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James M. Fischer
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May 31, 2000

FILED²

MAY 31 2000

Missouri Public
Service Commission

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

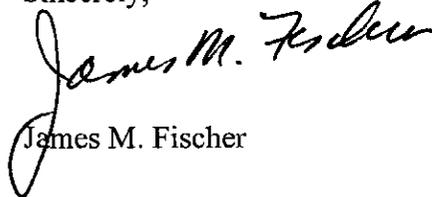
RE: *Banks v. Kansas City Power & Light Company, Case No. EC-2000-330*

Dear Mr. Roberts:

Enclosed are the original and eight (8) copies of the Kansas City Power & Light Company's Response To Order Canceling Prehearing Conference for filing in the above-referenced matter. A copy of the foregoing Response has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosures

cc: Office of the Public Counsel
Maurice Banks

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 31 2000

Missouri Public
Service Commission

Maurice Banks,)
)
 Complainant,)
)
 v.)
)
 Kansas City Power & Light Company,)
)
 Respondent.)

Case No. EC-2000-330

RESPONSE TO ORDER CANCELING PREHEARING CONFERENCE

COMES NOW Respondent, Kansas City Power & Light Company ("KCPL" or the "Company"), by and through its attorney, hereby respectfully responds to the Commission's Order Canceling Prehearing Conference. In support of its motion, KCPL states the following:

1. On November 16, 1999, Maurice Banks ("Mr. Banks") filed a complaint against KCPL in which he alleges that KCPL has denied him electric service without cause.
2. On February 23, 2000, Mr. Banks failed to attend the scheduled prehearing conference.
3. On March 1, 2000, KCPL filed its Motion to Establish Procedural Schedule. Prior to the filing of this motion, Mr. Banks reviewed and approved the procedural schedule.
4. On March 15, 2000, the Commission entered an Order Adopting Procedural Schedule ("Order"). The Order required Mr. Banks to file his Direct Testimony on or before March 30, 2000. He did not file his Direct Testimony within the prescribed time, nor did he move for an extension of time.
5. KCPL learned of Mr. Banks' "belated filing" only after reviewing the Commission's Order Canceling Prehearing Conference. To date, KCPL has not received a

copy of Mr. Banks' Direct Testimony. (On May 30, 2000, KCPL obtained a copy of Mr. Banks' Direct Testimony from the PSC's Records Room.)

6. After Mr. Banks failed to file his Direct Testimony by the prescribed date, KCPL refrained from immediately moving to dismiss this case. KCPL provided Mr. Banks with approximately 20 days in which to seek leave from the Commission to file his Direct Testimony after the Commission-imposed deadline. On April 20, 2000, after failing to receive a motion for leave to file Direct Testimony after the deadline, KCPL moved to dismiss this case.

7. KCPL sent Mr. Banks a copy of its Motion to Dismiss via certified mail. A copy of the Return Receipt is attached hereto as Exhibit A. A copy of the Motion to Dismiss was sent to 4801 East 40th Place, Kansas City, Missouri, the address that Mr. Banks listed on his complaint. After several attempts to deliver the Motion to Dismiss, said motion was returned to KCPL as "unclaimed." On April 21, 2000, the U.S. Postal Service made its first attempt to deliver the Motion to Dismiss. Two subsequent attempts were made on April 28 and May 9, 2000.

8. KCPL has no objection to permitting Mr. Banks five (5) days from the date on which the Commission responds to this instant pleading or whatever amount of time deemed appropriate by the Commission. However, from the outset, there have been several irregularities regarding Mr. Banks' handling of his complaint case. For example, Mr. Banks seeks relief that includes an order from the Commission that requires KCPL to pay monetary damages.

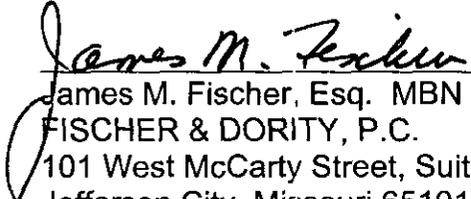
9. Upon information and belief, Mr. Banks is not an attorney. The law and Commission rules explicitly permit a non-attorney to represent him/herself before the

Commission. Reed v. Labor and Indus. Relations Comm'n, 789 S.W.2d 19, 21 (Mo. banc); 4 CSR 240-2.040(7). However, a non-attorney bears the "risk that representation without an attorney may entail." Reed, 789 S.W.2d at 21.

10. Despite the detailed instructions contained in the Order, Mr. Banks has failed to comply with the requirements set forth in the Order, or seek leave to deviate from these requirements. Mr. Banks' consistent failure to obey Commission rules warrants dismissal.

WHEREFORE, KCPL hereby respectfully renews its Motion to Dismiss and requests that the Commission strike Mr. Banks' Directed Testimony.

Respectfully submitted,


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Attorney for Kansas City Power & Light Company

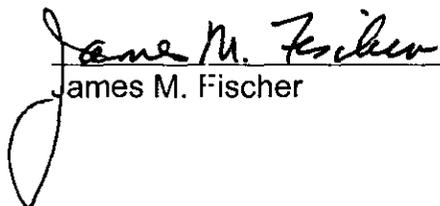
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing response was served via first class mail, postage prepaid, on this 31st day of May, 2000, upon:

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Maurice Banks
4801 East 40th Place
Kansas City, MO 64130


James M. Fischer

FISCHER & DORITY
PROFESSIONAL CORPORATION
101 West McCarty, Suite 215
Jefferson City, MO 65101

CERTIFIED
P 396 600 693
MAIL

JEFFERSON CITY MO. APR 21 2000
2.98
SA 18875
U.S. POSTAGE

Maurice Banks
4801 East 40th Place
Kansas City MO 64130

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1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

<p>3. Article Addressed to:</p> <p>Maurice Banks 4801 East 40th Place Kansas City MO 64130</p>	<p>4. Article Number P 396 600 693</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>
<p>5. Signature — Address X</p>	<p>6. Addressee's Address (ONLY if requested and fee paid)</p> <p>Banks v. KCPL EC-2000-330 4-21-2000</p>
<p>6. Signature — Agent X</p>	
<p>7. Date of Delivery</p>	

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