

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

Dated at Jefferson City, Missouri,
on this 24th day of August 2015.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public
Service Commission held at
its office in Jefferson City on
the [] day of [].

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

ORDER DISMISSING CASE WITHOUT PREJUDICE

Issue Date: ____

Effective Date: ____

The Missouri Public Service Commission is dismissing the 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.

Mr. Scroggins’ complaint¹ alleges that KCP&L Greater Missouri Operations’ (“GMO”) violated the law governing solar rebates.² The Commission issued an order setting a procedural schedule³ that included the filing of prepared testimony as the parties requested.⁴ GMO filed a motion to dismiss the complaint.⁵ As of the date of this order,⁶ the Commission received no response from Mr. Scroggins.

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

² GMO Tariff Sheet No. R-62.19.

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 Which is beyond the 10 days provided by Commission regulation 4 CSR 240-2.080(15).

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 [;⁷]

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. [⁸]

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 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.
2. This file may close on ____ .
3. This order shall be effective on ____ .

BY THE COMMISSION



Morris L. Woodruff
Secretary

____ , CC., concur.

Jordan, Senior Regulatory Law Judge

⁷ 4 CSR 240-2.116(3).

⁸ 4 CSR 240-2.116(2).