

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

|  |   |                       |
|--|---|-----------------------|
| Emma J. McFarlin and Rebecca Shepherd, | ) |                       |
|  | ) |                       |
| Complainants,                          | ) |                       |
|  | ) |                       |
| v.                                     | ) | File No. EC-2013-0024 |
|  | ) |                       |
| Kansas City Power & Light Company,     | ) |                       |
|  | ) |                       |
| Respondent.                            | ) |                       |

## ORDER GRANTING MOTION TO TERMINATE SERVICE

Issue Date: May 17, 2013

Effective Date: May 17, 2013

The Missouri Public Service Commission is granting *Kansas City Power & Light Company's Motion for Authority to Terminate Service* ("motion")<sup>1</sup> and permitting Kansas City Power & Light Company ("KCPL") to terminate service to the service address of Emma J. McFarlin and Rebecca Shepherd ("complainants") unless complainants pay not less than \$1,891.80 toward their bill no later than 4:00 p.m. on May 17, 2013.

### Background

Complainants began this action on July 20, 2012,<sup>2</sup> when they filed a complaint charging KCPL with billing errors and improper termination of service.<sup>3</sup> KCPL filed the motion on April 30. On that same date, the Commission scheduled the motion to be taken up at the evidentiary hearing on May 17. On May 17, the Commission convened the evidentiary hearing and took up the motion. At the hearing, Ms. Shepherd testified

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<sup>1</sup> EFIS No. 37, highly confidential filing.

<sup>2</sup> All other dates are in 2013 except as otherwise stated.

<sup>3</sup> Complainants later alleged inaccurate metering, but the Commission granted partial summary determination on that charge in KCPL's favor by order dated April 24, 2013.

that she had been accruing funds since April and has enough to pay nearly half the amount due on the bill. After the hearing, Ms. Shepherd stated that she intends to make a “good faith payment” in the afternoon of May 17.

### Merits

In the motion, KCPL asks for an order either requiring complainants to pay half the amount due on their bill, or permitting KCPL to terminate service to complainants.

In support, KCPL cites Commission regulations 4 CSR 240-13.045(6):

If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the utility, at the utility's option, an amount not to exceed fifty percent (50%) of the charge in dispute [;]

and 4 CSR 240-13.050(1):

Service may be discontinued for any of the following reasons:

\* \* \*

(D) Failure to comply with terms of a settlement agreement [.]

KCPL proved the motion’s allegations<sup>4</sup> as follows.

As of the date of this order, Complainants are receiving electrical service from KCPL, and an amount is due on complainants’ bill.<sup>5</sup> An undisputed amount is not agreed between the parties, but the parties reached a settlement agreement on July 26, 2012, which they modified on September 21, 2012. Complainants did not comply with the modified settlement agreement so an amount is due under it.<sup>6</sup> The lesser amount

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<sup>4</sup> The Commission incorporates those allegations by reference as if fully set forth.

<sup>5</sup> Motion, page 2, paragraph 8.

<sup>6</sup> *Id.* page 2, paragraphs 5 and 6; page 3 paragraph 13.

of 50 percent of the amount due on complainants' bill as of April 30,<sup>7</sup> and the amount due under the modified settlement agreement, is \$1,891.80. Ms. Shepherd stated that she intends to make a payment on the date of this order.

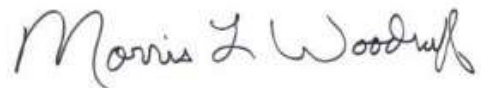
Ruling

Therefore, the Commission will grant the motion conditioned as follows.

**THE COMMISSION ORDERS THAT:**

1. *Kansas City Power & Light Company's Motion for Authority to Terminate Service* is granted subject to paragraph 2.
2. Kansas City Power & Light Company ("KCPL") may terminate service to the service address of Emma J. McFarlin and Rebecca Shepherd ("complainants") unless KCPL receives not less than \$1,891.80 toward complainants' bill no later than 4:00 p.m. on May 17, 2013.
3. This order is effective upon issuance.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17<sup>th</sup> day of May 2013.

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<sup>7</sup> *Id.* page 4, paragraph 19.