

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

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 RESETTING COMPLAINT FOR HEARING**

Issue Date: January 18, 2007

Effective Date: January 18, 2007

On January 4, 2007, the Commission issued an order finding that because Cheryl L. Fabulae had demonstrated good cause for her failure to appear at the evidentiary hearing originally scheduled to take place on November 27, 2006, the hearing on her complaint had to be rescheduled. However, the Commission did not reschedule the hearing at that time, citing information from the record requiring it to balance various competing considerations as follows:

As to when the hearing will be held, the Commission is aware that on November 16, 2006, it granted Staff's motion for expedited treatment and resolution of Ms. Fabulae's complaint. The Commission is also aware that in her December 14, 2006 response to the show cause order, Ms. Fabulae stated that she wished to "finalize this matter with the commission as soon as possible" so that she could begin to "pursue other legal options" regarding the subject matter of her complaint. On the other hand, Ms. Fabulae's response to the show cause order also states that because she is "still under close observation as [her] health has significantly deteriorated," she does "not [have] the strength at this time to put forth more energy toward this matter."

Accordingly, the Commission stated that the date, time, and location of the rescheduled hearing would be specified in a separate order.

The Commission notes that it has now been more than a month and a half since Ms. Fabulae was released from the hospital and over a month since she pled that she was “still under close observation” and did “not [have] the strength at this time to put forth more energy toward this matter.” Taking this into consideration, along with the facts that the Commission has granted Staff’s motion for expedited treatment and resolution of Ms. Fabulae’s complaint and that Ms. Fabulae has pled that she wishes to “finalize this matter with the commission as soon as possible,” the Commission will reset the complaint for hearing on Friday, February 9, 2007.

The record further indicates that both the Complainant and the Respondent in this matter, as well as their respective witnesses, are located in the greater Kansas City metropolitan area. For that reason, and in light of Ms. Fabulae’s health concerns, the Commission finds that the parties may use the videoconferencing capabilities of the Commission’s offices in downtown Kansas City, which are located in the Fletcher Daniels State Office Building, 615 East 13th Street, Kansas City, Missouri 64106.

**IT IS ORDERED THAT:**

1. The parties shall appear at an evidentiary hearing on the merits of Cheryl L. Fabulae’s complaint against Kansas City Power & Light Company to be held on Friday, February 9, 2007, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, which meets accessibility standards required by the Americans with Disabilities Act. Any party needing additional accommodations to participate in this hearing should call the Missouri Public

Service Commission's Hotline at 800-392-4211 or dial Relay Missouri at 711 at least 48 hours in advance of the hearing.

2. The parties may also participate in the hearing by videoconference link or by telephone. Any party who wishes to participate by videoconference link shall report, by no later than 9:00 a.m. on Friday, February 9, 2007, to Office Number G-8 in the Fletcher Daniels State Office Building, 615 East 13th Street, Kansas City, Missouri. Meanwhile, any party who wishes to participate by telephone shall notify the Regulatory Law Judge assigned to this case by calling 573-751-7485 no later than January 31, 2007. Any party needing additional accommodations to participate in the hearing by either of these methods should call the Missouri Public Service Commission's Hotline at 800-392-4211 or dial Relay Missouri at 711 at least 48 hours in advance of the hearing.

3. Any party seeking a continuance of the hearing date set in this order shall file a pleading with the Commission stating why they are unable to attend the hearing as scheduled, either in person, by videoconference link, or by phone, and shall further provide the Commission with a list of dates on which that party is available to appear. Any party requesting a continuance shall also serve a copy of the request on every party to this case.

4. The parties are reminded that, as the Complainant in this matter, Cheryl L. Fabulae bears the burden of proof to establish the allegations of her formal complaint by a preponderance of the credible, admissible evidence adduced during the hearing or otherwise properly before the Commission. Because the hearing is being conducted on an expedited basis, there will not be enough time to allow for the submission of prefiled testimony, and all testimony shall be presented live at the hearing. Likewise, post-hearing

briefs will not be permitted. Rather, the parties are directed to present oral arguments at the conclusion of the evidentiary hearing.

5. This order shall become effective on January 18, 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 18th day of January, 2007.