

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4
5
6 TRANSCRIPT OF PROCEEDINGS
7 Prehearing Conference
8 July 14, 2005
9 Jefferson City, Missouri
10 Volume 1

11 Christian R. Atlakson,)
12)
13 Complainant,)
14)
15 v.) Case No. EC-2005-0420
16)
17 Kansas City Power & Light,)
18)
19 Respondent.)

20
21
22 MORRIS L. WOODRUFF, Presiding,
23 SENIOR REGULATORY LAW JUDGE.
24
25

26 REPORTED BY:
27
28 KELLENE K. FEDDERSEN, CSR, RPR, CCR
29 MIDWEST LITIGATION SERVICES
30

1 APPEARANCES:

2 CHRISTIAN R. ATLAkson, pro se
3 1809 North Ponca Drive
4 Independence, MO 64058
5 (816) 796-3341

6 FOR: Complainant.

7 PAUL LING, Attorney at Law
8 Kansas City Power & Light
9 1201 Walnut Street
10 P.O. Box 418679
11 Kansas City, MO 64141
12 (816) 556-2200

13 FOR: Respondent.

14 DENNIS L. FREY, Senior Counsel
15 P.O. Box 360
16 200 Madison Street
17 Jefferson City, MO 65102
18 (573) 751-3234

19 FOR: Staff of the Missouri Public
20 Service Commission.

21

22

23

24

25

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

2 JUDGE WOODRUFF: Well, welcome everyone.

3 We're here today for a prehearing conference in Case
4 No. EC-2005-0420, which is the case of Christian Atlakson
5 against Kansas City Power & Light. And to begin today,
6 we're going to take entries of appearance. We'll begin
7 with KCPL.

8 MR. LING: Paul Ling on behalf of Kansas
9 City Power & Light.

10 JUDGE WOODRUFF: And for the Complainant?
11 Just tell us your name.

12 MR. ATLAISON: Chris Atlakson.

13 JUDGE WOODRUFF: And you're representing
14 yourself?

15 MR. ATLAISON: Representing myself.

16 JUDGE WOODRUFF: And for Staff?

17 MR. FREY: Dennis Frey representing the
18 Staff of the Missouri Public Service Commission, P.O.
19 Box 360, Jefferson City, Missouri 65102.

20 JUDGE WOODRUFF: Thank you, Mr. Frey.

21 Well, I asked you all to come to this
22 conference today so we can make some plans about the
23 future on how we're going to resolve this case as far as
24 hearing and whether a hearing is necessary and just to
25 discuss -- give you-all a chance to discuss possibilities

1 of settlement and so forth as well.

2 There has been a Staff report filed in this
3 case, and I'll ask you, Mr. Atlakson, do you disagree with
4 that Staff report?

5 MR. ATLAkson: Is that the Expedited Staff
6 Investigation and Report?

7 JUDGE WOODRUFF: Yes, that was filed a few
8 weeks ago. You don't have to give me details about it.
9 Just --

10 MR. ATLAkson: I knew that there were -- I
11 had some discrepancies with the Motion to Dismiss that
12 Mr. Ling had filed. I don't -- I can't say that I've
13 thoroughly read the report.

14 JUDGE WOODRUFF: Okay. Well, why don't you
15 go ahead and tell me your disagreements with the Motion to
16 Dismiss?

17 MR. ATLAkson: In regards to that, I've
18 always had issues with they've -- I've been contacted
19 twice. I've received two letters in the past two years
20 from KCP&L, and they've -- they're constantly saying that
21 they made numerous and multiple attempts to contact me
22 either by phone or by mail. I only received two letters.
23 I've never received phone calls, except until Mr. Ling got
24 involved and he contacted me once.

25 Other than that, he also stated that I was

1 unwilling to make the necessary modifications in response
2 to this matter. I told Mr. Ling that I was -- I was
3 willing to make some sort of adjustments, but it was going
4 to take some time because it was a condition that the
5 previous owners had made, and they were the only previous
6 owners, to my knowledge. They had the home for 20 years,
7 and the condition has existed for 15-plus years. And I
8 told him that I did not have the money to pay an
9 electrician to come out and do the appropriate
10 modifications at this time.

11 When I spoke to Alan Bax on numerous
12 occasions, I explained to him that I wouldn't be able to.
13 We were planning on remodeling or moving the deck next
14 spring, and at that point in time I'd be able to possibly
15 modify the deck. But other than that, that's basically
16 where I stand.

17 JUDGE WOODRUFF: Okay. And this is as much
18 a question for you, Mr. Ling, as well as Mr. Atlakson.
19 Have you had a chance to discuss this matter in person or
20 by telephone?

