

Rachael Staude d/b/a
Grand Property Management KC,

Complainant,

V.

Evergy Metro, Inc. d/b/a Evergy Missouri Metro,

Respondent.

File No. EC-2021-0084

MOTION FOR CLARIFICATION AND EXTENSION OF TIME TO FILE REPORT

COMES NOW the Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and for its *Motion for Clarification and Extension of Time to File Report* states:

1. On September 23, 2020, Complainant Rachael Staude filed a complaint with the Commission against Evergy Metro, Inc. (“Evergy”). The complaint suggests that the disputed accounts are in the name of Ms. Staude, as well as in the name of Grand Property Management KC. Only Ms. Staude signed the complaint. Under 20 CSR 4240-2.040(5), a natural person may only represent himself or herself and not another entity.

2. On September 25, 2020, the Commission ordered Evergy to respond to Ms. Staude's complaint by October 26, 2020 and for Grand Property Management KC to cure its deficient application and be represented by an attorney no later than October 26, 2020, or face dismissal. Also on September 25, 2020, the Commission issued an order directing Staff to file its report no later than November 9, 2020.

3. On October 26, 2020, Evergy filed *Answer, Affirmative Defenses, And Motion to Dismiss of Evergy Missouri Metro*.

4. On November 6, 2020, Staff filed a *Motion for Extension of Time to File Report*, requesting an extension until December 10, 2020, to file its Staff Report. The Commission granted this request on November 6, 2020.

5. As of the date of this filing, Grand Property Management KC has not corrected the deficiency in the initial complaint with representation by a licensed attorney, as required by 20 CSR 4240-2.040(5). Nor has the Commission issued an order dismissing Grand Property Management KC as a party, as a noted possible outcome in its September 25, 2020 *Order Giving Notice Of Contested Case, Setting Time To Answer, And Notice Of Deficiency*.

6. During the course of its investigation, Staff realized that the amount in dispute is in the business account of Grand Property Management KC. It is Staff's current understanding that amounts from the Claimant's residential accounts were transferred into Grand Property Management KC account, and only the latter account balance is in dispute. Therefore, the account in question is under the name and control of Grand Property Management KC, a non-natural person. Under 20 CSR 4240-2.040(5), Grand Property Management KC should be represented by an attorney.

5. Due to the outstanding order regarding the deficiency in representation, Staff would like Commission clarification or guidance on how to proceed. If the Commission acts according to the September 25, 2020 *Order Giving Notice of Contested Case, Setting Time to Answer, And Notice of Deficiency*, and dismisses Grand Property Management KC, this would dismiss the party with the relevant disputed account.

If the disputed account is dismissed, this should presumably end the current case, and allow for correcting of the deficiency or filing of a new amended complaint involving only the Complainant's residential accounts. It would also no longer necessitate Staff filing its Report. If the Commission does not dismiss Grand Property Management KC and wishes to take the issue of deficiency up at the time of the hearing, Staff can file its report discussing its investigation, which would include discussions of the accounts in the Claimant's name, as well as the Grand Property Management KC account.

6. Staff also respectfully requests an extension of time to file its report, until January 5, 2021, to allow for a Commission order to be rendered to determine if a report is needed, and to otherwise conclude its investigation and examination of discovery responses.

WHEREFORE, the Staff prays the Commission issues an order regarding the deficiency, and therefore clarify the direction Staff should proceed, as well as grant Staff additional time up to January 5, 2021, to file a recommendation if one is needed.

Respectfully submitted,

/s/ Nicole Mers

Nicole Mers

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**Attorney for the Staff of the
Missouri Public Service Commission**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties and/or counsel of record on this 8th day of December, 2020.

/s/ Nicole Mers