

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of WST, Inc., )  
a Missouri Corporation, for a Variance from )  
Kansas City Power & Light Company's )  
General Rules and Regulations Requiring )  
Individual Metering. )

Case No. EE-2006-0123

**STAFF SUGGESTIONS ON NOTICE MADE IN RESPONSE TO COMMISSION ORDER**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and, as ordered by the Commission on October 13, 2005, for its suggestions on language for a notice to be given to purchasers of condominium units in the event the Commission adopts WST, Inc.'s proposal that owners of condominium units would purchase their electricity from the condominium owners association, not from Kansas City Power & Light Company, states:

1. It is the Staff's position that the Commission does not have authority to grant a variance from Kansas City Power & Light Company's electric tariff to allow WST, Inc. to obtain from Kansas City Power & Light Company master metered electric service to residential housing units at the building located at 1101 Walnut Street, Kansas City, Missouri.

2. It is the Staff's position that to implement WST, Inc.'s plan the Commission would need to approve new tariff provisions for Kansas City Power & Light Company that would allow both master metered electric service to residential units at buildings such as the building located at 1101 Walnut Street, Kansas City, Missouri; and that would allow resale of that service to individual residential housing unit owners.

3. It is the Staff's position that if the Commission adopts WST, Inc.'s plan to allow a condominium owners association to purchase master metered electric service from Kansas City Power & Light Company then resell that service to the owners of the condominium units

represented in the association, the Commission should address the issue of its jurisdiction over the condominium owners association, i.e., whether the association is a “public utility” subject to the Commission’s jurisdiction.

4. Without prejudice to its positions in this case, and as directed by the Commission in its order of October 13, 2005, the Staff suggests the following regarding notice to potential purchasers, owners and tenants of condominium units in the building located at 1101 Walnut Street, Kansas City, Missouri:

- Residents of the Condominium units have none of the consumer protections currently available under Commission Rule 4 CSR 240-13, e.g., billing and payments, billing adjustments, deposits, billing disputes, discontinuance of service and cold weather rule protections.
- Notice to residents, purchasers and owners of the electric service billing provider should be in the closing contract for any sale of condominium unit or in the lease agreement, as applicable.
- Public notice of the electrical service provider (condominium owners association) should be posted in all common areas of the building located at 1101 Walnut Street, Kansas City, Missouri.
- Each contract, each lease and all public notices shall state that the rates of the electrical service are determined and managed by the condominium owners association.
- Each contract, each lease and all public notices shall state that the Public Service Commission has no authority to address complaints of residents, tenants or condominium unit owners against the condominium owners association regarding electrical service.
- Each contract, each lease and all public notices shall state that all billing disputes, service issues (including outages) and safety issues, must be handled through the condominium owners association or its designee.
- All notices shall have a contact number and address of the condominium owners association or its designee.
- At least annually, additional notice that electrical service is provided by the condominium owners association shall be furnished to every owner and tenant.

**WHEREFORE**, the Staff submits the foregoing in response to the Commission's  
October 13, 2005 Order.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Nathan Williams  
Nathan Williams  
Senior Counsel  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17<sup>th</sup> day of October 2005.

/s/ Nathan Williams