

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

ORDER ESTABLISHING A PROTECTIVE ORDER AND ESTABLISHING
TIME FOR A RESPONSE

Issue Date: September 7, 2006

Effective Date: September 7, 2006

Anthony Broughton filed a complaint against Kansas City Power & Light Company ("KCPL") on July 7, 2006. In that complaint, Mr. Broughton alleged that KCPL improperly added charges owed by another person to the bill for his residential account. On August 11, 2006, KCPL filed its answer to the complaint along with a Motion for Determination on the Pleadings. The Commission denied KCPL's motion.

The Commission directed the Staff of the Missouri Public Service Commission to conduct a formal investigation and file a report before further considering the complaint. On September 6, 2006, the Staff filed its verified report recommending that Mr. Broughton's complaint be dismissed. The Staff states that it believes that KCPL's disconnection of service to Mr. Broughton was in compliance with Commission rule 4 CSR 240-13.050(1)(F).

The Staff filed its Report in compliance with Commission Rule 4 CSR 240-2.070(10), which provides:

The commission may order, at any time after the filing of a complaint, an investigation by its staff as to the cause of the complaint. The staff shall file a report of its findings with the commission and all parties to the complaint case. The investigative report shall not be made public unless released in accordance with sections 386.480, 392.210(2) or 393.140(3), RSMo, or during the course of the hearing involving the complaint.

Consequently, Staff states that its Report is a non-public document and that it is filing its report as a “Highly Confidential” document.

Commission Rule 4 CSR 240-2.085(2) provides, in pertinent part:

Pleadings, testimony, or briefs shall not contain highly confidential or proprietary information unless a protective order has been issued by the commission;

Although Staff has not filed a motion for a protective order, the Commission finds that there is a need to protect confidential information, and the filing of Staff’s Report as Highly Confidential is reasonable. The Commission has previously recognized the need to protect confidential information, and protective orders have helped minimize disputes in past cases. Therefore, the Commission concludes that a protective order should be issued.

Mr. Broughton shall be directed to respond to Staff’s report no later than October 5, 2006. Mr. Broughton is also advised that failure to respond by that date will be a failure for him to have taken any action in his case for 90 days after the initial filing of his complaint. Commission Rule 4 CSR 240-2.116(2) states: “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.” Should Mr. Broughton fail to respond as directed, the Commission may dismiss his complaint for failure to prosecute.

IT IS ORDERED THAT:

1. A protective order is issued in this matter, and the protective order attached to this order as Attachment A is adopted.
2. Anthony Broughton shall file a response to the Staff of the Missouri Public Service Commission's report no later than October 5, 2006.
3. This order shall become effective on September 7, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of September, 2006.