

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Hearing
8 February 9, 2007
9 Jefferson City, Missouri
Volume 2

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12 Cheryl L. Fabulae,)
13 Complainant,)
14 v.) Case No. EC-2007-0146
15 Kansas City Power & Light Company,)
16 Respondent.)
17)

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19 BENJAMIN H. LANE, Presiding,
20 REGULATORY LAW JUDGE

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24 REPORTED BY:

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1 P R O C E E D I N G S

2 JUDGE LANE: Good morning, ladies and
3 gentlemen. My name is Benjamin Lane. I'm the Regulatory
4 Law Judge who will be conducting the hearing in this
5 matter. This is Case No. EC-2007-0146, in the matter of
6 Cheryl L. Fabulae, the Complainant vs. Kansas City Power &
7 Light Company, Respondent.

8 I know you have -- several of the parties
9 that are here, that are present here in this hearing room
10 have already submitted written entries of appearance, but
11 if you would please provide oral entries for the record.
12 Staff, please.

13 MR. THOMPSON: Good morning, your Honor.
14 Let the record show Kevin A. Thompson for the Staff of the
15 Missouri Public Service Commission, Post Office Box 360,
16 Jefferson City, Missouri 65102.

17 JUDGE LANE: Thank you, Mr. Thompson.
18 KCP&L?

19 MR. BLANC: Good morning. My name is
20 Curtis Blanc. I'm here on behalf of Kansas City Power &
21 Light. I provided my contact information to the court
22 reporter. Thank you.

23 JUDGE LANE: Thank you very much,
24 Mr. Blanc.

25 I want to also state who is not present at

1 this hearing. There is no representative of the Office of
2 the Public Counsel, which has not participated in this
3 proceeding to date. We also do not -- I have the
4 Complainant, Ms. Fabulae -- wait.

5 Just for the record, we are waiting to see
6 if anyone is actually present in the hearing room
7 established in Kansas City for this matter. It appears
8 from the video link that we saw the elbow of someone in
9 the picture. Sound is enabled from that side. Can anyone
10 hear me in Conference Room G8 in Kansas City? Is there
11 anyone there? Well, is there anyone there? If you would,
12 please just indicate by saying that someone is present.

13 (No response.)

14 JUDGE LANE: Well, perhaps we can give them
15 another minute or two just to make sure. We did see an
16 individual.

17 Let me go ahead and just say, at this
18 point, which is approximately 9:05 on Friday, February the
19 9th, which is the appointed date of the hearing, there
20 does not appear to be any appearance for the Complainant
21 in this matter, Cheryl Fabulae.

22 Also wish to state for the record that all
23 parties were given the opportunity to participate in this
24 evidentiary hearing by one of three means. First of all
25 would be presence here in Room 310 in Jefferson City, the

1 Commission's main hearing room. The second method was by
2 video conference link to Office No. G8 in the Fletcher
3 Daniel State Office Building in Kansas City where the
4 Commission has offices. And the third means was to
5 participate by telephone, in which case the party wishing
6 to use that method was to have notified me no later than
7 January 31st, 2007. I received no such request from
8 anyone for participation by telephone.

9 The Commission's Order of January 18th also
10 specified that any party wishing to seek a continuance of
11 the hearing date was to file a pleading with the
12 Commission stating why they were unable to attend the
13 hearing as scheduled either in person, by video conference
14 or by phone, and was to serve a copy of the request on
15 every party to the case.

16 Sir? This is a little difficult, but we
17 did appear to see an individual on the other end. Anyhow,
18 this could go on all day, so we'll just continue.

19 No such request for continuance was filed
20 in EFIS or received by me prior to the hearing date this
21 morning.

22 Normally I would take up preliminary
23 matters and any pending motions. There are no pending
24 motions at this time. What is even more preliminary than
25 matters of designation of the confidentiality of the

1 evidence and so forth is ensuring that we have two sides,
2 the complainant and respondent. At this point it appears
3 we do not.

4 At this point, absent any response from the
5 other end or any indication that Ms. Fabulae or a
6 representative of her is present at the Kansas City
7 location, I would like to entertain some suggestions or
8 arguments by the parties who are present as to the
9 suggested course of action on a going-forward basis.

10 MR. THOMPSON: Your Honor, Staff moves that
11 this matter be dismissed for failure to prosecute.

12 JUDGE LANE: Thank you, Mr. Thompson.
13 Mr. Blanc?

14 MR. BLANC: KCPL so moves as well.

15 JUDGE LANE: Very well. I will not make a
16 ruling at this particular moment, but being as we cannot
17 continue under the present circumstances, I think I'm
18 going to have to adjourn this matter, and an Order will be
19 forthcoming regarding the disposition of this case on a
20 going-forward basis.

21 At this time we'll go off the record.
22 Thank you very much.

23 WHEREUPON, the hearing of this case was
24 adjourned.

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1 C E R T I F I C A T E

2 STATE OF MISSOURI)
3) ss.
4 COUNTY OF COLE)

5 I, Kellene K. Feddersen, Certified
6 Shorthand Reporter with the firm of Midwest Litigation
7 Services, and Notary Public within and for the State of
8 Missouri, do hereby certify that I was personally present
9 at the proceedings had in the above-entitled cause at the
10 time and place set forth in the caption sheet thereof;
11 that I then and there took down in Stenotype the
12 proceedings had; and that the foregoing is a full, true
13 and correct transcript of such Stenotype notes so made at
14 such time and place.

15 Given at my office in the City of
16 Jefferson, County of Cole, State of Missouri.

17 Kellene K. Feddersen, RPR, CSR, CCR
18 Notary Public (County of Cole)
19 My commission expires March 28, 2009.
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