

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 31st day of October, 1990.

In the matter of the tariff filing )  
by The Kansas Power and Light Company ) Case No. GO-91-164  
to change to definition of "gas service." )

ORDER DENYING APPLICATION TO INTERVENE AND MOTION TO SUSPEND TARIFF

On October 25, 1990, Licata, Inc., d/b/a Heart Mobile Village (Licata) filed an application to intervene and motion to suspend tariff. In its application, Licata stated that on September 12, 1990, Kansas Power and Light Company (KPL) filed a tariff sheet, P.S.C. Mo. No. 1, 2nd Revised Sheet No. R-7, which expanded the definition of gas service to include transportation of gas effective November 1, 1990. Licata further stated that KPL based the tariff change on an incorrect reading of a ruling by Judge Kinder in State ex rel. Licata, Inc. v. Public Service Commission, CV 188-1070cc. In that case, the court reversed the Commission's dismissal of a Licata complaint. Licata stated KPL erroneously believed the reversal was based on how the court defined gas service. Licata contended that the court did not reverse the Commission's dismissal based on its definition of gas service, thus KPL has no basis for changing the wording of the tariff. Licata also stated the new tariff is unreasonable and arbitrary.

On October 29, 1990, KPL filed a response to Licata's application and motion. In its response, KPL stated that the sole purpose of the tariff change was to clarify what the Company considered gas service. KPL further stated that Licata had not provided any basis that the tariff was unreasonable and arbitrary and that a hearing was necessary.

The Staff of the Public Service Commission (Staff) also filed a response. The Staff stated that it and the Commission had reviewed the tariff at issue and had no objections.

On October 24, 1990, the Commission approved the tariff at issue. The Commission found no basis to regard it as unreasonable or arbitrary. Licata has not stated any reason to conclude the Commission's decision on this matter was in error. Therefore, the Commission finds the application and motion should be denied.

IT IS THEREFORE ORDERED:

1. That the application to intervene and motion to suspend the effective date of the tariff pending hearing filed herein on October 25, 1990 by Licata, Inc. d/b/a Heart Mobile Village is hereby denied.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

*Dan Ross*  
Dan Ross  
Interim Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,  
McClure and Letsch-Roderique, CC., Concur.