

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 16th day of
November, 2006.

In the Matter of Cheryl L. Fabulae,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0146</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

**ORDER DENYING COMPLAINANT'S REQUEST FOR RESTORATION
OF SERVICE DURING PENDENCY OF COMPLAINT**

Issue Date: November 16, 2006

Effective Date: November 16, 2006

Syllabus: This order denies Complainant Cheryl L. Fabulae's request for entry of an order directing Kansas City Power & Light Company ("KCPL") to restore residential electric service to her pending the final disposition of her formal complaint against KCPL.

Cheryl L. Fabulae filed a formal complaint against Kansas City Power & Light Company ("KCPL") on October 6, 2006.¹ In her amended complaint, which was filed on October 12, Ms. Fabulae claims that KCPL terminated her residential electric service at an unspecified time on October 6 and that pursuant to 4 CSR 240-13.050, she is entitled to restoration of her service pending final resolution of this matter.

¹ Unless otherwise specified, all dates throughout this order refer to the year 2006.

On October 23, the Commission entered an order analyzing the administrative regulations relied on by Ms. Fabulae, directing the parties to “promptly attempt to mutually determine the amount of Ms. Fabulae’s past-due electric bill which is not in dispute as determined pursuant to 4 CSR 240-13.045(5),” and concluding that Ms. Fabulae would be entitled to restoration of her service pending final resolution of her formal complaint upon payment to KCPL of the amount of her past-due electric bill which was ascertained not to be in dispute as determined pursuant to 4 CSR 240-13.045(5) and (6).

KCPL entered its appearance and filed its response to the Order Directing Filing on October 26, averring that although the parties had discussed the matter and attempted to come to a mutual agreement as to the amount of the charge not in dispute as required by 4 CSR 240-13.045(5), they were unable to do so. KCPL’s response further posits that it informed Ms. Fabulae that if she were to pay KCPL 50% of her total bill, KCPL would restore her electric service. See 4 CSR 240-13.045(6).

While Ms. Fabulae did not directly respond to KCPL’s filing, she did write a letter, which was dated October 25 and was filed the following day, in which she recounted her conversation with KCPL representatives. Among other things, the letter indicates that the total amount of Ms. Fabulae’s most recent bill from KCPL is \$3,558.33, of which she disputes “aprox. \$3,000” for one reason or another. However, the letter also states that at the time she was contacted by KCPL to discuss the matter, she did not have her files with her and “therefore I was not going to quote any numbers or inform [them] of what I believe we were disputing with no access to those documents.” Furthermore, the letter indicates that she was never asked to contact KCPL “at a later date after I was able to

review my documents in regard to the disputed amount,” which “is difficult to determine because this situation has been going on for such a long time.”

Finding that “it appears that Ms. Fabulae reasonably needed more time to review her records than she was initially allowed” and recognizing that it “is essential that the parties have a full and fair opportunity to reach a good faith agreement as to what portion of Ms. Fabulae’s electric bill is not in dispute,” on November 1, the Commission issued an order requiring the parties to once again “promptly confer in a good faith attempt to reach a mutual agreement as to what portion of her current electric bill is not the subject of a dispute between them.” This order also directed each party to file, no later than 5:00 p.m. on November 7, separate pleadings containing certain specific information concerning the results of that conference.

KCPL filed its response to this order on November 6, which states that its representatives contacted Ms. Fabulae on November 3 and informed her that according to KCPL’s records, she currently owes KCPL \$3,083.17. According to KCPL, when asked by KCPL what portion of that amount she would agree was not in dispute, Ms. Fabulae replied that she believes she does not owe KCPL *anything* (*i.e.*, that the entire \$3,083.17 is in dispute) and stated that she has no intention of paying any portion of the \$3,083.17 figure, but would only pay her future monthly bills. KCPL’s response also indicates that, in accordance with 4 CSR 240-13.045(6), KCPL would restore Ms. Fabulae’s residential electric service pending final resolution of this matter if she were to pay KCPL \$1,500.00, which is less than 50% of the total charge.

Meanwhile, Ms. Fabulae filed her response to the Commission’s order on November 9. In relevant part, it states that on November 3, she told KCPL’s

representative that she did not owe KCPL the \$3,083.00 they said she did and was only willing to pay KCPL a total of \$130.00, which is the amount of the latest estimated monthly bill she received from KCPL.

It is obvious that despite two good faith attempts to reach a mutual agreement as to what portion of Ms. Fabulae's unpaid electric bill is not the subject of a dispute between them, the parties are unable to do so. Furthermore, it is equally clear that under 4 CSR 240-13.045(6), KCPL is entirely within its rights to insist that Ms. Fabulae pay KCPL \$1,500.00 to have her service restored pending final resolution of this matter. As Ms. Fabulae is unwilling and/or unable to make such a payment, her request for entry of an order directing KCPL to restore residential electric service to her pending the final disposition of her formal complaint against KCPL is denied.

IT IS ORDERED THAT:

1. Cheryl L. Fabulae's request for entry of an order directing Kansas City Power & Light Company to restore residential electric service to her pending the final disposition of her formal complaint against Kansas City Power & Light Company is denied.

2. This order shall become effective on November 16, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Lane, Regulatory Law Judge