

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 14th
day of October, 1994.

Earl D. "Mike" Nichols,)
)
 Complainant,)
)
v.)
)
Kansas City Power & Light Company,)
)
 Respondent.)

Case No. EC-94-309

ORDER DISMISSING COMPLAINT

A complaint was filed in this matter on April 1, 1994, against Kansas City Power and Light (KCPL) by the Complainant, Earl D. Nichols. Notice was given, and an answer was filed by KCPL, denying various allegations and the relief sought by the Complainant. On May 27, 1994, an order was issued by the Commission establishing a procedural schedule, providing for the filing of testimony, and setting the date for an evidentiary hearing in this case. On September 13, 1994, as the result of the late filing of the direct testimony by the Complainant, the Commission modified the procedural schedule, resetting the evidentiary hearing for October 5, 1994.

The Complainant failed to appear at the evidentiary hearing and offered no good cause for that failure to appear. All other parties appeared. On October 11, 1994, KCPL filed a motion to dismiss this complaint for failure of the Complainant to appear at the evidentiary hearing and prosecute this matter.

The Commission finds that the Complainant failed to appear at the scheduled evidentiary hearing after receiving ample due notice of that hearing and offered no good cause as to that failure to appear. The Commission will, therefore, grant the motion of KCPL and dismiss this matter with prejudice as to

the original allegations and requested relief set out in the Complainant's application and testimony.

IT IS THEREFORE ORDERED:

1. That the motion to dismiss filed by Kansas City Power and Light Company is granted, and this complaint is dismissed with prejudice as to the matters as set out above.

2. That this order shall become effective on October 25, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure,
Perkins and Crumpton, CC., Concur.
Kincheloe, C., Absent.