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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 15th
day of July, 1997.

David L. Biersmith,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-97-513</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

This Complaint was filed by David L. Biersmith (Complainant) on May 29, 1997. The Complainant alleged that Kansas City Power & Light Company (KCPL) failed to return a \$3,000.00 deposit after repeated requests. On July 7 KCPL filed a response to the Complaint stating, generally, that it had returned the proper amount due to the Complainant and had at no time violated its filed tariff.

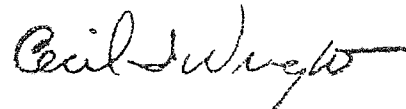
The Commission has reviewed this matter along with the information furnished by both the Complainant and KCPL, and has found no potential questions which the Commission can resolve. No allegation or evidence exists indicating KCPL has in any way violated its tariff in regard to its dealings with the Complainant. In addition, no facts are alleged which might ultimately lead to proving a tariff violation by KCPL. While we

express no opinion on the merits of this claim, there may be a basis for Complainant to pursue a civil remedy in the courts. The Commission finds there is no basis for maintaining this Complaint against KCPL. The Complaint is dismissed.

IT IS THEREFORE ORDERED:

1. That this Complaint is dismissed for the reasons as set out above.
2. That this order shall become effective on July 25, 1997.

BY THE COMMISSION



Cecil I. Wright
Executive Secretary

(S E A L)

Zobrist, Chm., Crumpton, Drainer,
Murray, and Lumpe, CC., Concur.

ALJ: Derque