

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 28th day of  
November, 2006.

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

**ORDER DIRECTING FILING**

Issue Date: November 28, 2006

Effective Date: November 28, 2006

On October 6, 2006, Cheryl L. Fabulae filed a formal complaint against Kansas City Power & Light Company ("KCPL"). By order dated November 16, 2006, the Commission granted Staff's motion for expedited treatment and resolution of the complaint and set it for an evidentiary hearing in Room 305 of the Governor Office Building on Monday, November 27, 2006, beginning at 10:00 a.m.<sup>1</sup> No continuance was secured by any party beforehand, and the hearing was convened at the scheduled time. While KCPL and the

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<sup>1</sup> To ensure that she received it in sufficient time for her to meet the other deadlines established in the order, the Commission directed its Data Center to send a copy of the order to Ms. Fabulae at her mailing address of record via overnight courier.

Commission's Staff appeared for the hearing by their counsel, Ms. Fabulae did not appear, either in person or by telephone.<sup>2</sup>

Commission Rule 4 CSR 240-2.110(2)(B) states: "Failure to appear at a hearing without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown." Since Ms. Fabulae failed to appear at the November 27, 2006 evidentiary hearing without previously having secured a continuance, under the plain terms of this Rule, her complaint against KCPL is subject to dismissal unless she shows "good cause for [her] failure to appear" at the evidentiary hearing on the merits of her complaint. Accordingly, Ms. Fabulae will be granted fifteen days to file a pleading showing good cause for her failure to appear at the evidentiary hearing.

**IT IS ORDERED THAT:**

1. Cheryl L. Fabulae shall file a pleading, not later than 5:00 p.m. on Wednesday, December 13, 2006, showing good cause for her failure to appear at the evidentiary hearing on the merits of her formal complaint against Kansas City Power & Light Company, which was scheduled to take place in Room 305 of the Governor Office Building on Monday, November 27, 2006, beginning at 10:00 a.m.

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<sup>2</sup> On the morning of Wednesday, November 22, 2006, the Commission received a fax dated Tuesday, November 21, 2006. (The full text of the fax will soon be entered into EFIS as a part of the record in this case.) The fax, which appears to be from one of Ms. Fabulae's co-workers, indicates that Ms. Fabulae is hospitalized and is too ill to participate in the evidentiary hearing. The Commission took no action in response to this unsigned, unverified communication from a non-party to this case. However, if confirmed by Ms. Fabulae herself in a proper filing, such an illness could constitute good cause for her failure to appear at the hearing.

2. This order shall become effective on November 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 )

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Lane, Regulatory Law Judge