



**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS**

Prehearing Conference

April 18, 2005

Jefferson City, Missouri

Volume 1

**RHONDA WESLEY
Vs.
KANSAS CITY POWER & LIGHT**

ORIGINAL

Case No. EC-2005-0245

APRIL 18, 2005

FILED

APR 26 2005

***Missouri
Public Service Commission***

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HEADQUARTERS: 711 NORTH ELEVENTH STREET, ST. LOUIS, MISSOURI 63101

800.280.3376

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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
PREHEARING CONFERENCE

April 18, 2005

Jefferson City, Missouri

Volume 1

Rhonda Wesley,)
)
Complainant,) Case No. EC-2005-0245
)
v.)
)
Kansas City Power & Light,)

MORRIS L. WOODRUFF, Presiding
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
TRACY L. THORPE, CSR, CCR
MIDWEST LITIGATION SERVICES

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A P P E A R A N C E S

RHONDA WESLEY, Complainant - Via Telephone
P.O. Box 7796
Kansas City, Missouri 64125
816-729-7971
FOR: Pro Se

PAUL LAING, Attorney at Law - Via Telephone
1201 Walnut, 20th Floor
Kansas City, Missouri 64106
816-556-2899
FOR: Kansas City Power & Light

STEVEN DOTTHEIM, Chief Deputy General Counsel
ROBERT BERLIN, Assistant General Counsel
P.O. Box 360
Jefferson City, Missouri 65102
573-751-6651
FOR: Staff of the Missouri Public Service Commission

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

2 JUDGE WOODRUFF: On the record then. Good
3 morning everyone. We're here for a prehearing conference in
4 Case NO. EC-2005-0245, which is a complaint by Rhonda Wesley
5 against Kansas City Power and Light.

6 And we're going to begin today by taking
7 entries of appearance from the attorneys as well as from
8 Ms. Wesley.

9 And, Ms. Wesley, I understand you'll be
10 representing yourself?

11 MS. WESLEY: Correct.

12 JUDGE WOODRUFF: If you'd just repeat your name
13 again. This time we're on the record.

14 MS. WESLEY: Certainly. My name is Rhonda
15 Wesley.

16 JUDGE WOODRUFF: All right. And for Kansas
17 City Power and Light.

18 MR. LAING: My name is Paul Laing. I'm an
19 attorney for Kansas City Power and Light.

20 JUDGE WOODRUFF: And for Staff.

21 MR. BERLIN: Bob Berlin and Steve Dottheim,
22 Post Office Box 360, Jefferson City, Missouri 65102 appearing
23 on behalf of the Staff of the Public Service Commission.

24 JUDGE WOODRUFF: All right. That takes care of
25 all the parties then. Public Counsel has indicated they're

1 not going to be participating in this complaint.

2 We're here today mainly to talk about how we
3 want to proceed in this case. And to begin that process off,
4 I just wanted to ask Ms. Wesley and Mr. Laing if there's any
5 discovery that the parties want to do yet before we schedule a
6 hearing?

7 MS. WESLEY: Yes, Judge. The Complainant would
8 like to do interrogatories and Request for Production of
9 Documents.

10 JUDGE WOODRUFF: All right. How long do you
11 anticipate that will take? I'm just trying to figure out when
12 we want to schedule the hearing.

13 MS. WESLEY: Oh, are we speaking from beginning
14 to end or are we speaking of time of issuance?

15 JUDGE WOODRUFF: Well, my only concern really
16 is -- because I'm not involved in the discovery process unless
17 there's a dispute. But I'm just wondering when we want to
18 schedule the hearing. So I'm just wondering how long
19 discovery will take.

20 And, Mr. Laing, you can address that as well.

21 MS. WESLEY: If I may, your Honor --

22 JUDGE WOODRUFF: Go ahead.

23 MS. WESLEY: -- finish answering that question,
24 I would anticipate somewhere about 90 days to do those.

25 JUDGE WOODRUFF: Okay.

1 MR. LAING: Your Honor, we have no objection.

2 JUDGE WOODRUFF: Okay. And since Staff is here
3 also, I'm going to ask Mr. Berlin or Mr. Dottheim to tell me,
4 what do you see as Staff's role in this case?

