

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Richard Tolbert,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0407</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

SECOND ORDER DIRECTING FILING

Issue Date: September 12, 2007

Effective Date: September 12, 2007

On August 15, 2007, the Commission issued an order setting forth the procedural history and factual background of this case in great detail and directing the complainant, Richard Tolbert, to “file a pleading, by not later than 5:00 p.m. on Thursday, August 30, 2007, which addresses the statements contained in Kansas City Power & Light Company’s Answer and Motion to Dismiss and Staff’s report in this matter and sets forth the legal or factual reasons why he agrees or disagrees with those statements.” On August 30, 2007, the Regulatory Law Judge assigned to this case received a phone call from Mr. Tolbert, during which he requested an additional 15 days to comply with the Commission’s order of August 15, 2007 in order to obtain and collect various documents pertaining to his case. The judge informed Mr. Tolbert that he would need to file an appropriate written pleading formally requesting a 15-day extension, or to at least promptly contact the attorney representing the respondent, Kansas City Power & Light Company (“KCPL”), to determine

if he had any objections to such an extension, at which time Mr. Tolbert was to call the judge to inform him of the results of that conversation.

A week passed, and as of September 6, 2007, the Regulatory Law Judge had not heard back from Mr. Tolbert, who had not filed a written request for an extension either. Therefore, the judge contacted Curtis Blanc, the attorney of record for KCPL, to ascertain whether he had heard from Mr. Tolbert and to determine if KCPL had any objections to Mr. Tolbert's oral request for a 15-day extension. Mr. Blanc indicated that although he had not yet spoken with Mr. Tolbert, Mr. Tolbert had left him a brief voice mail message on September 5, 2007 in which Mr. Tolbert requested a return phone call on an unspecified topic. Mr. Blanc also represented to the judge that KCPL would not oppose Mr. Tolbert's oral request for an extension of time.

Another four days have now passed, and as of September 10, 2007, Mr. Tolbert has not contacted the Regulatory Law Judge, has not filed a written request for a 15-day extension of time, and has not filed the pleading he was originally ordered to file by no later than 5:00 p.m. on August 30. Nevertheless, the Commission will, under the unique circumstances of this case, grant Mr. Tolbert a 15-day extension.

IT IS ORDERED THAT:

1. Richard Tolbert shall file a pleading, by not later than 5:00 p.m. on Friday, September 14, 2007, which addresses the statements contained in Kansas City Power & Light Company's Answer and Motion to Dismiss and Staff's report in this matter and sets forth the legal or factual reasons why he agrees or disagrees with those statements.

2. This order shall become effective on September 12, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of September, 2007.