

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 12th day
of October, 2006.

In the Matter of a Proposed Experimental)	
Regulatory Plan of Kansas City Power &)	<u>Case No. EO-2005-0329</u>
Light Company)	

**NOTICE CONCERNING MOTION FOR LEAVE TO FILE APPLICATION
TO INTERVENE OUT OF TIME OF W. BILL DIAS,
NATURAL PERSON, AND W. BILL DIAS D/B/A
1.PAYSTATION.COM, AND DENYING INTERVENTION**

Issue Date: October 12, 2006

On July 28, 2005, the Commission issued a Report and Order that approved Kansas City Power & Light Company's experimental regulatory plan. On August 1, 2006, over one year past the intervention deadline, W. Bill Dias filed a Motion for Leave to File Application to Intervene Out of Time of W. Bill Dias, Natural Person, and W. Bill Dias d/b/a 1.paystation.com.¹

Mr. Dias' explanation for his late-filed application is that the information causing him to wish to intervene only became known on July 12, 2006. That was the date that he claims that he met with KCPL to discuss a revised Memorandum of Understanding dealing with the establishment of a third-party payment agent willing to partner with the Baptist Ministers Union of Kansas City, Missouri, to create an on-time bill payment program, to promote delayed due dates that correspond to their customers' pay period, and to provide

¹ Mr. Dias filed exactly the same motion in KCPL's current rate case, Case No. ER-2006-0314. The Commission granted Mr. Dias intervention in that case.

energy conservation and weatherization for any person that was able to maintain on-time bill payment in the urban community.

KCPL objects, stating that the motion is untimely, and that the Commission no longer has jurisdiction over this case. KCPL points out that this case is now pending at the Court of Appeals in Case No. WD66893. As such, the Commission has no jurisdiction to grant Mr. Dias' motion.

Discussion

This case is currently at the Missouri Court of Appeals, which deprives the Commission of jurisdiction.² Commission Rule 4 CSR 240-2.075(4) allows the Commission to grant intervention to a person who has an interest different from that of the general public and which may be adversely affected by a final order arising from the case, or if granting intervention would serve the public interest. Commission Rule 4 CSR 240-2.075(5) allows the Commission to grant late-filed applications to intervene upon good cause.

Relying upon the above-cited law, the Commission will deny Mr. Dias' late-filed application to intervene. Because the Commission has granted Mr. Dias intervention in the

² See, e.g., *State ex rel. Campbell Iron Co. v. Public Service Commission*, 296 S.W. 998, 1001 (Mo. 1927).

current rate case, there is no good cause to reopen this case; Mr. Dias may voice his concerns in Case No. ER-2006-0314.

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,
and Appling, CC., concur.
Clayton, C., absent.

Pridgin, Senior Regulatory Law Judge