

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

Anthony Broughton,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. EC-2007-0018
	)	
Kansas City Power & Light Company,	)	
	)	
Respondent.	)	

**ANSWER AND MOTION FOR DETERMINATION ON THE PLEADINGS  
OF KANSAS CITY POWER & LIGHT COMPANY**

Pursuant to 4 CSR 240-2.070(8) and 4 CSR 240-2.117(2), Respondent Kansas City Power & Light Company ("KCPL"), by and through its legal counsel, submits to the Missouri Public Service Commission ("Commission") KCPL's answer to the complaint submitted by Anthony Broughton in the above-captioned proceeding (the "Complaint"). In addition, KCPL respectfully requests that the Commission dispose of the Complaint based on the pleadings in this case and deny Mr. Broughton's prayer for relief.

In support hereof, KCPL offers as follows.

**I. BACKGROUND**

1. On or about October 14, 2004, KCPL began providing electric service to Mr. Broughton at 2200 East 79<sup>th</sup> Street, Kansas City, Missouri, 64114 ("2200 East 79<sup>th</sup> Street"). Earlier this year, KCPL began to suspect that Mr. Broughton had misrepresented the identity of the adults receiving electric service at 2200 East 79<sup>th</sup> Street. KCPL's investigation of the matter indicated that three adults in addition to Mr. Broughton were residing at 2200 East 79<sup>th</sup> Street. Those adults are Mary Cooper, Cary Cooper, and Labetty Blueford. KCPL's investigation

further indicated that at least two of the adults, Ms. Cooper and Ms. Blueford, had been residing there since Mr. Broughton initiated service.

2. On May 31, 2006, KCPL left a posting with Ms. Cooper requesting information concerning the identity of all adults presently residing there. The only response KCPL received to its posting was a copy of a picture identification card for Mr. Broughton and a written statement that he is the only person on the lease.<sup>1</sup>

3. Not having received a sufficient response to its request for information, on June 6, 2006, KCPL contacted Mr. Broughton at (816) 822-7965 and notified him of the pending disconnection of his electric service on June 8, 2006 for misrepresenting the identity of people receiving electric service at 2200 East 79<sup>th</sup> Street and for failure to respond sufficiently to KCPL's request for information. KCPL asked Mr. Broughton if Ms. Cooper was presently at 2200 East 79<sup>th</sup> Street. Mr. Broughton informed KCPL that she was not there at the moment, but that she would return shortly.

4. On June 8, 2006, KCPL disconnected electric service at 2200 East 79<sup>th</sup> Street for failure to respond sufficiently to KCPL's request for information concerning the identity of all adults who receive electric service there.

5. On June 9, 2006, KCPL attempted to contact Mr. Broughton by telephone. Mr. Broughton was not available, but KCPL spoke with Ms. Cooper. KCPL discussed the disconnection of service at 2200 East 79<sup>th</sup> Street with Ms. Cooper.

6. On June 21, 2006, Mr. Broughton submitted an informal complaint against KCPL concerning the disconnection of his electric service. Staff investigated Mr. Broughton's allegations and concluded that the apparent misrepresentation of identity of the residents at 2200 East 79<sup>th</sup> Street, in conjunction with their unwillingness to provide information to KCPL

concerning such misrepresentation, gave KCPL adequate cause to disconnect electric service. Staff noted that Mr. Broughton admitted to them that Ms. Cooper lived with him at 2200 East 79<sup>th</sup> Street at the time he initiated electric service there.

7. On or about June 29, 2006, the landlord at 2200 East 79<sup>th</sup> Street, George Gephart, informed KCPL that Mr. Broughton had not paid rent in approximately seven to eight months, and that Mr. Gephart was in the process of having the residents evicted. Mr. Gephart also told KCPL that water and natural gas service to the residence had also been disconnected.

8. On June 30, 2006, KCPL's customer service call center received an anonymous call requesting that KCPL not reconnect service at 2200 East 79<sup>th</sup> Street.

