

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

MOTION TO DISMISS WITH PREJUDICE

Pursuant to 4 CSR 240-2.116(3), Kansas City Power & Light Company (“KCPL”) hereby respectfully requests that the Missouri Public Service Commission (“Commission”) dismiss with prejudice Ms. Bush’s complaint in this proceeding. In support thereof, KCPL states as follows:

1. By its order issued January 23, 2007, the Commission scheduled a prehearing conference in this matter for February 22, 2007. The Commission offered the parties two alternative ways to participate: (i) a call-in number or (ii) appearing in person before the regulatory law judge in Room 305 at the Commission's offices in Jefferson City.

2. Judge Voss convened the February 22 conference at the appointed time of 10:00 a.m. Appearances were entered by counsel for the Commission's Staff and KCPL. Ms. Bush did not appear at the prehearing conference either by phone or in person.

3. 4 CSR 240-2.116(3) provides that a party “may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, **prehearing conference**, hearing, or mediation session.” (emphasis added) Ms. Bush’s failure to appear at the prehearing conference justifies dismissing her complaint pursuant to 4 CSR 240-2.116(3). In addition, Staff recommended in its

Investigation Report that “the Commission dismiss the Complainant’s case in its entirety.” Staff’s Investigation Report, at ¶ 8.

4. If the Commission does not believe that it is appropriate to dismiss Ms. Bush’s complaint with prejudice at this time, KCPL respectfully suggests that the Commission issue a Show Cause Order requesting Ms. Bush to explain why her complaint should not be dismissed with prejudice.

For the foregoing reasons, KCPL respectfully requests that the Commission dismiss with prejudice Ms. Bush’s complaint in the above-captioned case.

Respectfully submitted,

/s/ *Curtis D. Blanc*

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**COUNSEL FOR
KANSAS CITY POWER & LIGHT COMPANY**

Dated: February 23, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application was served either by electronic mail or by first class mail, postage prepaid, on this 23rd day of February 2007, upon:

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/s/ *Curtis D. Blanc*

Curtis D. Blanc