5 MR. BERLIN: Well, your Honor, this complaint
6 case involves a slightly different procedure from others that
7 I've participated in, in that we're meeting here for a
8 prehearing conference, but at this point Staff has only
9 conducted an informal investigation as part of the informal
10 complaint that was taken in. Staff has not conducted a formal
11 investigation or prepared any kind of Staff recommendation.

12 JUDGE WOODRUFF: Okay. Let me --

13 MR. BERLIN: So we would recommend that as part
14 of this process, that Staff be given the opportunity to
15 prepare or conduct an investigation.

16 MR. DOTTHEIM: That is, if the Commission is
17 interested in the Staff proceeding in that manner.

18 JUDGE WOODRUFF: Yes. The rules on Staff
19 investigations and complaints and so forth are fairly fluid.

20 So let me ask the parties. Ms. Wesley, do you
21 have any opinion on what Staff's role could be in this case?

22 MS. WESLEY: Well, at the present, your Honor,
23 I would welcome any type of formal investigation by Staff.

24 JUDGE WOODRUFF: All right. KCPL, I assume
25 same position?

1 MR. LAING: That's right. We would encourage
2 Staff to review the case.

3 JUDGE WOODRUFF: All right. We were talking
4 about 90 days anyway for discovery. Can Staff complete an
5 investigation in that time, I assume?

6 MR. BERLIN: Yes.

7 JUDGE WOODRUFF: How long would it take Staff
8 to investigate?

9 MR. BERLIN: Your Honor, somewhere between
10 30 and 45 days.

11 JUDGE WOODRUFF: All right. Let's go ahead and
12 say 45 days. And my understanding then is Staff will prepare
13 a recommendation based on that investigation, which will be
14 filed in the case and given to the parties. And that way
15 you'll also have time to respond to that through discovery and
16 so forth if you need to, Ms. Wesley and Mr. Laing.

17 MS. WESLEY: Thank you, Judge.

18 JUDGE WOODRUFF: Now, in a lot of cases before
19 the Commission we deal with pre-filed testimony. I don't know
20 if you're familiar with that, Ms. Wesley.

21 MS. WESLEY: No.

22 JUDGE WOODRUFF: I understand you're legally
23 trained. Is that right, Ms. Wesley?

24 MS. WESLEY: That is correct, your Honor.

25 JUDGE WOODRUFF: Well, basically it gives the

1 parties a chance to pre-file their Direct Testimony, ask
2 themselves questions and answer them. Then the parties can
3 respond to that. We don't necessarily have to do that in a
4 consumer complaint case and I just -- do you wish to pre-file
5 testimony or do you just want to come to the hearing and
6 present your testimony the day of the hearing?

7 MS. WESLEY: I'd like to give that some
8 thought, your Honor, before I answer definitively.

9 JUDGE WOODRUFF: All right. We don't have to
10 have a decision on that today.

11 And the other question I had, there is a
12 possibility that we might do this hearing in Kansas City. The
13 Commission has not done that in the past, but they're looking
14 at the possibility of doing more of these type of hearings at
15 a location more convenient for the parties. I assume no one
16 would have any objection to doing that?

17 MS. WESLEY: I welcome that too -- as well,
18 Judge.

19 JUDGE WOODRUFF: All right.

20 MR. LAING: We wouldn't have an objection
21 either, Judge.

22 JUDGE WOODRUFF: All right. I'm not going to
23 set a date for anything today. We'll see how the
24 investigation goes and we'll let you complete your discovery.

25 What I'm going to do is I'll send out a new

1 notice setting a date for an additional prehearing conference
2 about 90 days from now and at that time you can decide whether
3 or not we want to do pre-filed testimony, we'll pick a date
4 for the hearing at that time. Is that acceptable to everyone?

5 MS. WESLEY: Yes, sir.

6 MR. LAING: Yes, it is, Judge.

7 JUDGE WOODRUFF: Anything else that anyone
8 wants to add while we're still on the record?

9 MS. WESLEY: Nothing from the Complainant, your
10 Honor.

11 JUDGE WOODRUFF: All right.

12 MR. LAING: Nothing from the Respondent, your
13 Honor.

14 JUDGE WOODRUFF: Anything from Staff?

15 MR. BERLIN: Nothing, your Honor.

16 JUDGE WOODRUFF: All right. With that then
17 we're off the record.

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