

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day of
September, 2005.

Rhonda Wesley,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2005-0245</u>
)	
Kansas City Power & Light,)	
)	
Respondent.)	

**ORDER DISMISSING COMPLAINT FOR COMPLAINANT'S SECOND
FAILURE TO APPEAR FOR A PREHEARING CONFERENCE**

Issue Date: September 13, 2005

Effective Date: September 23, 2005

Rhonda Wesley, a customer of Kansas City Power & Light (KCPL), filed a complaint against that company on January 27, 2005. KCPL filed a timely answer to that complaint on February 28. Following an initial prehearing conference on April 18, the Commission allowed time for its Staff to complete an investigation of the circumstances of the complaint, and for the complainant to conduct additional discovery. A second prehearing conference was scheduled for July 20, beginning at 10:00 a.m. Wesley failed to appear for that conference and KCPL made a motion to dismiss her complaint.

On July 28, the Commission ordered Wesley to show cause why her complaint should not be dismissed for her failure to appear. Wesley replied on August 10, indicating

that she had neglected to put the date on her calendar and had forgotten about the conference. She requested that her complaint not be dismissed.

On August 22, the Commission denied KCPL's motion to dismiss the complaint and rescheduled the prehearing conference for September 7, at 10:00 a.m. On September 1, the Commission issued a notice advising the parties of the number they could call to participate in the conference by phone.

The prehearing conference convened on September 7 at the scheduled time. KCPL and the Commission's Staff appeared for the conference by their counsel. Wesley did not appear in person and did not appear by telephone. When Wesley failed to appear for the conference, KCPL again made an oral motion to dismiss the complaint for Wesley's failure to appear.

Two Commission rules deal with the failure of a party to appear for a prehearing conference. First, Commission rule 4 CSR 240-2.116(3) provides as follows:

A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

Second, Commission rule 4 CSR 240-2.090(5) provides as follows:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

Wesley has again failed to appear for a scheduled prehearing conference. As provided by the Commission's rules, her complaint will be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint of Rhonda Wesley against Kansas City Power & Light Company is dismissed.
2. That this order shall become effective on September 23, 2005.

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)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur
Woodruff, Senior Regulatory Law Judge