

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

Christian R. Atlakson)	
)	
Complainant,)	
)	
vs.)	Case No. EC-2005-0420
)	
Kansas City Power and Light)	
)	
Respondent.)	

**EXPEDITED STAFF INVESTIGATION AND REPORT INVOLVING
A SAFETY ISSUE AND RECOMMENDING DISMISSAL OF COMPLAINT**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) to provide the Missouri Public Service Commission (“Commission”) with a Staff Report and Recommendation in the instant case on an expedited basis because of the existence of a safety issue central to the situation raised in the Complaint. The Staff Report and Recommendation, which follows this pleading as Appendix A, recommends dismissal of the Complaint and the filing by Kansas City Power & Light Company (“KCPL”) of a status report concerning its efforts to rectify the safety concerns.

On June 17, 2005, KCPL filed a Motion To Dismiss, Or Alternatively, Answer Of Kansas City Power & Light Company. On June 20, 2005, the Commission issued its Order Directing Staff To Investigate And File A Report, which set a deadline of August 5, 2005 for the filing of Staff’s investigation report. Although the Staff is busy addressing many cases and matters pending before the Commission, the Staff has treated this matter on an expedited basis due to the safety issue central to the Complaint.

In addition to reviewing the Complaint and the Motion To Dismiss, Or Alternatively, Answer Of Kansas City Power & Light Company, the Staff has performed an investigation, including a visit to the location in question and a number of conversations and e-mail exchanges with the Complainant, Christian R. Atlakson. Based on its investigation, the Staff believes that KCPL has acted within the bounds of the Commission rules and KCPL's tariffs and that the Complaint should therefore be dismissed. Further, because of the safety issue, the Staff recommends that a Commission Order dismissing the Complaint include a requirement that KCPL file, within thirty days of the effective date of the Order, a status report concerning KCPL's actions aimed at addressing the safety issue.

WHEREFORE, the Staff recommends that the Commission issue an Order dismissing the Complaint of Christian R. Atlakson and directing KCPL to file a status report as described above.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Dennis L. Frey

Dennis L. Frey
Senior Counsel
Missouri Bar No. 44697

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8700 (Telephone)
(573) 751-9285 (Fax)
denny.frey@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 29th day of June, 2005.

/s/ Dennis L. Frey

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. EC-2005-0420, Christian R. Atlakson, Complainant vs Kansas
City Power & Light, Respondent

FROM: Glenn A. Carlson, P.E., Energy Department – Engineering Analysis

/s/ Lena Mantle 6-28-05 /s/ Steven Dottheim 6-28-05
Energy Department / Date General Counsel’s Office / Date

SUBJECT: Staff Report

DATE: June 28, 2005

BACKGROUND

Mr. Christian R. Atlakson, Complainant, owns a house at 1809 N. Ponca Drive, Independence, Missouri. Mr. Atlakson purchased the house in August 2003. A deck is attached to the back of the house (See Photograph #1 of Schedule A). In his Formal Complaint, Mr. Atlakson states, “[t]he deck appears to have been in place for 15 years or longer.”

Also, in his Formal Complaint, Mr. Atlakson states that, prior to September 2003, he contacted Kansas City Power & Light Company (“KCPL”) regarding a leaning pole near the back of his property and requested that the service line to his residence be raised, because “[i]t was approximately 6’ off the deck.” (Mr. Atlakson includes a photograph of the leaning pole in his Formal Complaint.) On an internal KCPL “Commission Complaint Form” filled out at the time of Mr. Atlakson’s April 4, 2005, informal complaint (#C200508399), KCPL noted that on August 22, 2003, the customer raised concern that a child could reach up from the deck and grab the service line.

In a letter dated September 25, 2003, KCPL notified Mr. Atlakson that “temporary wiring at your electric meter is in a potentially dangerous condition” and that “[u]nder the Company’s [i.e. KCPL’s] rules and regulations, filed and approved by the State Utility Commission, the Company may suspend electric service to a customer where a dangerous condition exists in their electric service.” In his Formal Complaint, Mr. Atlakson states that after receiving the September 25, 2003, letter, he telephoned KCPL and was told his deck “altered the clearance of the service line.” Mr. Atlakson also states that, after he responded to the September 25, 2003, letter, KCPL “came and pulled the slack out, and left the pole leaning.”

