

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Tony Walker,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2006-0451</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

ORDER DENYING MOTION FOR DETERMINATION ON THE PLEADINGS
AND SETTING PREHEARING CONFERENCE

Issue Date: August 28, 2006

Effective Date: August 28, 2006

On May 26, 2006, Tony Walker filed a complaint against Kansas City Power & Light Company concerning a billing dispute. In its answer, KCPL moved the Commission to determine this matter on the pleadings. Commission rule 4 CSR 240-2.117(2) states:

Except in a case seeking a rate increase or which is subject to an operation of law date, the commission may, on its own motion or on the motion of any party, dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or contrary to the public interest.

In support of its motion, KCPL states that Complainant failed “to demonstrate by a preponderance of the credible evidence that KCPL did not correctly credit his account” KCPL goes on to state it has demonstrated that it has properly credited Complainant’s account. KCPL also states that other points of the complaint have not been demonstrated by Complainant and have been otherwise demonstrated by KCPL.

Discussion

In his complaint, Mr. Walker asserts that certain payments, totaling \$1,152, were made on his behalf to KCPL by the Missouri Department of Social Services' Energy Assistance program. In its answer, KCPL states that payments were made totaling \$895 not \$1,152. Mr. Walker also denies a claim by KCPL that he tampered with his meter. KCPL answers that Mr. Walker tampered with his meter on two occasions and that the company charged him according to its tariff. Mr. Walker also alleges that an electrician was called to his building and found the wiring to be inferior and outdated. KCPL argues that the wiring it is responsible for is not inferior and outdated.

It is clear that the parties do not agree on the facts. This being so, KCPL's motion for a determination on the pleadings must be denied as being contrary to law and the public interest. A hearing must be held to determine the facts of this matter and, in furtherance thereof, the Commission will set this matter for a prehearing conference.

To afford the parties an opportunity to further discuss this matter and to work toward setting a procedural schedule, the Commission will set this matter for a prehearing conference. The Commission informs the parties that this prehearing conference is *not an evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference. As set out below, any party who wishes to attend by telephone will be permitted to do so.

IT IS ORDERED THAT:

1. A prehearing conference shall be held on September 8, 2006, at 10:00 a.m.
2. The prehearing conference will be held at the Commission's office at the Governor Office Building, Room 305, 200 Madison Street, Jefferson City, Missouri. This

building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing. **Parties may participate by telephone by dialing 573-522-6043.**

3. This order shall become effective on August 28, 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)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of August, 2006.