

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 9th
day of September, 2015.

Monty Scroggins,)	
)	
Complainant,)	
)	
vs.)	File No. EC-2015-0155
)	
KCP&L Greater Missouri Operations)	
)	
Respondent.)	

ORDER DISMISSING CASE WITHOUT PREJUDICE

Issue Date: September 9, 2015

Effective Date: October 2, 2015

The Missouri Public Service Commission is dismissing this case without prejudice. "Without prejudice" means that the Commission is not deciding who wins or loses on the complaint. It also means that Mr. Scroggins can file the complaint again if he still wants the Commission to decide his complaint. This order is subject to an application for rehearing filed no later than the business day before the effective date of this report and order, and is also subject to judicial review, both as set forth in Sections 386.500 to 386.540, RSMo 2000 and RSMo Supp. 2013.

Mr. Scroggins' complaint¹ alleges that KCP&L Greater Missouri Operations' ("GMO") violated the law governing solar rebates.² The Commission issued an order

¹ Electronic Filing Information System ("EFIS") No. 1 (August 21, 2015) *Formal Complaint*.

² GMO Tariff Sheet No. R-62.19.

setting a procedural schedule³ that included the filing of prepared testimony as the parties requested.⁴ GMO filed a motion to dismiss the complaint⁵ and the regulatory law judge issued a recommended order.⁶ As of the date of this order,⁷ the Commission received no response from Mr. Scroggins.

The motion cites Commission regulations that allow dismissal when a party does not follow an order:

A party may be dismissed from a case for failure to comply with any order issued by the commission [;⁸]

and when nothing happens in the case for 90 days:

Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time. [⁹]

Such is the case here. Mr. Scroggins did not make the filing required in the procedural schedule to which he agreed, and no other action occurred in this case for 90 days. Therefore, the Commission will grant the motion and dismiss the complaint without prejudice.

THE COMMISSION ORDERS THAT:

1. The *KCP&L Greater Missouri Operations Company Motion to Dismiss* is granted and the complaint is dismissed without prejudice.

³ EFIS No. 10 (April 10, 2015) *Order Setting Procedural Schedule*.

⁴ EFIS No. 9 (April 10, 2015) *Proposed Procedural Schedule*.

⁵ EFIS No. 14 (July 31, 2015) *KCP&L Greater Missouri Operations Company Motion to Dismiss*.

⁶ 4 CSR 240-2.070(15)(G).

⁷ Which is beyond the 10-day response times provided by Commission regulation 4 CSR 240-2.080(15) for the motion and 4 CSR 240-2.070(15)(H) for the recommended decision.

⁸ 4 CSR 240-2.116(3).

⁹ 4 CSR 240-2.116(2).

2. This file may close after October 2, 2015.
3. This order shall be effective on October 2, 2015.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Jordan, Senior Regulatory Law Judge