

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
April, 2007.

Timothy M. Woodbury,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0198</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: April 26, 2007

Effective Date: May 6, 2007

On November 27, 2006, Timothy M. Woodbury filed a formal complaint against Laclede Gas Company ("Laclede"). By order dated March 19, 2007, the Commission set the matter for a prehearing conference in Room 305 of the Governor Office Building on Monday, April 2, 2006, beginning at 2:00 p.m. No continuance was secured or even requested by any party beforehand, and the hearing was convened at the scheduled time. While Laclede, the Commission's Staff, and the Office of the Public Counsel appeared for the hearing by their counsel, Mr. Woodbury did not appear, either in person or by telephone.

On April 4, 2007, the Commission issued an Order Directing Filing which stated, in relevant part:

As the Commission explicitly advised the parties in its March 19, 2007 order, Commission Rule 4 CSR 240-2.090(5) states: "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." Furthermore, the order also expressly stated that "the parties are required to be present for the prehearing conference," either in person or by telephone. Since Mr. Woodbury failed to appear at the April 2, 2007 prehearing conference without previously having requested or secured a continuance, under the plain terms of this Rule, his complaint against Laclede is subject to dismissal unless he shows "good cause for [his] failure to appear." Accordingly, Mr. Woodbury will be granted fifteen days to file a pleading showing good cause for his failure to appear at the conference.

The fifteen-day period expired on April 19, 2007, but Mr. Woodbury has not filed anything in response to the Commission's show cause order. Therefore, his complaint will be dismissed without prejudice pursuant to 4 CSR 240-2.090(5).

IT IS ORDERED THAT:

1. Timothy M. Woodbury's November 27, 2006 formal complaint against Laclede Gas Company is dismissed without prejudice.
2. This order shall become effective on May 6, 2007.
3. This case may be closed on May 7, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw and Appling, CC., concur
Clayton, C., dissents

Lane, Regulatory Law Judge