

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Heritage Farms, Inc.'s,)
Application for Variance and/or Waiver of)
Commission Rule to Require Kansas City)
Power and Light, or Any Other Utility, to)
Provide Service to Real Property Located)
at 8360 N.W. Fox Road in Platte County,)
Missouri)

Case No. EE-2008-0151

ORDER DIRECTING FILING FROM HERITAGE FARMS, INC., ADDING
KANSAS CITY POWER AND LIGHT COMPANY AS A PARTY, AND
DIRECTING RESPONSES FROM KANSAS CITY POWER AND LIGHT
COMPANY AND THE STAFF OF THE MISSOURI PUBLIC SERVICE
COMMISSION

Issue Date: November 26, 2007

Effective Date: November 26, 2007

On November 26, Heritage Farms filed a formal application requesting a waiver of Commission Rule 4 CSR 240-13.035(3), which would require Kansas City Power and Light Company ("KCPL") to provide electric service to certain real property located at 8360 NW Fox Road, St. Joseph, Missouri 64506 ("Subject Property").

Heritage Farms asserts that: (1) the Subject Property is completely surrounded by its property, which is composed of farm land; (2) the Subject Property was recently purchased by a "third party" who is not occupying the property, who has no intention to occupy the property, but who has requested electric service from KCPL; and (3) KCPL has filed a petition of condemnation seeking to condemn a large tract of Heritage Farms' property as an easement to provide the requested electrical service to the Subject Property. Heritage

Farms claims that good cause exists to grant KCPL a variance from Commission Rule 4 CSR 240-13.035(3) requiring KCPL to provide service because the Subject Property does not meet certain city codes, and because the Subject Property is not a new residential location.

It is not clear from Heritage Farms' application under what legal theory it believes it has standing to seek a waiver of a Commission rule for a Commission-regulated electrical utility company, but it is clear that KCPL and the third-party purchaser of the Subject Property are necessary parties for a full and fair adjudication of this matter. Consequently, the Commission will add KCPL as a party to this case, and because Heritage Farms did not identify the third-party purchaser of the Subject Property, Heritage Farms will be directed to so identify this purchaser so that it too can be added as a party to this matter.

KCPL will be directed to file a response to Heritage Farms' application. Additionally, the Staff of the Missouri Public Service Commission will be directed to file a report and recommendation stating whether Heritage Farms has standing to seek the requested waiver, and if the issue presented to the Commission is solely an issue of law that can be decided upon the pleadings of the parties or if a hearing is required to determine disputed material factual issues.

IT IS ORDERED THAT:

1. Kansas City Power and Light Company is added as a party to this action.
2. No later than November 30, 2007, Heritage Farms, Inc., shall identify the third-party purchaser of the Subject property located at 8360 NW Fox Road, St. Joseph, Missouri 64506 so that this purchaser may be joined as a necessary party to this matter.

3. No later than December 20, 2007, Kansas City Power and Light Company shall file a response to Heritage Farms, Inc.'s waiver application.

4. No later than December 27, 2007, the Staff of the Missouri Public Service Commission shall file a report and recommendation as directed in the body of this order.

5. This order shall become effective on November 26, 2007.

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)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of November, 2007.