9. On July 7, 2006, Mr. Broughton submitted the Complaint to the Commission. Mr. Broughton alleges that KCPL improperly disconnected his service.

10. On July 12, 2006, the Commission issued a Notice of Complaint, which provides that KCPL's answer to the Complaint is due August 11, 2006. Also on July 12, 2006, the Commission issued an Order Directing KCPL to Respond to Request to Restore Power During Pendency of Complaint. KCPL responded that "it would restore power to the Complainant out of respect for the Commission and as an act of good faith in the complaint resolution process." On July 14, 2006, the Commission issued an order directing KCPL to restore power to Mr. Broughton at 2200 East 79<sup>th</sup> Street.

11. When KCPL sent a representative into the field to restore electric service to Mr. Broughton, it discovered that Mr. Broughton's service was on at the meter. Further investigation revealed that it appeared that KCPL had restored the Complainant's electric service on June 23, 2006. KCPL's representative speculated that either the breaker was off or had tripped and needed to be reset. KCPL left a notice to that effect on Mr. Broughton's door.

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<sup>1</sup> A copy of Mr. Broughton's statement to KCPL is attached hereto as **Attachment 1**.

12. On July 19, 2006, Mr. Broughton notified KCPL via voice mail that he continued to be without electric service. KCPL again sent a representative to 2200 East 79<sup>th</sup> Street to investigate. KCPL discovered that the seal KCPL placed on the meter on July 17, 2006 had been cut and that the lugs in the meter had been loosened. KCPL does not know when, why or by whom the lugs were loosened, but such loosening could explain the disruption of Mr. Broughton's electric service. KCPL tightened the lugs, replaced the meter, and confirmed that there was power on Mr. Broughton's side of the meter. KCPL then notified the Commission that to the best of its knowledge, information and belief, Mr. Broughton had electric service at 2200 East 79<sup>th</sup> Street.

## **II. ANSWER**

### **A. The Commission Should Dismiss the Complaint Because the Relief Requested Therein Cannot Be Granted.**

13. The only relief that Mr. Broughton requests in his Complaint is that KCPL reconnect his electric service at 2200 East 79<sup>th</sup> Street. KCPL believes that Mr. Broughton no longer resides at 2200 East 79<sup>th</sup> Street. KCPL has made several unsuccessful attempts to contact Mr. Broughton by telephone to discuss this matter. In addition, on July 19, 2006, when KCPL attempted to contact Mr. Broughton in person to confirm that his electric service had been restored, no one answered the door and there was an eviction notice and a posting from the "Neighborhood Preservation Association" that the residence was to be vacated as "unfit."

14. KCPL notes that attempts by Commission Staff to reach Mr. Broughton have likewise been unsuccessful. Staff submitted a report in this proceeding on July 19, 2006. The report indicates that Commission Staff made several unsuccessful attempts to reach Mr. Broughton by telephone on July 18 and 19, 2006.<sup>2</sup> Moreover, it appears from the record in this

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<sup>2</sup> Specifically, Staff's report indicates:

proceeding that the last three pieces of correspondence Staff attempted to send to Mr. Broughton by U.S. mail at 2200 East 79<sup>th</sup> Street have been returned as undeliverable. Furthermore, based upon conversations KCPL had with Mr. Broughton's landlord, KCPL believes that Mr. Broughton has been evicted from 2200 East 79<sup>th</sup> Street and will not be allowed to return.

15. Consequently, KCPL cannot reconnect Mr. Broughton's electric service at 2200 East 79<sup>th</sup> Street regardless of the outcome of this proceeding. The Commission should dismiss Mr. Broughton's complaint because the relief he requests cannot be granted.

**B. Disconnection of Mr. Broughton's Service Was Consistent with Commission Regulations and KCPL's Tariff**

16. Mr. Broughton alleges that KCPL improperly disconnected his electric service. Mr. Broughton's basis for this allegation is the assertion that KCPL improperly transferred debts from other accounts to Mr. Broughton's account at 2200 East 79<sup>th</sup> Street. Significantly, KCPL did not disconnect Mr. Broughton's electric service for failure to pay amounts owed to KCPL. Instead, as discussed above, KCPL disconnected Mr. Broughton's service because of the misrepresentation of the identities of the adult recipients of electric service at 2200 East 79<sup>th</sup> Street and Mr. Broughton's failure to provide sufficient information to resolve the matter.

