

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

Craig Birmingham, Sr.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. EC-2012-0202</u></b>
	)	
Kansas City Power & Light Company,	)	
	)	
Respondent.	)	

**ORDER GIVING NOTICE OF CONTESTED CASE, DIRECTING ANSWER AND  
DIRECTING STAFF INVESTIGATION**

Issue Date: January 4, 2012

Effective Date: January 4, 2012

On January 3, 2012, Craig Birmingham, Sr. ("Complainant") filed a complaint with the Missouri Public Service Commission ("Commission") against Kansas City Power & Light Company ("Respondent"). A copy of the complaint accompanies this notice. This is a contested case<sup>1</sup> pursuant to Section 386.390, RSMo 2000, although the statutes and Commission regulations allow for a decision without a hearing.<sup>2</sup> Since the Complainant alleges an amount in dispute of less than \$3,000, this case will proceed under the small formal complaint process.<sup>3</sup>

The Commission will set a deadline for the Respondent to file an answer. In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission

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<sup>1</sup> A "[c]ontested case' means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." Section 536.010.4, RSMo Supp. 2009.

<sup>2</sup> Sections 536.060 and 536.063, RSMo 2000; Commission Rule 4 CSR 240-2.115.

<sup>3</sup> 4 CSR 240-2.070(15).

ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If Complainant declines the opportunity to seek mediation, Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

As required by Section 536.067(2)(f), RSMo 2000, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission Rule 4 CSR 240-2. Because the complainant is not a regulated utility, the 60-day notice requirement established by Commission Rule 4 CSR 240-4.020(2) does not apply.

The Commission will also set a deadline for its Staff to complete an investigation and file a report.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to Kansas City Power & Light Company.
2. Kansas City Power & Light Company shall file an answer to this complaint or request for mediation no later than February 3, 2012, and serve a copy upon the Complainant at the address listed within the enclosed complaint. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

3. The Staff of the Missouri Public Service Commission shall investigate this complaint and file a report with the Commission no later than February 24, 2012.

4. The Commission's Data Center shall send a copy of this notice to the Complainant.

5. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Michael Bushmann, Regulatory Law Judge  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4th day of January, 2012.