In an email to the Staff dated June 22, 2005, KCPL states,

On August 22, 2003, KCPL tightened the electrical service wire as much as reasonably possible. In fact the electrical service wire pulled loose from the pole several weeks later and had to be reattached by KCPL.

The tension in the electrical service wire to reduce the sag is already pulling the pole to make it appear “leaning.”

Also, in its email to the Staff dated June 22, 2005, KCPL states that, on March 9, 2004, it “resent the same letter [i.e., the September 25, 2003, letter] . . ., because no response had been received.” In his Formal complaint, Mr. Atlakson states, “I still have not seen a letter dated from March [2004].”

In a letter dated March 18, 2005, to Mr. Atlakson, KCPL made its “final attempt” to resolve the issues “regarding the service line and meter at your [Mr. Atlakson’s] residence,” stating, in part, that “the deck built on your home is obstructing access to the meter,” and the deck “altered the clearance of the service line in violation of KCPL’s Electric Service Standards.” KCPL cited its September 25, 2003, and March 9, 2004, letters to Mr. Atlakson, and attached a copy of its September 25, 2003, letter.

On April 12, 2005, the Staff inspected the service and meter at Mr. Atlakson’s residence. Although Mr. Atlakson was not present during the inspection, he was aware that Staff was coming and left a note for the Staff. The Staff observed the meter was approximately six inches above the deck. The Staff did not measure the vertical clearance of the service line because of safety concerns, but observed that the service line was within reach of a person standing on the bench along the side of the deck. (See Photograph #2 of Schedule A.)

In its Answer to the Formal Complaint, KCPL estimates the service line is “about six to eight feet above the deck.” On June 18, 2005, the Staff emailed Mr. Atlakson regarding the height of the service line. In his response by email to the Staff dated June 19, 2005, Mr. Atlakson states that the “line is 8’6” to 9’ high.” Additionally, Mr. Atlakson asserts that straightening the leaning pole “could bring the [service] line near the 10’ requirement.” However, in its email to the Staff dated June 22, 2005, KCPL states, “To straighten the pole at this time will only add additional tension to the electric service which could cause damage to the Complainant’s electric service entrance.”

In conversations between Mr. Atlakson and the Staff, following the Staff’s April 12, 2005, inspection of his meter and service line, the Staff told Mr. Atlakson that it was the Staff’s belief that he was responsible for raising the service line and the meter and that KCPL could disconnect his electric service if he did not raise the service line and meter. Mr. Atlakson filed his Formal Complaint against KCPL on May 16, 2005.

RECOMMENDATION

Third Revised Sheet 1.15 of the “General Rules and Regulations Applying to Electric Service” issued by Kansas City Power & Light Company reads:

4.04 STANDARDS AND APPROVALS: The Customer's installation must conform with all applicable laws, the requirements of all governmental authorities having jurisdiction, the provisions of the National Electrical Code and the National Electrical Safety Code, and all rules, regulations, standards and reasonable requirements of the Company.

and

4.05 DANGEROUS OR DISTURBING USES: . . . The Company may refuse to supply electric service or suspend electric service to a Customer, without notice, if the Customer's installation is in an unsafe or dangerous condition or is so designated. . . .

The Staff believes that the service line at 1809 N. Ponca Dr. still does not conform to National Electrical Code Article 230.24(B)(1) and National Electric Safety Code Rule 232D2, which require 10 feet of vertical clearance for an electric service line, and, thus, the inadequate vertical clearance of the electrical service line at 1809 N. Ponca Dr. constitutes an unsafe or dangerous condition.

Regarding Mr. Atlakson's suggestion that straightening the leaning pole might increase the clearance of the service line, the Staff does not believe, even assuming *arguendo* Mr. Atlakson's assertion that the service line is at most nine feet above the deck, that straightening the leaning pole could raise the service line sufficiently at the deck to provide the required 10 feet of vertical clearance.

Also, given KCPL's previous unsuccessful attempts to tighten the service line, the Staff believes that further attempts to tighten the service or straighten the leaning pole would likely overstress the service line and supports and not provide the necessary 10 feet of clearance above the deck. The Staff agrees with KCPL, as stated in its June 22, 2005, email to the Staff, that "the pole can be straightened once the Complainant's masthead is raised such that proper sag can be added to the electric service wire."