17. Searches of the Lexus and Experian databases indicate that Mr. Broughton, Ms. Cooper, Mr. Cooper, and Ms. Blueford all reside at 2200 East 79<sup>th</sup> Street.<sup>3</sup> The Experian report

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At 4:05 p.m. and again at 11:05 p.m. July 18, 2006, Mack McDuffey of the Staff attempted to contact Mr. Broughton by telephone at a number he had provided the Manager of the Commission's Data Center, but the call was unanswered. On July 19, 2006, Mr. McDuffey renewed his attempts to call Mr. Broughton calling at 8:35 a.m. and again, at another telephone number provided by a Staff Consumer Services Specialist at 9:10 a.m. Mr. McDuffey received a "not-in-service" message in response to that later call." (Staff Report, at ¶ 4)

Mr. McDuffey attempted to reach Mr. Broughton at the telephone number provided by the Manager of the Commission's Data Center two more times on July 19, 2006, at 11:01 a.m. and again at 1:31 p.m., but again the calls were unanswered. (Staff Report, at ¶ 6)

<sup>3</sup> A copy of the experian report indicating that Ms. Cooper, Mr. Cooper, and Ms. Blueford all reside at 2200 East 79<sup>th</sup> Street is attached hereto as **Attachment 2**.

also appears to indicate that Ms. Cooper and Ms. Blueford have resided at 2200 East 79<sup>th</sup> Street since Mr. Broughton initiated electric service there in October of 2004. In addition, Mr. Broughton's landlord, Mr. Gephart, confirmed that prior to being evicted recently, Mr. Broughton, Ms. Cooper, Mr. Cooper, and Ms. Blueford all resided at 2200 East 79<sup>th</sup> Street.<sup>4</sup>

18. Additional information concerning Ms. Cooper is as follows: A review of KCPL's records indicates that Mr. Broughton stated that Ms. Cooper was his wife and was living with him at 2200 East 79<sup>th</sup> Street at the time he initiated service. Furthermore, Ms. Cooper contacted KCPL on January 18, 2005 for account information for electric service at 2200 East 79<sup>th</sup> Street. She indicated to KCPL at that time that she was Mr. Broughton's spouse. She further indicated, however, that she did not want to be added as a responsible party for the account.

19. Additional information concerning Mr. Cooper is as follows: The Missouri Department of Corrections sent correspondence to Mr. Cooper via U.S. mail at 2200 East 79<sup>th</sup> Street.<sup>5</sup>

20. Additional information concerning Ms. Blueford is as follows: Ms. Blueford cancelled her electric service at her last previously known address in September of 2004. In addition, Missouri Gas Energy ("MGE") informed KCPL that Ms. Blueford contacted MGE to initiate natural gas service at 2200 East 79<sup>th</sup> Street in her name.

21. The Commission's regulations expressly authorize KCPL to discontinue electric service for the "Misrepresentation of identity in obtaining utility service."<sup>6</sup> Given the facts

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<sup>4</sup> Mr. Gephart has indicated that he would be happy to speak with the Commission concerning any additional information it may need concerning this matter. He provided the following telephone number for that purpose: (816) 352-6319.

<sup>5</sup> A copy of Mr. Cooper's letter from the Missouri Department of Corrections addressed to him at 2200 East 79<sup>th</sup> Street is attached hereto as **Attachment 3**.

<sup>6</sup> 4 CSR 240-13-050(1)(F).

described above, KCPL had ample reason to believe that Ms. Cooper and Ms. Blueford resided with Mr. Broughton at 2200 East 79<sup>th</sup> Street at the time he initiated service there, and that Mr. Cooper also resided there at one time.

