

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
March 15, 2000**

**CASE NO: EC-2000-330**

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**Mr. Maurice Banks**  
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

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

Maurice Banks,	)	
	)	
	)	Petitioner,
	)	
v.	)	<u>Case No. EC-2000-330</u>
	)	
Kansas City Power & Light Company,	)	
	)	
	)	Respondent.

**ORDER ADOPTING PROCEDURAL SCHEDULE**

On February 23, 2000, a prehearing conference was held in this matter. Complainant did not appear; however, no party moved to dismiss the Complaint. Thereafter, on March 1, 2000, Respondent Kansas City Power and Light Company (KCPL) moved for a procedural schedule. On March 2, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a supplement to KCPL's motion.

KCPL states that its counsel conferred with an attorney in the Kansas City area who had evidenced an intention to represent Complainant. Later, she advised KCPL that she was no longer contemplating the representation of Mr. Banks. These conversations both occurred on February 23, 2000, following the prehearing conference. Staff states that Mr. Banks appeared at the Commission's offices in Jefferson City on the afternoon of February 23, 2000, "a few hours" after the prehearing conference had concluded and its participants dispersed. Staff's counsel met with Mr. Banks because Mr. Bank's purported counsel had evidently

advised Staff earlier that she was leaving her office for a week. According to Staff, Mr. Banks reviewed the proposed procedural schedule and indicated that it appeared acceptable to him. He also stated that he "would be contacting his counsel."

More than ten days have passed since KCPL filed its motion and Staff filed its supplement. Neither Mr. Banks nor any attorney acting on his behalf has contacted the Commission during that interval. Staff avers that Mr. Banks reviewed the proposed procedural schedule and pronounced it satisfactory. The Commission will grant KCPL's motion, as supplemented by Staff, and set a procedural schedule for this case.

The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. Therefore, the Commission adopts the proposed schedule, with one addition, and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included

in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall establish the order of cross examination and file a joint pleading indicating the same.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues list, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically-submitted documents shall be in Word, Word Perfect, or ASCII format. The Regulatory Law Judge's e-mail address is: ktomp099@mail.state.mo.us.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the Regulatory Law Judge at least five days prior to the date of the hearing.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission. Each

principal brief shall not exceed 30 pages in length; reply briefs shall not exceed 15 pages in length. The presiding officer will establish a briefing schedule at the close of the hearing.

(G) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

**IT IS THEREFORE ORDERED:**

1. That the Motion to Establish Procedural Schedule filed by Kansas City Power and Light Company on March 1, 2000, and supplemented by the Staff of the Missouri Public Service Commission on March 2, 2000, is granted.

2. That the following procedural schedule is adopted for this case:

Complainant's Direct Testimony	March 30, 2000 3:00 p.m.
KCPL'S Rebuttal Testimony	April 27, 2000 3:00 p.m.
Issues Statement	May 11, 2000 3:00 p.m.
Surrebuttal Testimony and Position Statements--all parties	May 18, 2000 3:00 p.m.
List of Witnesses and Order of Cross	May 25, 2000 3:00 p.m.

Prehearing Conference

May 30, 2000  
10:00 a.m.

Evidentiary Hearing

May 30, 2000  
1:30 p.m.

The hearing and prehearing conference will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing or prehearing conference at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on March 28, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

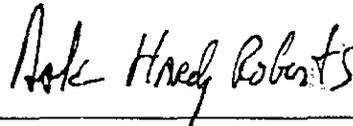
Kevin A. Thompson, Deputy Chief  
Regulatory Law Judge, by delegation  
of authority pursuant to 4 CSR  
240-2.120(1), (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 15th day of March, 2000.

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

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 15<sup>th</sup> day of March 2000.



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**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge

