

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

MAY 07 2012

In the Matter of the Complaint Against)
Kansas City Power & Light Company)
by Jonathan A. Hammond)

by
State Corporation Commission
of Kansas

Docket No. 12-KCPE-722-COM

*ANSWER AND MOTION TO DISMISS OF
KANSAS CITY POWER & LIGHT COMPANY*

COMES NOW Kansas City Power & Light Company ("KCP&L" or "Company"), by and through its Attorney, hereby submits the following Answer and Motion to Dismiss the Complaint filed by Mr. Jonathan A. Hammond ("Mr. Hammond"). In support of its Motion, KCP&L states as follows:

1. On or about March 30, 2012, Mr. Hammond filed his complaint in this matter ("Complaint"). Mr. Hammond amended his Complaint on or about April 5, 2012 ("Amended Complaint") in response to a notice from Staff indicating that his initial Complaint "failed to indicate violation of any specific statute, regulation, tariff provision or order of the Commission" as required.¹ KCP&L received the Complaint on April 20, 2012. The Commission requested that KCP&L file its answer to the Complaint within 10 days of receipt of the formal Complaint. On April 30, 2012, KCP&L filed a motion for a one week extension of time to answer the Complaint up to and including May 7, 2012. KCP&L noted in its filing that Staff did not oppose the request for an extension of time to file its answer in this proceeding.

2. Mr. Hammond contends in his Complaint that KCP&L overcharged him in the amount of \$1,463.51. Mr. Hammond alleges in his Complaint that "there is no basis for this charge." As explained below, KCP&L has explained to Mr. Hammond the basis for these charges. Additionally, Mr. Hammond acknowledges in his Amended Complaint KCP&L determined the meter was defective and thus changed the meter with a new one. Mr. Hammond

¹ See Docket No. 12-KCPE-722-COM, Notice of Filing Status Report, filed April 2, 2012.

questions KCP&L's decision to change the meter, and KCP&L's decision to re-bill Mr. Hammond for the corrected usage. Mr. Hammond offers no evidence that KCP&L incorrectly billed him, but merely in his Amended Complaint, "I feel this is unjust and unreasonable."²

3. None of the allegations made by Mr. Hammond constitute a violation of any law, regulation, or KCP&L's Electric Tariffs. In fact, KCP&L's Tariffs make it clear that KCP&L is permitted to adjust previous billings when it determines there are meter errors. Section 9.15(C) of the General Rules and Regulations Applying to Electric Service of KCP&L's Tariffs provide:

Where an average kilowatt-hour meter error is in excess of 10% or a non-registering kilowatt-hour meter is found, the Company will determine from all related and available information the facts and probable period during which such condition existed and make billing adjustments for the period involved, provided that no such billing adjustment therefor will be made applicable for service under any Residential rate schedule prior to the beginning of the twelfth billing period in which such condition is found to have existed.

4. On November 17, 2011 the general service meter was exchanged as it was not registering usage correctly. It was determined after analyzing the account that this meter had not correctly registered usage from 1997 to the date it was exchanged. In accordance with KCP&L's Tariff, on January 19, 2012 the customer was re-billed for service from 11/8/2010 through 11/16/2011 (twelve billing periods from the time the condition was found to have existed). The new meter was allowed to run for two months (11/17/2011 through 1/13/2012) before re-billing the customer to get a daily usage average for the re-bill.

5. On February 27, 2012, KCP&L's Senior Manager, Revenue Assurance and Billing spoke with Mr. Hammond. Mr. Hammond advised he had guests staying with him during December and January, which would cause his general usage to be higher than the twelve months that were re-billed. KCP&L subsequently reduced the billing by 500 kWh per month between January 2011 and September 2011.

² See Docket No. 12-KCPE-722-COM, Amended Complaint, April 5, 2012.

6. KCP&L further agreed to monitor Mr. Hammond's account for summer usage and to further adjust the re-bills if the customer's summer usage is lower than what was originally re-billed.

7. K.A.R. 82-1-220(b)(1) of the Commission's regulations states that a formal complaint must:

Fully and completely advise each respondent and the commission as to the provisions of law or the regulations or orders of the commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions.

8. Mr. Hammond has not met the requirements of the above-cited regulation. He has not indicated that KCP&L has violated any provision of any law, regulation or order. In fact, as discussed above, even if all of the facts stated by Mr. Hammond in his Complaint are assumed to be true, KCP&L has not violated any provision of its Tariff.

WHEREFORE, KCP&L having fully responded to the Complaint respectfully requests that the Commission dismiss the Complaint for failure to state a claim upon which relief can be granted and for such further order or orders as the Commission may deem appropriate.

Respectfully submitted,

Denise M. Buffington ^{THAW}

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*Counsel for
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was hand-delivered or mailed, postage prepaid, on this 7th day of May, 2012 to the following:

Holly Fisher, Attorney
Kansas Corporate Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Jonathan M. Hammond
32581 Lookout Rd.
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Lori Shaffer, Manager of Customer Relations
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May 7, 2012

VIA OVERNIGHT MAIL

Ms. Patti Petersen-Klein
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Received
on

MAY 07 2012

by
State Corporation Commission
of Kansas


Re: Docket No. 12-KCPE-722-COM

*In The matter of the Complaint Against Kansas City Power & Light Company by
Jonathan A. Hammond*

Dear Ms. Petersen-Klein:

Please accept for filing an original and 8 copies of Kansas City Power & Light Company's *Answer And Motion To Dismiss of Kansas City Power & Light Company*. Please file-stamp the extra copy of the aforementioned included for that purpose and return in the self-addressed, postage prepaid envelope. Thank you for your assistance and attention to this matter.

Respectfully submitted,


Denise M. Burlington