

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 11, 2000**

CASE NO: EC-2000-614

Office of the Public Counsel
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Jefferson City, MO 65102

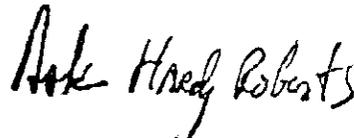
Deborah R. Swank
Kansas City Power & Light Company
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General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Philip Olson
3655 Campbell Street
Kansas City, MO 64109

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

Sincerely,



Dale Hartly Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Philip Olson,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2000-614</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

ORDER SETTING PREHEARING CONFERENCE
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Philip Olson (Complainant) filed his formal complaint on March 31, 2000, seeking dismissal of charges in the amount of \$744.56, from billings for electrical services by Kansas City Power & Light Company (KCPL) from March 1999 to November 1999. The Complainant stated that the bill should be dismissed because the error that resulted in the under-billing was KCPL's error and that it was KCPL that caused its original error to go unnoticed until mid-November 1999. The Complainant also requested an apology to his wife for KCPL's violation of the alleged promise of KCPL employee Douglas Nicholson not to take any other action until the appeal was completed, causing embarrassment to Mrs. Olson. The Complainant requested that KCPL be given a stern warning for disrespectful treatment of customers and that KCPL employee Douglas Nicholson be reprimanded for failing to

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keep his alleged promise not to take any further action until the appeal was completed.

On April 4, 2000, the Commission issued its Notice of Complaint. On May 4, 2000, KCPL filed its answer, in which denied the factual allegations of the complaint. KCPL asserted that the \$744.56 balance owed by the Complainant is an undercharge for a period less than 12 months, from May 19, 1999, through November 2, 1999, which KCPL is entitled to receive. KCPL cited Commission rule 4 CSR 240-13.025(1)(B), which states:

(1) For all billing errors, the utility will determine from all related and available information the probable period during which this condition existed in shall make billing adjustments for the estimated period involved as follows:

. . . .

(B) In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods or four (4) quarterly billing periods, calculated from the date of discovery, inquiry or actual notification of the utility, whichever was first;

KCPL stated that it gave the Complainant an \$83 credit to his account, leaving a total amount balance of \$744.56, and informed the Complainant that he could pay the outstanding balance over a five-month period. KCPL stated that it also offered to allow payment of the balance over six months, which was also refused. KCPL stated that it subsequently demanded payment of \$185 towards the outstanding balance in order to avoid disconnect service for nonpayment. KCPL received a check in the amount of \$185 from the Complainant, however, the Complainant's check was returned due to insufficient funds and

Complainant has not paid any of the past due balance. KCPL also stated that the Complainant fails to state a claim against KCPL upon which relief can be granted and requested that the Commission enter an order denying the Complainant's claim for relief and dismissing the complaint with prejudice.

A prehearing conference and procedural schedule are appropriate because the facts in this matter remain at issue. The parties or their representatives should appear in person at the prehearing conference. The parties or their representatives should be prepared to discuss the nature of any discovery each will conduct and the time necessary to complete discovery and prepare for a hearing. The parties should be prepared to name all the witnesses each expects to call at hearing; the number and nature of any exhibits each expects to offer at hearing; and the anticipated length of the hearing.

The parties or their representatives should also be prepared to discuss the current status of settlement negotiations. It is expected that the prehearing conference will provide an opportunity for the parties to further pursue settlement discussions.

The parties shall jointly file a proposed procedural schedule. The proposed procedural schedule shall establish dates for the close of discovery and the filing of a statement of issues and statements of position. The statement of issues shall succinctly set out the issues which the Commission must determine, the witnesses to be called on each day of hearing and the order thereof, and the page limitations of the post-hearing briefs as agreed by the parties. The proposed

procedural schedule shall also establish dates for the hearing of this matter.

IT IS THEREFORE ORDERED:

1. That a prehearing conference shall be held on January 9, 2001, beginning at 10:00 a.m. The prehearing conference shall be held in Suite 305, located in the office of the Missouri Public Service Commission in Jefferson City, Missouri, on the main floor of the Governor Office Building, 200 Madison Street. The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in the prehearing conference, please call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

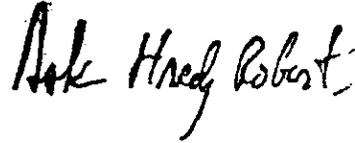
2. That the parties shall jointly prepare and file a proposed procedural schedule no later than February 5, 2001.

3. That Philip Olson may dismiss his complaint if the matters at issue have been resolved by notifying the Secretary of the Commission in writing prior to the prehearing date at:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

4. That this order shall become effective on December 21, 2000.

BY THE COMMISSION



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

(S E A L)

Shelly A. Register, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 11th day of December, 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 11th day of December 2000.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

