

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

Eddie Shepherd,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. EC-2011-0373</u>
)	
KCP&L Greater Missouri Operations)	
Company,)	
)	
Respondent.)	

LIST OF ISSUES, LIST OF WITNESSES AND ORDER OF CROSS EXAMINATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and on behalf of the Staff, Mr. Eddie Shepherd (Complainant) and KCP&L Greater Missouri Operations Company (GMO or Company), herein known collectively as the Parties, files this *List Of Issues, List Of Witnesses And Order Of Cross Examination* with the Missouri Public Service Commission (Commission) respectfully stating the following:

1. On July 25, 2011¹, counsel for the Staff filed on behalf of the Parties a *Joint Proposed Procedural Schedule* that stated that the Parties would work together to file a joint issue list two weeks prior to the date set for the evidentiary hearing.

2. On October 7, 2011, the Commission issued its *Notice of Hearing*, setting the evidentiary hearing on the merits of the *Complaint* on October 28.

¹ All dates herein refer to calendar year 2011, unless otherwise specified.

List of Issues

3. The Staff's September 8, 2011 *Notice From Prehearing Conference And Preliminary List of Issues* provided what the Staff believed the issues to be at that date. They are provided again below, with the addition of a third issue:

- a. Did the Complainant's meter accurately register electric usage after the lightning strike in July 2010, through March 2011, when GMO replaced the meter?
- b. If the Commission finds that the meter inaccurately registered usage during the period in (a), by what amount did the Company overbill the Complainant?
- c. Did the Company violate any statute or law of the State of Missouri, or any Commission rule, order or approved Company tariff?

List of Witnesses

4. Counsel for the Staff intends to call only one witness, Daniel I. Beck, Utility Regulatory Engineering Supervisor of the Commission's Staff

5. Counsel for GMO intends to call Tim Rush and/or Brad Lutz as a witness(es).

6. The Complainant sent his list of witnesses to counsel for the Staff by email and it is attached hereto as Attachment A. In a subsequent conversation with the Complainant, he added Mr. Hose, a lineman in St. Joseph, to his witness list.

7. Although the Parties list these witnesses for the Commission's information, the Parties do not intend the list to be a waiver of any right to object to the presentation of duplicative witnesses and information at the hearing.

Order of Cross Examination

8. The Parties recommend the following procedure for the introduction of evidence and cross examination by the Parties: the Complainant may present his case first, and then be subject to cross examination first by the Staff, then by the Company; the Company may present its case next, and then be subject to cross examination first by the Staff, then by the Complainant; and finally the Staff may present its case, and then be subject to cross examination first by the Company and then by the Complainant.

WHEREFORE, counsel for the Staff submits this *List Of Issues, List Of Witnesses And Order Of Cross Examination* for the Commission's information and consideration, and requests that the Commission issue an order adopting the lists and order of cross examination contained herein.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Associate Staff Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all parties of record on this 14th day of October 2011.

/s/ Jennifer Hernandez

Witness List for Ed Shepard

1. Two men who came out at 8:30 PM
2. Mr. W Strausser
3. Mr. Carroll Steeby
4. Supervisor of meter readers
5. Lady who came out to check that the meter could not be read from the road
6. Current meter reader
7. Previous meter reader
8. Mary Schierman-Duncan
9. Gay Fred
10. Allen Bax
11. Light bill with 17,000 kwh reading
12. *Nicole A. Wehry*