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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

February 23, 2000  
Jefferson City, Missouri  
Volume 1

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MAURICE BANKS, )  
 )  
 Petitioner, )  
 )  
 V. ) Case No.  
 ) EC-2000-330  
 KANSAS CITY POWER & LIGHT )  
 COMPANY, )  
 )  
 Respondent. )

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KEVIN A. THOMPSON, Presiding,  
DEPUTY CHIEF REGULATORY JUDGE.

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REPORTED BY:  
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1 APPEARANCES:

2 JAMES FISCHER, Attorney at Law  
3 101 West McCarty Street, Suite 215  
4 Jefferson City, MO 65101

5 FOR: Kansas City Power & Light Company.

6 STEVEN DOTTHEIM, Chief Deputy General Counsel  
7 DAVID A. VAN DYKE, Assistant General Counsel  
8 P.O. Box 360  
9 Jefferson City, MO 65102

10 FOR: Staff of the Missouri Public Service  
11 Commission.

12 JOHN B. COFFMAN, Deputy Public Counsel  
13 P.O. Box 7800  
14 Jefferson City, MO 65102

15 FOR: Office of the Public Counsel and the  
16 Public.

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P R O C E E D I N G S

JUDGE THOMPSON: We're here in the matter of the complaint of Maurice Banks against Kansas City Power and Light Company, Case No. EC-2000-330. My name is Kevin Thompson. I'm the Regulatory Law Judge assigned to this matter. We'll go ahead and take oral entries of appearance starting with you, sir.

MR. FISCHER: Let the record reflect the appearance of James M. Fischer, on behalf of Kansas City Power and Light Company. My address is 101 West McCarty Street, Suite 215, Jefferson City, Missouri 65101.

JUDGE THOMPSON: Thank you, sir.

MR. VAN DYKE: David Van Dyke, on behalf of the Staff of the Missouri Public Service Commission. Address is P.O. Box 360, Jefferson City, Missouri 65102.

MR. COFFMAN: John B. Coffman, appearing on behalf of the Office of the Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102.

JUDGE THOMPSON: Okay. Let the record reflect that I received a telephone call from Mr. Banks at the beginning of last week. Mr. Banks inquired as to the status of this

1 proceeding. I advised him that this prehearing  
2 conference had been set for this time and place on  
3 this date. Mr. Banks indicated he had not received  
4 any notice, and stated he would be here at that  
5 time.

6 Let the record further reflect that I  
7 received a telephone call on Friday of last week  
8 from Mr. Dottheim. Mr. Dottheim advised me that he  
9 had Mr. Banks on the line, and that Mr. Banks  
10 wanted to talk to me about a continuance of this  
11 prehearing conference. I stated I would not grant  
12 a continuance over the telephone, and advised  
13 Mr. Dottheim to have Mr. Banks talk to the Office  
14 of the Public Counsel.

15 There were some futile attempts by  
16 Mr. Coffman and myself then to make contact, which  
17 we failed to do. Let the record reflect further  
18 that I had a telephone message when I arrived at  
19 the office this morning about 8:30 from Mr. Banks  
20 indicating that he desired a continuance of this  
21 matter and leaving a telephone number for me to  
22 call, which I did not, of course, call. That is  
23 the extent and the nature of my knowledge of  
24 Mr. Banks and my contacts with him.

25 Consequently Mr. Banks, I believe, will

1 not be present. However, this prehearing  
2 conference has not been continued, and Mr. Banks  
3 has not been excused.

4 Do the parties have anything they would  
5 like to bring to my attention at this time?

6 MR. FISCHER: Yes, Judge. I should also  
7 reflect that Jerry Reynolds, the in-house counsel  
8 for Kansas City Power and Light Company, received a  
9 phone call yesterday from an attorney, and I don't  
10 have her name, that indicated she had been retained  
11 by Mr. Banks, but she would be unable to be here.  
12 She just received the file and asked if Kansas City  
13 Power and Light would object to a continuance. We  
14 don't have an objection to postponing or  
15 rescheduling if we need to do that.

