

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Cheryl L. Fabulae,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0146</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

ORDER GRANTING STAFF'S MOTION TO CONSOLIDATE

Issue Date: October 24, 2006

Effective Date: October 24, 2006

This order grants the pending motion of the Staff of the Commission seeking consolidation of two complaints filed against Kansas City Power & Light Company ("KCPL") by Cheryl L. Fabulae.

Staff's motion, which was filed on October 13, 2006, states that Ms. Fabulae filed a formal complaint against KCPL on October 6, 2006, which was assigned Case No. EC-2007-0146.¹ The motion further states that on October 12, 2006, Ms. Fabulae filed, in case number EC-2007-0146, an amended formal complaint, and that approximately two hours later, at 2:42 p.m. on October 12, 2006, also filed an informal complaint against KCPL via

¹ Ms. Fabulae filed this formal complaint the day after an informal complaint she had filed against KCPL on July 21, 2006 was resolved against her based upon a review of the information she and KCPL had submitted to the Commission's Department of Consumer Services, which culminated in a determination that "it does not appear that KCPL has billed your account incorrectly."

the Commission's website.² Moreover, Staff's motion notes that the body of operative facts alleged in both complaints is the same and the relief sought in the complaints is similar. Staff requests that the Commission consider, in Case No. EC-2007-0146, the issues Ms. Fabulae raised in both complaints. Staff's motion further requests that the Commission "direct the Staff not to address those issues further under the Commission's informal complaint rule."

Although more than ten days have passed since Staff filed its motion to consolidate the two complaints, no party to this case has expressed any objection to the motion.³ For this reason, and because consolidation would conserve scarce investigative resources and promote uniformity and efficiency without impairing the substantive or procedural rights of any party, the motion is granted.⁴

IT IS ORDERED THAT:

1. The informal complaint Cheryl L. Fabulae filed against Kansas City Power & Light Company on October 12, 2006, is consolidated with Case No. EC-2007-0146 and shall be prosecuted, defended, and adjudicated in accordance with the Commission's administrative regulations governing formal complaints.

² A copy of Ms. Fabulae's informal complaint of October 12, 2006, which has not been assigned a case number, was attached to Staff's motion as Appendix A.

³ "Parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission." 4 CSR 240-2.080(15).

⁴ Cf. 4 CSR 240-2.070(12) ("All matters upon which a complaint may be founded may be joined in one (1) hearing[.]"); 4 CSR 240-2.110(3) ("When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all of the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.")

2. This order shall become effective on October 24, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of October, 2006.