22. Pursuant to the procedural requirements of 4 C.S.R. 240-13-050, KCPL notified the residents of 2200 East 79<sup>th</sup> Street that it was concerned that a misrepresentation of identity had taken place. KCPL then requested information concerning the adult recipients of electric service at 2200 East 79<sup>th</sup> Street. In response to this request, Mr. Broughton provided a picture identification card for himself and a written statement indicating that he was the only person on his lease.<sup>7</sup> Mr. Broughton provided contact information for his landlord and invited KCPL to contact his landlord. When KCPL contacted Mr. Broughton's landlord, the landlord confirmed that Mr. Broughton, Ms. Cooper, Mr. Cooper and Ms. Blueford were all residing at 2200 East 79<sup>th</sup> Street. Based upon this and the other information provided above, KCPL concluded that Mr. Broughton was misrepresenting the identity of the adult recipients of electric service at 2200 East 79<sup>th</sup> Street and consequently disconnected service. Such disconnection is consistent with the Commission's regulations as set forth in 4 C.S.R. 240-13-050. Moreover, pursuant to the Commission's regulations, KCPL is not required to restore electric service until "the cause for discontinuance has been eliminated."<sup>8</sup> Similarly, KCPL's tariff provides that KCPL reserves the right "to refuse to reconnect electric service to any Customer disconnected hereunder until such default shall have been remedied by the Customer."<sup>9</sup>

23. The Commission's Staff arrived at the same conclusion following its investigation of Mr. Broughton's informal complaint concerning these same matters.

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<sup>7</sup> See, **Attachment 1.**

<sup>8</sup> 4 CSR 240-13-050(11).

<sup>9</sup> Kansas City Power & Light Company, General Rules and Regulations Applying to Electric Service, § 3.13 (Sheet No. 1.13).

### **III. MOTION FOR DETERMINATION ON THE PLEADINGS**

24. The Commission's rules provide that it may on the motion of any party dispose of all or part of a case on the pleadings "whenever such disposition is not otherwise contrary to law or contrary to the public interest."<sup>10</sup> KCPL argues that it would be consistent with the law and public interest to dispose of Mr. Broughton's complaint based on the pleadings before the Commission in this case.

25. Mr. Broughton fails to demonstrate by a preponderance of the credible evidence that KCPL violated its tariffs, the Commission's regulations, or other applicable law, when it disconnected his electric service at 2200 East 79<sup>th</sup> Street. To the contrary, KCPL's decision to disconnect Mr. Broughton's electric service was consistent with KCPL's tariffs, Commission regulations, and all other applicable laws, as confirmed by the Commission Staff when Mr. Broughton raised these same issues in his informal complaint.

### **IV. CONCLUSION**

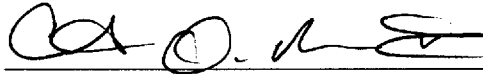
26. For the foregoing reasons, KCPL respectfully requests that the Commission dispose of the Complaint based on the pleadings in this case and deny Mr. Broughton's prayer for relief. The Complainant has not met his burden of demonstrating by a preponderance of the credible evidence that KCPL violated either its tariffs, or other applicable Missouri law, or that KCPL's actions were otherwise not just and reasonable. Moreover, the relief Mr. Broughton requests, *i.e.*, to have his electric service restored at 2200 East 79<sup>th</sup> Street, cannot be granted because Mr. Broughton no longer lives there.

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<sup>10</sup> 4 CSR 240-2.117(2).



Respectfully submitted.