Fourth Revised Sheet 1.21 of the "General Rules and Regulations Applying to Electric Service" issued by Kansas City Power & Light Company reads:

6.01 METER INSTALLATION: . . . The Customer shall provide and at all times maintain, at a place specified by the Company, space for the meter installation. The Customer shall provide the necessary meter mounting facilities (including the meter socket beginning January 1, 1988) in a manner satisfactory to the Company and in full compliance with the provisions of the National Electrical Code and all laws and governmental regulations applicable to the same After the meter installation has been located on the premises of the Customer, any subsequent change in

the location thereof, if permitted or required by the Company for safety reasons or inaccessibility, shall be paid by the Customer.

KCPL publishes its “Electrical Service Standards” for use by customers and “those engaged in the planning and construction of electric service and meter installations” on its website at <http://www.kcpl.com/newconst/ess.html>. Drawing 520.1-3 is relevant here and is attached herewith as Schedule B. These standards specify that electrical meters shall be a minimum of 42 inches and a maximum of 60 inches above the ground and that the distance from the ground to the electrical service drip loop shall be 10 feet or more. In its Answer to the Formal Complaint, KCPL states that compliance with the height requirement for electric meters “prevents accidental contact with the meter and the electric service above it.”

The Staff believes KCPL’s “Electrical Service Standards” for electric meters and service wires as described above are reasonable requirements for the installation of electric meters and service wires. The Staff also believes the meter installation at 1809 N. Ponca Dr. does not meet the foregoing safety and accessibility requirements of KCPL’s tariff and, thus, constitutes an unsafe and dangerous condition.

Even though Mr. Atlakson did not create this problem, nonetheless, as the homeowner, he is responsible for bringing the service line and meter into compliance with the applicable requirements and for paying the associated costs. Notwithstanding the Staff’s belief that KCPL should not have let this situation continue for two years after it discovered it, the Staff recommends, for the above-stated reasons, that the Commission dismiss this Formal Complaint.

Similarly, KCPL did not create this problem. Nonetheless, KCPL appears to be the party that has the means to see to it that this continuing safety problem is timely resolved on a going forward basis. Mr. Atlakson has taken the position the prior owner of the property should be required to take corrective action and that he, Mr. Atlakson, should be given several additional months to effectuate payment for corrective action from the prior owner of the property. It is the Staff’s understanding that, if the Commission dismisses Formal Complaint, KCPL will then act as necessary to ensure that this service connection and meter are safe and in compliance with code. In a discussion with the Staff, KCPL indicated that such action will likely include disconnection of electric service to Mr. Atlakson’s residence if the service connection and meter are not made safe in a timely manner. The Staff recommends that the Commission order KCPL to file, within 30 days of the effective date of a Commission Order dismissing the Formal Complaint, a report on the status of their corrective actions.

KCPL is current on all assessment fees and annual report filings. The Staff is not aware of any other matter before the Commission that affects or is affected by this filing; however, the following cases are open:

EC-2005-0245	Rhonda Wesley vs. KCPL
EF-2005-0387	Financing
EF-2005-0388	Financing
EO-2000-210	Wolf Creek Decommissioning
EO-2005-0329	Regulatory Plan
EF-2005-0498	Financing



Photograph #1: Rear of 1809 N. Ponca Dr.
Date of photograph 4/12/2005.



Photograph #2: Rear of 1809 N. Ponca Dr. showing meter
and service line. Date of photograph 4/12/2005.

Customer to own and install service entrance conductors with 24" beyond weatherhead.

Service and connections by KCP&L

Customer to own and install the service attachment, such as service hook, wire holder, or bracket on mast capable of supporting 900# stress. Customer to own and install service mast with entrance head. If the mast extends above the eave of the building, the service will be attached to the mast and the mast must be 2" (min) rigid galv. conduit and guyed or braced as required to support the service. If the service attachment is on the building, the mast may be rigid metal, EMT, or Schedule 40 electrical plastic conduit. The height of attachment must provide the clearance to ground or to the roof line as called for in the National Electrical Code.

Dimension A is 42" min and 60" max except over walks or driveways where 6'-6" is required.

Dimension B is 10' or more as called for in Art. 230-24(b) and 230-26, National Electrical Code.

