

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 22<sup>nd</sup> day of  
October, 2015.

Staff of the Missouri Public Service  
Commission

Complainant,

v.

Kansas City Power & Light Company

And

KCP&L Greater Missouri Operations  
Company

Respondents.

**File No. EC-2015-0309**

**ORDER REGARDING KCP&L AND GMO'S MOTION TO CONTINUE THE  
MOTION FOR SUMMARY DETERMINATION**

Issue Date: October 22, 2015

Effective Date: October 22, 2015

The Staff of the Commission has brought a complaint against Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO), alleging that KCP&L and GMO have improperly shared customer information with Allconnect, a company that markets additional services to KCP&L and GMO customers who are attempting to obtain electric service at a new location. KCP&L and GMO have answered that complaint and it is currently set for evidentiary hearing beginning on January 19, 2016.

On October 6, 2015, Staff filed a motion for summary determination alleging that it is entitled to a Commission decision finding that there are no material facts in dispute and that the undisputed facts establish the violations alleged in Staff's complaint. By rule, the Respondents and other parties are allowed 30 days to respond to Staff's motion for summary determination unless the Commission establishes some other response time for good cause shown. That means, absent a contrary order from the Commission, such responses are due no later than November 5.<sup>1</sup>

On October 9, KCP&L and GMO filed a motion asking the Commission to extend the time allowed for responding to Staff's motion for summary determination. KCP&L and GMO explain that they are still conducting discovery and that it is currently not possible to conclude that there are no material issues of disputed fact. They argue they cannot know whether such disputed facts exist until Staff files its final list of issues on January 6 pursuant to the established procedural schedule. For that reason, they propose that their response to the motion for summary determination be delayed until January 11, just eight days before the start of the evidentiary hearing.

Staff responded to KCP&L and GMO's motion on October 13. Staff opposes that motion, contending that the proposed extension to allow until just before the hearing to respond to the motion for summary determination is inherently unreasonable because allowing such a delayed response would defeat the purpose of a motion for summary determination in that the parties would have to continue to prepare for a hearing that Staff contends is unnecessary. Staff further contends that KCP&L and GMO have not, and cannot establish good cause for an extension of time to respond because the facts that

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<sup>1</sup> In fact, the Commission issued an order on October 6 establishing November 5 as the deadline to respond to Staff's motion.

Staff must establish to prove its complaint are in the companies' control and they should not require discovery to discern those fact. KCP&L and GMO replied to Staff's response on October 21.

Commission rule 4 CSR 240-2.117(1)(C) allows a responding party not more than thirty days to file its response to a motion for summary determination. Subsection (1)(D) of that same rule allows the Commission to extend the time allowed for a response for good cause, if the responding party needs more time to conduct discovery necessary to prepare a response. KCP&L and GMO have not shown good cause for their request.

KCP&L and GMO are very much aware of the facts alleged by Staff in its complaint. That complaint was filed on May 20, 2015, and they filed their answer on June 22. Furthermore, Staff's complaint arose out of a Staff investigation that began in April 2014, for which Staff prepared a report that was shared with KCP&L and GMO in December 2014.<sup>2</sup> KCP&L and GMO suggest that more time for discovery is needed because they cannot be sure of what issues are in dispute until all testimony is prefiled and a list of issues is filed. However, the issues that Staff must address and the facts it must prove are clearly set forth in its complaint and in its motion for summary determination.

KCP&L and GMO's reply to Staff's response sets out in some detail the basis for its contention that Staff's factual allegations are in fact in dispute and that Staff's motion for summary determination should be denied. That reply to Staff's response may be a basis for KCP&L and GMO's response to Staff's motion for summary determination, but such contentions do not justify a delay in the filing of that response. The Commission is not making any finding about the merits of Staff's motion for summary determination in this

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<sup>2</sup> That Report was filed in File No. EO-2014-0306.

order, and will fully consider KCP&L and GMO's response to that motion when it is filed. Rather, this order simply concludes that KCP&L and GMO must file their response within the 30-day period set forth in the Commission's regulation. KCP&L and GMO's motion will be denied.

**THE COMMISSION ORDERS THAT:**

1. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company's Motion to Continue the Motion for Summary Determination is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney,  
Rupp, and Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge