

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

Rebecca Schmidt

Complainant,

v.

Kansas City Power & Light -  
Greater Missouri Operations

Respondent.

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Case No. EC-2010-0244

**REPORT OF INVESTIGATION AND RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its *Report of Investigation and Recommendation* respectfully submits as follows:

1. On February 26, 2010, Rebecca Schmidt (Complainant) filed a formal *Complaint* against Kansas City Power & Light – Greater Missouri Operations (KCP&L or Company).

2. Rebecca Schmidt resides at 1209 N. Lyne, Raymore, MO (the Property). Electric bills at this property are addressed to Michael Smith, although Company records verified through Staff’s investigation indicate that both Ms. Schmidt and Mr. Smith are financially responsible for the account.

3. After proper notice was given, Complainant’s electric service was disconnected on January 18, 2010 for non-payment. After a Cold Weather Rule payment arrangement was made between the Customer and the Company, the Company agreed to reconnect service. On January 27, 2010, when KCP&L service personnel arrived at the Property to reconnect service, they found that the meter had been tampered with and power had already been restored. The Company again disconnected service from the Property and assessed the customer a tampering charge in addition to the standing charges for electric service.

4. Ms. Schmidt's requested relief is that she not be held liable for tampering fees because it was Michael Smith that actually tampered with the Company equipment. Ms. Schmidt's requested relief may also include reimbursement for damages to the property that resulted from electric service being shut off, although Mr. Smith is the homeowner.

5. As part of its investigation, Staff spoke to Ms. Schmidt on March 17, 2010, and discussed the circumstances surrounding the basis of the *Complaint*. Ms. Schmidt relayed information regarding her and Mr. Smith's financial circumstances in addition to mental health concerns about Mr. Smith.

6. As further detailed in Staff's Report, labeled as Appendix A, Staff's investigation found that KCP&L appears to be in compliance with Commission rules and its own tariff. Rule 4 CSR 240-13.055(3) outlines notice requirements and the steps a utility must take before discontinuing a customer's utility services. The Company appears to have met these requirements. Furthermore, Rule 4 CSR 240-13.055(9) provides that, "[i]f a utility has discontinued heat-related utility service to a residential customer due to nonpayment of a delinquent account the utility, from November 1 through March 31, shall reconnect service to that customer without requiring a deposit; provided – (D) None of the amount owed is an amount due as a result of unauthorized interference, diversion or use of the utility's service, and the customer has not engaged in such activity since last receiving service . . . ." Therefore, KCP&L was under no obligation to reconnect service due to the tampering.

7. Based on the information provided by Ms. Schmidt and Company records, Staff cannot conclude that the Company is in violation of any Commission Rule. Despite Ms. Schmidt's contention that it was actually Mr. Smith that performed the unauthorized tampering, Ms. Schmidt is considered an individual that is also financially responsible for payment of utility bills at the Property and received the benefit of utility service.

8. Staff does however indicate a willingness to review and consider additional information or documentation surrounding the circumstances of Ms. Schmidt's *Complaint*. Staff recommends the Commission schedule this matter for a prehearing conference where Ms. Schmidt may be able to shed further light on her allegations

WHEREFORE, the Staff requests that the Commission accept Staff's attached Report and schedule this matter for a prehearing conference,

Respectfully submitted,

**/s/ Samuel D. Ritchie**

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Legal Counsel  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of April, 2010.

**/s/ Samuel D. Ritchie**