21 MR. LING: I did contact Mr. Atlakson
22 earlier in June.

23 JUDGE WOODRUFF: Okay. And has the
24 situation changed at all as far as your ability to make
25 modifications or the need to make modifications?

1 MR. ATLAkson: It's probably worsened being
2 that I've lost my job and I have no means, unless they
3 want my unemployment check. I don't have the funds,
4 especially now, to fix it. I am in contact with an
5 attorney currently trying to contact the previous owners.
6 They're refusing right now to acknowledge that -- anything
7 that we've sent to them. They do acknowledge to building
8 the deck 15-plus years ago and not getting a permit to
9 build the deck.

10 JUDGE WOODRUFF: Is that something that the
11 City of Independence would require a permit?

12 MR. ATLAkson: According to Alan Bax, he
13 investigated. He called the County and asked if a permit
14 was ever issued to build the deck. I was always under the
15 impression that the deck structure had always been there.
16 When we moved in, they had replaced, like, the top boards
17 of the deck.

18 JUDGE WOODRUFF: All right. Well, it
19 sounds like what we're going to need to do is go ahead and
20 set this for hearing, which will be held here in Jefferson
21 City, and then Mr. Atlakson, you'll need to come to the
22 hearing, bring any documents you would want me to
23 consider.

24 Any witnesses you may have, you need to
25 bring them along as well, unless you can reach agreements

1 with the other parties about stipulating to certain facts.
2 If you can agree upon -- if you have, for example, a
3 document that you want to present, you may not necessarily
4 have to bring that witness, that person who wrote the
5 document to Jefferson City for the hearing if you can get
6 everybody to agree upon that, that the document can come
7 in without the witness, that sort of thing.

8 Mr. Frey, I'm sure you can discuss those
9 kind of things with him, too. Certainly Mr. Frey is not
10 your counsel, and I don't want to try and put him in that
11 position, and Mr. Ling as well. I think you've done some
12 hearings before before this Commission also, have you not,
13 Mr. Ling?

14 MR. LING: Yes, sir.

15 JUDGE WOODRUFF: Okay. And from the sounds
16 of it, it's not a good situation with the wire being close
17 to the deck as well as the problems with the meter. So we
18 want to do this fairly quickly. I'm looking at the first
19 week of August. Mr. Ling and Mr. Frey, if you can check
20 calendars quick on that.

21 MR. LING: That would be set up for the
22 hearing the first week of August?

23 JUDGE WOODRUFF: Yes.

24 MR. LING: Would we have any filed
25 testimony at all?

1 JUDGE WOODRUFF: No.

2 MR. LING: Okay. Just go over the
3 testimony.

4 JUDGE WOODRUFF: We would just have
5 everybody come and give their testimony.

6 MR. LING: Okay. The first week of August
7 is fine with us.

8 JUDGE WOODRUFF: Okay. Mr. Frey?

9 MR. FREY: I think that will be okay. Let
10 me just check, your Honor. It appears to be okay, your
11 Honor.

12 JUDGE WOODRUFF: Do you have any preference
13 as to the day of the week? The whole week is clear on the
14 calendar.

15 MR. FREY: I would say sometime toward the
16 middle of the week would always be preferable.

17 JUDGE WOODRUFF: Wednesday okay? That
18 would be the 3rd.

19 MR. FREY: That would be fine.

20 JUDGE WOODRUFF: Mr. Ling, does that work
21 for you?

22 MR. LING: I believe that's okay with us.

23 JUDGE WOODRUFF: And Mr. Atlakson?

24 MR. ATLAKSON: Yes, that's fine.

25 MR. LING: Obviously I've got a little bit

1 of difficulty here because some of my testimony may come
2 from some people that aren't here right now.

3 JUDGE WOODRUFF: I understand. If that
4 does develop into a problem for you, just file a motion.

5 MR. LING: Thank you.

6 JUDGE WOODRUFF: All right. I'm going to
7 go ahead and issue an Order, then, setting this for
8 hearing on Wednesday, August 3rd, beginning at 10 a.m.

9 MR. FREY: Would that be here, your Honor?

10 JUDGE WOODRUFF: That will be here.

11 MR. FREY: 10 a.m.

12 JUDGE WOODRUFF: Any other matters that you
13 want to bring up while we're on the record? Hearing none.

14 MR. LING: Currently KCPL has a Motion to
15 Dismiss pending.

16 JUDGE WOODRUFF: Yes.

17 MR. LING: Will that be ruled on prior to
18 the hearing?

19 JUDGE WOODRUFF: Yes.

20 MR. LING: Okay. Thank you.

21 JUDGE WOODRUFF: And I'm not ruling on it
22 right now, but I'll take a look at that.

23 All right. With that, then, this
24 on-the-record portion of the prehearing conference is
25 adjourned.