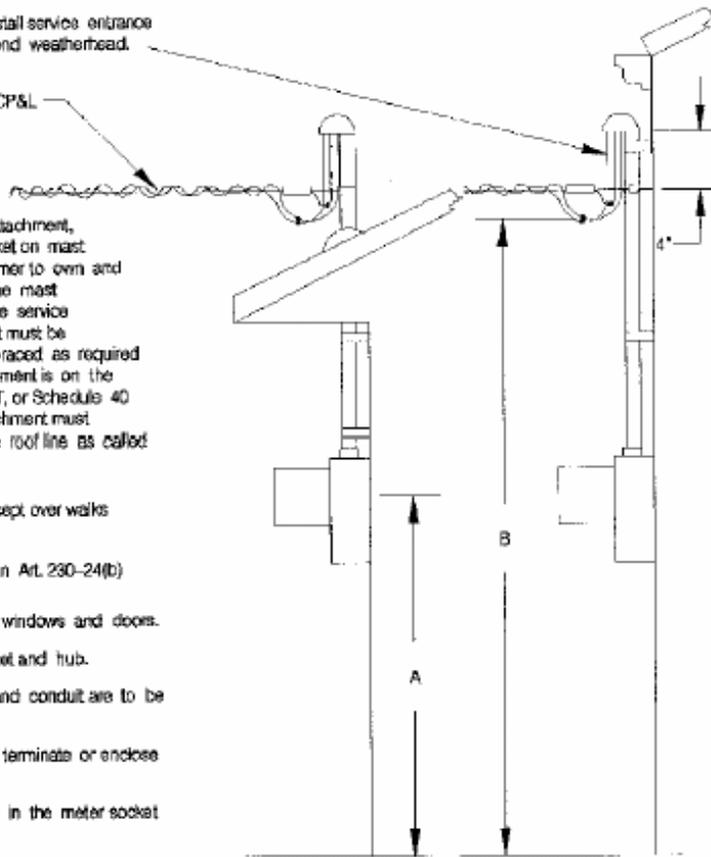
Install meter socket at least 36" away from windows and doors.

Customer will furnish and install meter socket and hub.

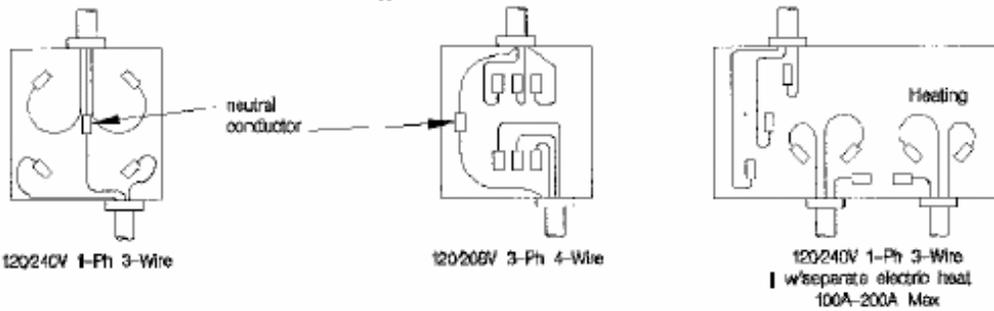
Customer's service entrance conductors and conduit are to be sized in accordance with the NEC.

Customer shall not use meter enclosure to terminate or enclose his system ground.

Provide some slack ahead of terminations in the meter socket to allow for future maintenance.



Typical Connections by Customer



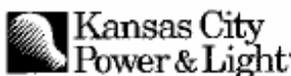
Customer-furnished, -installed, and -owned material

9	hub
8	meter socket
7	entrance head
6	conduit straps
5	conductor
4	service mast
3	conduit nipple
2	#6 Cu ground wire
1	1/2"x8' ground rod
ITEM	DESCRIPTION

OVERHEAD SERVICES
 TRIPLEX OR QUADRUPLIX CABLE
 SELF-CONTAINED METERS 200A MAX
 SINGLE 300A MAX DUAL

DWG REV: 10/304

DWG: 520.1-3



DISTRIBUTION
 CONSTRUCTION
 STANDARDS

ELECTRIC SERVICE STANDARDS

Issued: 1/1/2005

2005

ESS.05-39