motion to Compel and whether or not a service copy of the motion was ever received by the affiant in the normal course of the United States Mail.

4. That the Staff of the Missouri Public Service Commission and the Office of the Public Counsel shall each file in this case, on or before October 14, 1999, a pleading stating whether or not each of them was served with a copy of KCPL's First Motion to Compel, filed on August 31, 1999, and further stating, if possible, the manner of service and the date of receipt thereof.

5. That this order shall become effective on October 6, 1999.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Kevin A. Thompson, Deputy Chief  
Regulatory Law Judge, by delegation  
of authority pursuant to 4 CSR  
240-2.120(1), (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 6th day of October, 1999.

ALJ/Sec'y:

Thompson / Pope

10-5  
Date Circulated

10-6  
Return by ~~3 p.m.~~  
10 a.m.

EC-99-553  
CASE NO.

Please  
Expedite

[Signature]  
Lumpe, Chair

[Signature]  
Crumpton, Commissioner

[Signature]  
Murray, Commissioner

[Signature]  
Schemenauer, Commissioner

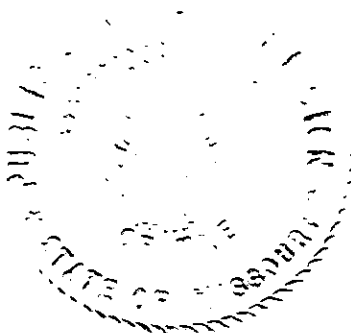
[Signature]  
Drainer, Vice-Chair

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson  
City,

Missouri, this 06th day of October, 1999.



Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge