

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Complaint Against)
Kansas City Power & Light Company by) Docket No. 15-KCPE-544-COM
Stephen and Karen Gradwohl.)

PREHEARING OFFICER ORDER
SETTING PROCEDURAL SCHEDULE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission has designated Samuel Feather, Deputy General Counsel, to act as Prehearing Officer in this proceeding.¹ Having reviewed the files and records, and being duly advised, the Prehearing Officer makes the following findings:

1. On May 15, 2015, Stephen and Karen Gradwohl filed a Formal Complaint with the Commission against Kansas City Power & Light Company (KCP&L) regarding a dispute as to who operates an underground electric line that powers the Complainant's building.

2. On June 11, 2015, KCP&L filed its Answer and Motion to Dismiss, with an errata being filed on June 12, 2015 containing an attachment omitted from the June 11, 2015 filing. KCP&L denies responsibility for marking the line in question.²

3. On September 28, 2015, Staff filed its Report and Recommendation (R&R). Staff recommended the Commission find that KCP&L, for purposes of utility locating, is the operator of underground electric conductors that are upstream of its metering equipment.³ Staff further recommends the Commission find KCP&L did not provide accurate locates of the tolerance zone

¹ Order Designating Prehearing Officer, November 17, 2015.

² Answer of Kansas City Power and Light Company to Complaint and Motion to Dismiss, p. 5 June 11, 2015.

³ Notice of Filing of Staff Report and Recommendation, p.1 September 28, 2015.

for the electric service in question as required under the Kansas Underground Utility Damage Prevention Act.⁴

4. On November 19, 2015, KCP&L filed its Response to Staff's Report and Recommendation. KCP&L denied that it had inaccurately marked the line in question.⁵

5. On December 10, 2015, the Commission Staff filed its Reply to KCP&L's Response to Staff's Report and Recommendation.

6. On December 18, 2015, KCP&L filed its Response to Staff's Reply.

7. The parties have informed the Prehearing Officer that they have engaged in settlement negotiations and were unable to reach agreement. Therefore, the Prehearing Officer finds that in order to resolve this proceeding an oral argument and evidentiary hearing is necessary to allow the Commission to adequately understand the unique legal implications raised in the complaint as well as create an evidentiary record from which to make a decision. The following procedural schedule is hereby set forth for the parties:

DATE	TIME	ACTION
July 6, 2016	5:00 PM	Staff/Gradwohl Direct Testimony
August 3, 2016	5:00 PM	KCP&L Direct Testimony
August 17, 2016	5:00 PM	Staff/Gradwohl Rebuttal Testimony
August 22, 2016	5:00 PM	List of Contested Issues
August 22, 2016	5:00 PM	Motion Cut-off

⁴ Id.

⁵ Kansas City Power and Light Company's Response to Staff Report and Recommendation, p.3 November 19, 2015.

DATE	TIME	ACTION
August 22, 2016	5:00 PM	Legal Brief on KCP&L's legal responsibility to properly locate the line in question under the Kansas Underground Utility Damage Prevention Act.
August 26, 2016	5:00 PM	Discovery Cut-off
August 26, 2016	9:00 AM	Prehearing Conference Third Floor Hearing Room Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604
August 31, 2016	9:00 AM	Oral Argument & Evidentiary Hearing First Floor Hearing Room Commission Offices 1500 SW Arrowhead Road Topeka, KS 66604
October 5, 2016	5:00 PM	Staff/Gradwohl Initial Post-Hearing Brief
October 19, 2016	5:00 PM	KCP&L Responsive Brief
October 26, 2016	5:00 PM	Staff/Gradwohl Reply Brief

8. The use of electronic service of all testimony, briefs, and orders, without requiring provision of follow-up hard copies as required by K.A.R. 82-1-216(a)(6). Testimony and briefs must be served electronically by 5:00 p.m., on the date due, without requiring service among the parties of a follow-up hard copy. Electronic service of testimony and briefs include service on the Prehearing Officer at s.feather@kcc.ks.gov.

THEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES:

- A. The procedural schedule set forth in paragraph 7 is adopted.
- B. Electronic service shall be used in this proceeding, including this Order.
- C. The parties have 15 days from the date of electronic service of this Order to petition for reconsideration.⁶
- D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it deems necessary.

Dated: April 14, 2016



Samuel Feather
Prehearing Officer

⁶ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

15-KCPE-544-COM

I, the undersigned, certify that a true and correct copy of the above and foregoing was served by electronic mail this 14th day of April, 2016, to the following:

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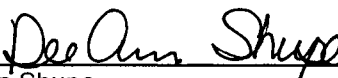
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