

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Complaint Against)
KCP&L by Toby L. Boschert.) Docket No. 16-KCPE-109-COM

ORDER CLOSING DOCKET

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined the pleadings submitted and being duly advised in the premises, the Commission finds as follows:

I. BACKGROUND

1. On August 31, 2015, Toby L. Boschert (Complainant) filed a formal complaint (Complaint) against Kansas City Power and Light Co. (KCP&L) with the Commission.¹ The Complaint, among other things, alleged that a service irregularity on or about October 24th through October 26th, 2014, caused damage to Complainant's electronic equipment.²

2. On September 2, 2015, Litigation Staff for the Commission prepared a Memorandum analyzing the Complaint for compliance with Commission regulations.³ Litigation Staff noted that the Complainant did not specifically cite to any violation of law, rule, or order in support of its contentions, and, therefore, was not in compliance with K.A.R. 82-1-220(b)(1).⁴

¹ Formal Complaint, August 31, 2015.

² *Id.*

³ Legal Staff's Memorandum, September 02, 2015 (Legal Memorandum).

⁴ Legal Memorandum, p. 2.

However, Litigation Staff recommended that the Commission waive K.A.R. 82-1-220(b)(1) for good cause.⁵

3. On September 10, 2015, the Commission issued an Order finding that the Complaint substantially complied with the procedural requirements of K.A.R. 82-1-220, and that K.A.R. 82-1-220(b)(1) should be waived for good cause.⁶ The Order further stated that the Complaint should be served upon KCP&L for an Answer, and for Staff to further investigate the matter and submit a Report and Recommendation to the Commission.⁷

4. On September 22, 2015, KCP&L filed a Motion with the Commission, requesting additional time to file an Answer to the Complaint.⁸

5. On October 8, 2015, the Complainant filed with the Commission a Withdrawal of Complaint stating that the Complainant and KCP&L agreed to a mutually acceptable resolution of the matters raised in the Complaint. The Complainant requested the Commission issue an order dismissing the Complaint pursuant to that agreement.⁹

II. FINDINGS AND CONCLUSIONS

6. The Commission finds and concludes that the record in this proceeding supports that all outstanding issues between the Complainant and KCP&L complained of in this docket have been resolved. Therefore, the Commission finds it is appropriate to grant Complainant's request to withdraw his present complaint before the Commission, and close the present docket.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Complainant's request to withdraw his complaint in this matter is hereby granted.

⁵ Legal Memorandum, p. 3.

⁶ Order Adopting Legal Memorandum, September 10, 2015, p. 2.

⁷ Order, p. 2-3.

⁸ Motion of Kansas City Power & Light Company for Extension of Time to Answer Formal Complaint, September 22, 2015.

⁹ Withdrawal of Complaint, October 8, 2015.

(B) The above-captioned docket is hereby closed.

(C) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.¹⁰

(D) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: **OCT 27 2015**



Amy L. Green
Secretary to the Commission

AS/tjc

ORDER MAILED OCT 28 2015

¹⁰ K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

16-KCPE-109-COM

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **OCT 27 2015**.

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/S/ DeeAnn Shupe
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ORDER MAILED OCT 28 2015