

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Brent Fallon,)	
Complainant,)	
)	
v.)	File No. EC-2012-0007
)	
Kansas City Power & Light)	
P. O. Box 418679)	
One Kansas City Place, 1200 Main Street)	
Kansas City, MO 64105)	
)	
CERTIFIED MAIL)	
Respondent.)	

NOTICE OF CONTESTED CASE AND ORDERS FOR SMALL FORMAL COMPLAINT

Issue Date: July 6, 2011

Effective Date: July 6, 2011

The Commission is giving notice and making orders under small formal complaint procedure.

A. Contested Case

On July 5, 2011, the complainant filed the complaint, a copy of which is attached. The filing of a complaint requires the Commission to set a hearing.¹ The requirement of a hearing on such issues signifies a contested case.² A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing, including by stipulation and agreement.³ The Commission's provisions for discovery are at 4 CSR 240-2.090. Also, as an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a

¹ Section 386.390.5, RSMo 2000.

² Section 536.010(4), RSMo Supp. 2010.

³ Section 536.060, RSMo 2000; 4 CSR 240-2.115.

neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

B. Small Formal Complaint

For any formal complaint, the Commission's regulations provide:

Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve by certified mail, postage prepaid, a copy of the complaint upon the person, corporation or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the date of the notice. [⁴]

In addition, for any small formal complaint, the Commission's regulations provide:

When a complaint is filed that qualifies for handling as a small formal complaint, the assigned regulatory law judge shall direct the secretary of the commission to serve, by certified mail, postage prepaid, a copy of the complaint upon the [respondent]. At the same time, the regulatory law judge shall notify all parties that the complaint will proceed under the small formal complaint process. The [respondent] is allowed thirty (30) days after the date of notice to satisfy the complaint or file an answer [⁵]

In addition, the Commission's regulation for small formal complaints requires:

The commission's staff shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report detailing staff's findings and recommendations. [⁶]

The complaint alleges facts to which the Commission applies small formal complaint procedure,⁷ so the Commission will proceed under the small formal complaint process.

THE COMMISSION ORDERS THAT:

1. The complaint shall proceed under the small formal complaint process.

⁴ 4 CSR 240-2.070(7).

⁵ 4 CSR 240-2.070(14)(A).

⁶ 4 CSR 240-2.070(14)(D).

⁷ 4 CSR 240-2.070(14).

2. The secretary of the commission shall serve a copy of this notice and order, and a copy of the complaint, upon the respondent by certified mail, postage prepaid.
3. The respondent shall file an answer no later than August 4, 2011.
4. The commission's staff shall investigate the complaint and file a report detailing staff's findings and recommendations no later than August 18, 2011.
5. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 6th day of July, 2011.