

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

Jacqueline Hernandez,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2005-0048</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

RESPONSE OF KANSAS CITY POWER & LIGHT COMPANY TO STAFF REPORT

COMES NOW Kansas City Power & Light Company ("KCPL"), by and through its attorney, and pursuant to the ORDER DIRECTING STAFF REPORT, dated September 20, 2004, files its response to STAFF REPORT, dated October 20, 2004.

1. Staff's Report of Investigation, dated October 20, 200[4], ("Report") states the issues as:

Whether KCPL is authorized by the Commission's Rules and its tariffs to transfer the unpaid balances of Complainant's mother's and father's accounts to Complainant's account depends on whether Complainant received substantial benefit and use of service at 5801 E. 10th Street, during the period from October 6, 1999 to October 1, 2002.

2. KCPL believes the Staff misstates the issue. KCPL believes the issue as described in our Answer, dated September 17, 2004, to be:

- (1) Electrical service was in the name of Maria Hernandez and Carlos Esparza at 5801 E. 10th St. where they received substantial use and benefit of the electrical service,
- (2) KCPL believes at the time of application for service by Complainant, Maria Hernandez and Carlos Esparza occupied the premises at 1901 Poplar and were receiving substantial use and benefit of the electrical service at 1901 Poplar.

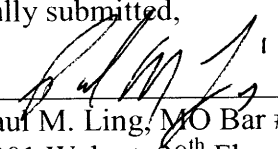
- (3) Customer, as defined by KCPL's General Rules and Regulations Applying to Electric Service, Rule 1.04, includes any person receiving or using electric service. Therefore, Maria Hernandez and Carlos Esparza are customers at 1901 Poplar.
 - (4) As defined by KCPL's General Rules and Regulations Applying to Electric Service, Rule 3.04, if, at the time of application, the Complainant or any member of the Complainant's household (Maria Hernandez and Carlos Esparza) is indebted to the KCPL for that same class of electrical service previously supplied at 5801 E. 10th St., and if the Complainant or Maria Hernandez or Carlos Esparza received substantial use and benefit of the previous electrical service, the Company may terminate such service until payment of the indebtedness has been made.
 - (5) Therefore, KCPL appropriately transferred the prior unpaid balances under the name of Maria Hernandez and Carlos Esparza at 5801 E. 10th St. to the billing account of Complainant at 1901 Poplar Avenue.
3. Staff's Report also states:
- KCPL alleges, based on information that it has acquired, that Complainant and her mother and father all lived together at 5801 E. 10th Street during that time period, and continue to reside together at 1901 Poplar Avenue.
4. KCPL believes the Staff misstates KCPL's position. KCPL believes, as described in our Answer, that Complainant and her mother and father all lived together at 1901 Poplar Avenue at the time Complainant applied for service although they may have also lived together at 5801 E. 10th Street.
5. KCPL has not received a response from Complainant to a request for recent billing statements from other utilities for 1901 Poplar. KCPL believes that other utilities at 1901 Poplar have been established in the name of Maria Hernandez.

WHEREFORE, KCPL prays that the Commission:

1. deny each and every claim for relief requested by Complainant and dismiss her Complaint;
and
2. provide such other and further relief as the Commission may deem just.

Respectfully submitted,

By: _____


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ATTORNEY FOR
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CERTIFICATE OF SERVICE

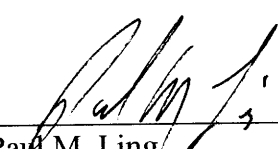
I hereby certify that a copy of the foregoing response was served via first class mail, postage prepaid, on this 29th day of October 2004, upon:

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