

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day of
October, 2006.

Anthony Broughton,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0018</u>
)	
Kansas City Power & Light)	
Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE

Issue Date: October 19, 2006

Effective Date: October 29, 2006

On July 7, 2006,¹ Anthony Broughton filed a complaint against Kansas City Power & Light Company. In that complaint, Mr. Broughton alleged that KCPL improperly added charges owed by another person to the bill for his residential account. Mr. Broughton further alleged that this improper transfer of debts was the basis for KCPL disconnecting his electric service.² On August 11, KCPL filed its answer to the complaint along with a Motion for Determination on the Pleadings. The Commission denied KCPL's motion.

¹ All dates through out this order refer to the year 2006, unless otherwise noted.

² On July 14, 2006, KCPL was ordered to restore to Mr. Broughton's electric service during the pendency of his complaint after failing to timely respond to the Commission's order directing a response to Mr. Broughton's request for service to be restored.

On September 6, the Staff of the Missouri Public Service Commission filed the report of its investigation into Mr. Broughton's complaint, and on September 7, the Commission directed Mr. Broughton to respond to Staff's report no later than October 5. Mr. Broughton did not respond to the Commission's order. In fact, since July 31, all mail directed to Mr. Broughton's address of record has been returned to the Commission as being undeliverable, and Mr. Broughton has made no attempt to update his contact information with the Commission.

As of October 5, 90 days had elapsed from the day Mr. Broughton filed his complaint, and Mr. Broughton had taken no action to further prosecute his complaint. Consequently, on October 6, the Commission issued an order directing Mr. Broughton to file a pleading, no later than October 16, stating why his complaint should not be dismissed. Mr. Broughton did not file a response to the Commission's order.

Commission Rule 4 CSR 240-2.116(3) provides that any party may be dismissed from a case for failure to comply with a Commission order. Moreover, Commission Rule 4 CSR 240-2.116(2) provides that: "Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time."

Over 100 days have now elapsed since Mr. Broughton first filed his complaint on July 7 and he has not filed any pleading with the Commission beyond the original complaint. He has not complied with the Commission's order to file a response to Staff's investigation. He has not complied with the Commission's order to show cause why his complaint should not be dismissed. He has not requested a continuance in this matter. He has not provided the Commission with new contact information.

IT IS ORDERED THAT:

1. Anthony Broughton's complaint against Kansas City Power & Light Company filed on July 7, 2006, case number EC-2007-0018, is hereby dismissed without prejudice.
2. This order shall become effective on October 29, 2006.
3. This case may be closed on October 30, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur
Stearley, Regulatory Law Judge