

Tonia B. Holmes, )  
)  
Complainant, )  
)  
v. )  
)  
Kansas City Power & Light Company )  
)  
Respondent. )

**File No. EC-2010-0184**

## ORDER SUSPENDING SCHEDULE AND DIRECTING FILING

Issue Date: January 14, 2010

Effective Date: January 14, 2010

The Missouri Public Service Commission is suspending the schedule and ordering Tonia B. Holmes to file a response to Kansas City Power & Light's ("KCP&L") request for mediation ("motion").

## A. Background

On December 16, 2009, Ms. Holmes filed a complaint, charging that KCP&L billed her improperly. KCP&L filed the motion on January 13, 2010. The motion asks the Commission suspend the litigation schedule and refer this action to mediation.

## B. Mediation

KCP&L's motion cites the Commission regulation that provides:

As the commission deems appropriate, or upon the filing of a request for mediation by any party, mediation services may be provided by a presiding officer or by a neutral third party for the purpose of identifying the issues and attempting a resolution. <sup>[1]</sup>

<sup>1</sup> 4 CSR 240-2.125(2)(B).

Mediation is a facilitated exploration of the possibilities for settlement. Mediation often costs less and produces better results than litigation.

For that reason, the Commission's regulations further provide:

The commission may order parties to engage in alternative dispute resolution with a commission authorized mediator. [<sup>2</sup>]

Nevertheless, the Commission is mindful that Ms. Holmes is presenting her own case while KCP&L is represented by counsel, and that the law affords her the protections of the hearing process.

Therefore, the Commission will order Ms. Holmes to file a response to the motion stating whether she agrees to mediation of her complaint or prefers to litigate her complaint as the law allows. With this order, the Commission is including information on mediation, and an agreement to mediation form. Ms. Holmes may use those documents in responding to this order.

### **C. Suspension of Schedule**

KCP&L's motion also asks the Commission to suspend the schedule set forth in the Commission's order dated December 16, 2009. The Commission's regulations provide:

(2) Mediation.

(A) The commission may order that mediation proceed in a complaint case before any further proceeding in such case.

\* \* \*

(5) At any time, upon the request for mediation or upon the issuance of an order requiring mediation, the commission

---

<sup>2</sup> 4 CSR 240-2.125(4).

may order that all other actions on the case cease and all time limitations be tolled pending the completion of mediation process.<sup>3]</sup>

The Commission will grant that request and suspend the schedule.

**THE COMMISSION ORDERS THAT:**

1. The schedule set forth in the Commission's order dated December 16, 2009, is suspended.
2. Tonia B. Holmes shall file a response to this order stating whether she agrees to mediation. Ms. Holmes may use the attached agreement to mediation form. Ms. Holmes shall file her response no later than January 25, 2010.
3. This order is effective immediately upon issuance.

**BY THE COMMISSION**



**Steven C. Reed  
Secretary**

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 14<sup>th</sup> day of January 2010.

---

<sup>3</sup> *Id.*