

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Richard Tolbert,

Complainant

v.

Kansas City Power & Light
Company,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No. EC-2007-0407

RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and in compliance with the Commission's Third Order Directing Filing, dated October 3, 2007, submits its response to the Commission's Order.

1. On October 3, 2007, the Commission issued its Third Order Directing Filing, and directed Staff and Kansas City Power & Light (KCPL) to address whether Mr. Tolbert's complaint still remains subject to dismissal on the following grounds: "(1) it still does not contain well-pleaded facts showing why he has standing to bring this complaint on his own behalf; (2) it still fails to comply with the Commission's rules governing pleadings; and (3) it still lacks well-pleaded facts upon which the Commission could conclude that KCPL violated its approved tariff, applicable Commission rules, or Missouri statutes in disconnecting electric service at [Mr. Tolbert's residence] on February 28, 2007."

2. In response to Commission's Third Order Directing Filing, Staff has again reviewed all available data including: the informal complaints made by phone by Mr. Tolbert on February 6, 2007; the formal complaint filed by Mr. Tolbert; the Answer filed by KCPL on December 12, 2006; Mr. Tolbert's account information and status from KCPL, as well as the Complaint Case Response Form received by the Commission on October 2, 2007.

3. After careful review of all available data, the Staff stands by its original investigation report filed on June 4, 2007. There is no new information available that would lead Staff to change its earlier report.

4. Mr. Tolbert is neither the owner of the property nor the customer of record for either account in dispute in this case. The customer of record is ADNC, which by Mr. Tolbert's own admission in his Complaint Case Response Form is an "association".

5. Commission Rule 4 CSR 240-2.080(1) states "every pleading or brief shall be signed by at least one (1) attorney of record with the attorney's individual name or, if a natural person is not represented by an attorney, shall be signed by the natural person." As the customer of record is a corporation, this rule requires that the complaint be signed by an attorney. The Official Missouri Directory of Lawyers shows no attorney by the name of Richard Tolbert.

6. Commission Rule 4 CSR 240-13.050(1)(F) states that "service may be discontinued for misrepresentation of identity in obtaining utility service."

7. Staff recommends that the Commission dismiss the Complainant's case as the Staff has found no tariff or rule violations by KCPL.

WHEREFORE Staff requests the Commission order Staff's recommendation that the Commission dismiss the Complainant's case in its entirety.

Respectfully submitted,

/s/ Blane Baker

Blane Baker
Missouri Bar No. 58454

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-5472(Telephone)
(573) 751-9285 (Fax)
E-mail: blane.baker@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 12th day of October, 2007.

/s/ Blane Baker

Blane Baker