Curtis D. Blanc (Mo. Bar No. 58052)

1201 Walnut, 20<sup>th</sup> Floor

Kansas City, MO 64106-2124

Telephone: (816) 556-2483

Facsimile: (816) 556-2787

E-Mail: [Curtis.Blanc@kcpl.com](mailto:Curtis.Blanc@kcpl.com)

**Counsel for Kansas City Power & Light Company**

Dated: August 11, 2006

**Attachment 1:**

**Response of Mr. Broughton  
to KCPL's Request for Information  
Concerning the Adult Recipients of Electric Service  
at 2200 East 79<sup>th</sup> Street**

I Anthony Broughton  
state that I have lost my  
original lease But here is my  
Land Lord's NAME AND Phone  
Number My NAME is the only NAME  
on the lease if you have any more  
questions call me at 816 (822 7965)  
I moved in my house Oct 2004

Thank you  
Anthony Broughton

6-7-06

Land Lord

George Gebhardt

352-6319

**Attachment 2:**

**Experian Report Concerning the Current and Past Residences  
of Ms. Cooper, Mr. Cooper and Ms. Blueford**

**(prepared May 17, 2006)**

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Inquiry :

9-429232356,432779706,431559281;CHECK;DEMOPH;H-N;SSRV-ICDS;Q-ECICDS0200605171117  
0402CICSCSTGICDS00000000

PAGE 1 DATE 5-17-2006 TIME 11:17:04 V501 TRS1

MARY L COOPER  
2200 E 79TH ST  
KANSAS CITY MO 641323424  
RPTD: 5-05 TO 3-06 U 2X  
LAST SUB: 1993260

SS: 429-23-2356 7X  
YOB: 1966

4916 E LINWOOD BLVD  
KANSAS CITY MO 641281802  
RPTD: 1-04 TO 5-04 U  
LAST SUB: 1993260

2051 N 5TH ST  
KANSAS CITY KS 661011754  
RPTD: 11-03 U 1X  
LAST SUB: 9981060

2501 N 5TH ST  
KANSAS CITY KS 661011415  
RPTD: 9-00 U  
LAST SUB: 9981060

3327 GARFIELD AVE  
KANSAS CITY MO 641092011  
RPTD: 6-99 U  
LAST SUB: 2980175

525 E ARMOUR BLVD  
KANSAS CITY MO 641092219  
RPTD: 5-99 U  
LAST SUB: 2981265

2202 AGNES AVE  
KANSAS CITY MO 641274108  
RPTD: 9-02 TO 10-02 I  
LAST SUB: 3970786

3032 E 22ND ST  
KANSAS CITY MO 64127  
RPTD: 1-02 I  
LAST SUB: 2991775

2723 FOREST AVE

*Acct 4698325340*

## Credit Solutions

KANSAS CITY MO 641091225  
RPTD: 6-00 TO 12-01 I  
LAST SUB: 1971299

+++++ MORE

TMO1 KRS 1943827 9-429232356;CHECK;DEMOPH;H-N;V-07/730;SSRV-ICDS;

