

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Eleanor Hickerson,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2007-0450</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**ORDER SETTING PREHEARING CONFERENCE AND DIRECTING**  
**FILING OF A PROPOSED PROCEDURAL SCHEDULE**

Issue Date: August 10, 2007

Effective Date: August 10, 2007

Eleanor Hickerson filed a formal complaint against Laclede Gas Company (“Laclede”) on May 29, 2007, in which she alleged that Laclede had overbilled her by an unspecified amount for gas service at her residence “regardless [of] what the [gas] meter reads.” On June 5, 2007, the Commission notified Laclede of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of Ms. Hickerson’s formal complaint and to file a report concerning the results of its investigation no later than one week after Laclede filed its answer to the complaint.

Laclede filed its answer on July 5, 2007, explaining that according to a high-bill investigation it conducted at Ms. Hickerson’s home in September 2006, her meter was working properly and the underlying cause of the higher-than-normal gas bills she began receiving in early 2006 was a severe water leak at the hot water faucet in her bathtub that

resulted in excessive gas demand by her water heater. Laclede further indicated that after the hot water leak was identified (and repaired sometime thereafter by a plumber hired by Ms. Hickerson), her gas usage “decreased dramatically.” Finally, Laclede stated it was possible that Ms. Hickerson could benefit from participating in Laclede’s Low-Income Program.

On July 12, 2007, Staff filed its Motion for Extension of Time to File Staff Report, in which Staff requested an extension of time until August 3, 2007. This motion was granted by order dated July 18, 2007. On August 3, Staff filed a verified report based on its investigation, which showed, among other things, that Ms. Hickerson’s account has been properly billed each month based on her actual gas usage, and that it could find no evidence that Laclede violated its tariff, any Commission rule, or statute in preparing the billing statements Laclede has sent to Ms. Hickerson. Staff further noted that Ms. Hickerson is legally responsible to pay for any metered gas usage resulting from the hot water leak she experienced, and that none of her meter readings suggested that she was billed for gas that was not actually delivered to her residence. Finally, Staff recommended that Ms. Hickerson continue seeking energy assistance on her outstanding account balance from community action agencies or other charitable organizations, and that Laclede assist Ms. Hickerson by establishing payment arrangements she can afford to complete.

This matter is now at issue and a prehearing conference is appropriate to ensure its prompt resolution. In part, a prehearing conference is designed to permit the parties to pursue settlement discussions and to identify all remaining procedural or substantive

matters of concern prior to the formal disposition of the issues in the case.<sup>1</sup> In addition, a prehearing conference offers the parties a valuable opportunity to attempt to resolve their differences by agreeing to voluntary mediation of their dispute. The parties shall jointly file a proposed procedural schedule within twenty days after the prehearing conference.

The Commission reminds the parties that this prehearing conference is *not an evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference.<sup>2</sup> However, all parties are required to be present for the prehearing conference, and a court reporter will be present to make a record of the parties that appear. **Parties must arrive in person or appear by telephone at or before the scheduled starting time of 9:00 a.m. in order to participate.** Pursuant to Commission Rule 4 CSR 240-2.090(5), “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.”

The Commission further advises the parties that arriving late to a prehearing conference is the equivalent of failing to appear. Parties are expected to appear at scheduled hearings on time, or to advise the Commission of their need to appear late or to timely request a continuance. If a party fails to meet those obligations, that party may be dismissed and the Commission may rule in favor of an opposing party. This is why the Commission issues advance notice of all hearings and conferences and extends various

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<sup>1</sup> See Commission Rule 4 CSR 240-2.090(6).

<sup>2</sup> Also, under Commission Rule 4 CSR 240-2.090(7), any facts the parties may discuss during the conference, including any settlement offers or discussions, are privileged and cannot be used against any participating party unless the parties agree to disclose them or they are fully supported by other, independent evidence.

opportunities prior to any scheduled event for the parties to appear by phone or request a continuance.

**IT IS ORDERED THAT:**

1. The parties shall appear at a prehearing conference to be held on August 29, 2007, beginning at 9:00 a.m. The prehearing conference will be held in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-751-7485 no later than August 20, 2007.

3. Any party wishing to request a continuance shall file a pleading with the Commission stating why they are unable to attend the scheduled prehearing conference on August 29, 2007, either in person or by phone, and shall provide the Commission with a list of dates when that party is available to appear. Any such pleading shall be filed no later than August 22, 2007, and shall also be served on every other party to this complaint by the party requesting the continuance.

4. The parties shall jointly prepare and file a proposed procedural schedule no later than September 18, 2007.

5. This order shall become effective on August 10, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10th day of August, 2007.