16 JUDGE THOMPSON: Very well. The procedure  
17 rules of the Commission provide this that an  
18 unexcused absence at a prehearing conference may be  
19 grounds for dismissal. That's not something that  
20 we typically do sui sponte, so we will simply wait  
21 and see what we receive from the parties, if  
22 anything.

23 In the meantime there is a procedural  
24 schedule due, I believe a week from today, and I  
25 will expect to receive that at that time. Normally

1 the prehearing conference is an opportunity for the  
2 parties to work out the dates for the procedural  
3 schedule and also to discuss settlement. I guess  
4 you can't get very far with settlement without a  
5 representative of Mr. Banks present. I appreciate  
6 you-all making the trip here this morning, but I  
7 think that probably concludes our business unless  
8 any of you have anything?

9 Sir?

10 MR. VAN DYKE: The Staff has no objection  
11 to a continuance as well.

12 JUDGE THOMPSON: Very well. I will need a  
13 written document before, of course, I will grant  
14 any continuance. Given that we're holding the  
15 prehearing conference, perhaps a continuance is  
16 moot at this point. I would simply expect to  
17 receive a prehearing schedule as ordered and that,  
18 you know, dates for hearing and testimony and what  
19 like -- such like all be set out as normal and that  
20 we proceed from there.

21 If the parties feel the need for a  
22 prehearing conference, go ahead and request it or  
23 build it into your procedural schedule.

24 Anything else? Sir?

25 MR. DOTTHEIM: Judge, I just might state

1 for the record you accurately reflected my phone  
2 call to you last week regarding a conversation with  
3 Mr. Banks. Mr. Banks tried to reach Mr. Van Dyke  
4 and myself last week. We both spoke with him on  
5 more than one occasion and tried to explain to him  
6 the process.

7 And attempted to communicate, I believe,  
8 on our last effort we wound up leaving a message,  
9 actually two messages because we ran out of time,  
10 but we left two messages on an answering machine,  
11 voice mail, again, explaining the process and  
12 suggesting that he may want to consider retaining  
13 counsel, and if he desired a continuance through  
14 counsel seeking a continuance. Then we left our  
15 phone numbers.

16 And our last communication with Mr. Banks  
17 was on Friday, I believe and we did not hear  
18 anything subsequently from him.

19 JUDGE THOMPSON: Okay. Mr. Dottheim,  
20 since you have spoken on the record, why don't you  
21 go ahead and make your entry of appearance.

22 MR. DOTTHEIM: Yes. I'm sorry. Steven  
23 Dottheim, Post Office Box 360, Jefferson City,  
24 Missouri 65102, also appearing on behalf of the  
25 Staff of the Missouri Public Service Commission.

1 JUDGE THOMPSON: Thank you.

2 Anything further?

3 MR. COFFMAN: I'll just --

4 JUDGE THOMPSON: Mr. Coffman?

5 MR. COFFMAN: Yes. I'll just state on the  
6 record that I have had no communication with  
7 Mr. Banks. The Office of Public Counsel does  
8 participate in these complaint cases by individual  
9 consumers. We are not able to represent the  
10 individuals themselves.

11 JUDGE THOMPSON: I appreciate that. Thank  
12 you.

13 I'm happy to hear that Mr. Banks may have  
14 counsel, and perhaps counsel will eventually make  
15 an appearance.

16 Are you able to tell us, Mr. Fischer,  
17 whether or not power is presently being supplied to  
18 the premises or not?

19 MR. FISCHER: It's my understanding that  
20 it's not, but I'm not certain that that's the  
21 case.

22 JUDGE THOMPSON: I understand.

23 Sir?

24 MR. DOTTHEIM: It is the Staff's  
25 understanding that power presently is not being

1 provided to the premises.

2 JUDGE THOMPSON: Very good.

3 Anything further? Well, I hope to see a  
4 proposed procedural schedule in a week. Thank  
5 you-all very much for coming down today. We will  
6 adjourn this prehearing conference.

7 WHEREUPON, the on-the-record portion of  
8 the prehearing conference was concluded.

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