PAGE 2 DATE 5-17-2006 TIME 11:17:04 V501 TKS1

2221 E 75TH ST  
KANSAS CITY MO 641322117  
RPTD: 10-00 TO 6-02 U  
LAST SUB: 3980565

MARY L NOBLE, MARY COOPER

## ----- FRAUD SHIELD SUMMARY -----

INPUT SSN ISSUED 1972-1974  
FROM 2-01-06 INQ COUNT FOR SSN=0

END -- EXPERIAN SOCIAL SEARCH

PAGE 1 DATE 5-17-2006 TIME 11:17:04 V501 TKS1

LABETTY BLUEFORD  
2200 E 79TH ST  
KANSAS CITY MO 641323424  
RPTD: 12-04 TO 2-06 U 2X  
LAST SUB: 9981060

SS: 432-77-9706 3X

4916 E LINWOOD BLVD  
KANSAS CITY MO 641281802  
RPTD: 7-04 U  
LAST SUB: 1993260

619 DOVER DR  
INDEPENDENCE MO 640561540  
RPTD: 7-05 I  
LAST SUB: 1974275

LABETTY R BLUEFORD, LABETTY RONISE BLUEFORD,  
BLUEFORD LABETTY, LABETTY BLUORD

## ----- FRAUD SHIELD SUMMARY -----

INPUT SSN ISSUED 1989-1991  
FROM 2-01-06 INQ COUNT FOR SSN=0

END -- EXPERIAN SOCIAL SEARCH

## Credit Solutions

Page 3 of 3

PAGE 1 DATE 5-17-2006 TIME 11:17:04 V501 TKS1

CARY COOPER  
2200 E 79TH ST  
KANSAS CITY MO 641323424  
RPTD: 5-06 U 1X  
LAST SUB: 9981060

SS: 431-55-9281 6X  
YOB: 1984

2723 FOREST AVE  
KANSAS CITY MO 641091225  
RPTD: 3-05 U 1X  
LAST SUB: 1993260

4916 E LINWOOD BLVD  
KANSAS CITY MO 641281802  
RPTD: 5-04 U  
LAST SUB: 1993260

5 LINDA LN  
WARREN AR 716712417  
RPTD: 3-98 U  
LAST SUB: 9980303

UNK  
KANSAS CITY MO 64128  
RPTD: 1-05 U  
LAST SUB: 9981000

CARY D COOPER

----- DEMOGRAPHICS -----  
FH: 816.924.8396 I

----- FRAUD SHIELD SUMMARY -----  
INPUT SSN ISSUED 1983-1985  
FROM 2-01-06 INQ COUNT FOR SSN-0

END -- EXPERIAN SOCIAL SEARCH

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**Attachment 3:**

**Letter from the Missouri Department of Corrections  
to Mr. Cooper**

**(dated January 18, 2006)**



MATT BLUNT, Governor

LARRY CRAWFORD, Director

State of Missouri  
DEPARTMENT OF CORRECTIONS  
Board of Probation And Parole452-654  
445-128

468860

CARY D. COOPER  
2206 EAST 79TH STREET  
KANSAS CITY, MO 64132-9424

January 18, 2006

DOC Client ID: 1105956  
(Your official Department of Corrections ID)  
First monthly call due in February**Congratulations!**

You are now enrolled in the Minimum Supervision Program and will report once a month by phone using the Automated Reporting System as described in this letter.

Minimum Supervision in Missouri is a service you must pay for. Within 5 days of receiving this letter you must mail in your payment. Allow 10 days for it to arrive. Call (1-888-488-7225) to report. Your first call is due in February by the 18th. After that, call on the 3rd day of every month. You can make the call from any touch-tone phone, including a cell phone or pay phone, making it easy for you to report.

**How to pay**

(See attached sheet for more details)

Your furthest out expiration date from the program is March 23, 2008.

1. Using the enclosed pre-addressed envelopes, simply...
2. Check the box next to the number of months you wish to pre-pay (2 - 24).
3. Visit your local Post Office and purchase a Postal Money Order for the amount selected.
4. Print your Name and DOC Client ID number on your Postal Money Order and on the envelope.
5. Enclose the Postal Money Order in the pre-addressed envelope, seal, stamp and mail.
6. Wait 10 days for your payment to arrive.

**Important: Postal Money Orders are the only form of payment accepted. Any other type of money order, bank check or personal check will be returned. Do not send cash!**

**About the call**

The reporting system can accept your call 24 hours a day, 7 days a week. As a rule, you will push 1 for "yes" and 2 for "no."

1. Enter your DOC Client ID.
2. You may then hear one or more special messages, depending on your case.
3. You will then be informed of the number of pre-paid months remaining on your account.
4. Answer the following 3 questions:

KCPL Has

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing response was served via e-mail or first class mail, postage pre-paid, on this 11<sup>th</sup> day of August 2006, upon:

Anthony Broughton  
2200 East 79<sup>th</sup> Street  
Kansas City, Missouri 64114

Colleen M. Dale  
Secretary and Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, Missouri 65102

Dana K. Joyce  
Missouri Public Service Commission  
P.O. Box 360  
200 Madison St., Suite 800  
Jefferson City, Missouri 65102

Lewis Mills  
Office of Public Counsel  
P.O. Box 7800  
200 Madison St., Suite 640  
Jefferson City, Missouri 65102

A handwritten signature in black ink, appearing to read 'Curtis D. Blanc', written over a horizontal line.

Curtis D. Blanc