

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Marisa A. Morales,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. EC-2008-0121</u>
	)	
Kansas City Power & Light,	)	
	)	
Respondent.	)	

ORDER GRANTING MOTION TO EXTEND FILING DEADLINE

Issue Date: November 30, 2007

Effective Date: November 30, 2007

Marisa A. Morales filed a formal complaint against Kansas City Power & Light Company ("KCPL") on October 23, 2007. On October 25, 2007, the Commission notified KCPL of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). On the same day, the Commission ordered Staff to investigate the complaint and to file "a report concerning the results of that investigation no later than two weeks after KCPL files its answer, which is due no later than November 26, 2007."

On November 20, 2007, KCPL filed its "Motion for Extension of Time to Answer to Allow for Settlement Discussions." In this motion, KCPL requested that the Commission extend the due date for KCPL's answer from November 26, 2007 until the earlier of (i) December 31, 2007 or (ii) 15 days from the date on which either KCPL or Ms. Morales notifies the Commission in writing that settlement is not possible. KCPL averred that if the Commission were to grant such an extension, it would be better able to negotiate a

mutually beneficial settlement with Ms. Morales resolving all matters at issue in this proceeding without the expense and inconvenience to both parties of litigation. Moreover, stated KCPL, Ms. Morales will not be prejudiced by the extension inasmuch as KCPL agrees to “waive any late payment or other related fees potentially due until [her] complaint is either settled or resolved by the Commission.” Neither Staff nor OPC have expressed any opposition to KCPL’s motion within the time allowed by the Commission’s rules.¹

Since KCPL’s motion is authorized under Commission Rule 4 CSR 240-2.050(3)(A)² and “the law favors settlements and compromises based upon valid considerations,”³ the Commission finds the request to be reasonable under the circumstances and shall grant it.

IT IS ORDERED THAT:

1. Kansas City Power & Light Company’s Motion for Extension of Time to Answer to Allow for Settlement Discussions is granted. The deadline for the company to file its answer to Ms. Morales’ complaint shall be the earlier of (i) December 31, 2007 or (ii) 15 days from the date on which either the company or Ms. Morales notifies the Commission in writing that settlement is not possible.

¹ Commission Rule 4 CSR 240-2.080(15) provides that, unless otherwise ordered by the Commission, “[p]arties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading.”

² In relevant part, this rule provides that “[w]hen an act is required . . . to be done by order or rule of the commission, the commission, *at its discretion*,” may “[o]rder the period enlarged before the expiration of the period originally prescribed or as extended by a previous order.” Therefore, the issue before the Commission is whether, under the circumstances present here, the Commission should exercise its discretion to extend the due date for KCPL’s answer.

³ *Miners’ & Farmers’ Bank of Aurora v. American Bonding Co.*, 186 S.W. 1139, 1140 (Mo. App. S.D. 1916). See also *Sanger v. Yellow Cab Co.*, 486 S.W.2d 477, 481 (Mo. banc 1972) (internal quotation marks omitted) (“The law favors settlements fairly made.”)

2. This order shall become effective on November 30, 2007.

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 30th day of November, 2007.