

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30th day of January, 2019.

Dana Heffner,)
)
 Complainant,)
)
 v.)
)
 Kansas City Power & Light Company,)
)
 Respondent.)

File No. EC-2019-0109

ORDER DISMISSING COMPLAINT

Issue Date: January 30, 2019

Effective Date: March 1, 2019

On October 23, 2018, Dana Heffner filed a complaint against Kansas City Power & Light Company (“KCP&L”). KCP&L filed an answer and motion to dismiss the complaint on November 26, 2018. The Commission’s Staff filed a report on December 10, 2018, following an investigation into the allegations of the complaint. The Staff report identified no actions of KCP&L that violated any statute, rule, or tariff.

A prehearing conference was scheduled for January 4, 2019, beginning at 10:00 a.m. KCP&L and the Commission’s Staff appeared for the conference by their counsel. Ms. Heffner did not appear in person or by telephone, and she did not contact the Commission prior to the prehearing conference to request a continuance.

On January 7, 2019, the Commission issued an order that directed Ms. Heffner to show cause why her complaint should not be dismissed for her failure to appear at the prehearing conference. Ms. Heffner was ordered to respond by January 17, 2019; no response has been filed.

Two Commission rules deal with the failure of a party to appear for a prehearing conference. First, Commission rule 4 CSR 240-2.116(3) provides as follows:

A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

Second, Commission rule 4 CSR240-2.090(5) provides that:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

Ms. Heffner failed to appear for the scheduled prehearing conference and failed to comply with a Commission order to show good cause for not appearing. Therefore, as provided by the Commission's rules, her complaint will be dismissed.

THE COMMISSION ORDERS THAT:

1. For all the reasons stated above, the complaint of Dana Heffner against Kansas City Power & Light Company is dismissed without prejudice.
2. This order shall become effective on March 1, 2019.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

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

Hatcher, Regulatory Law Judge