

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 4th day of  
January, 2012.

Linda T. Nelson and Vernon Ball,	)	
	)	
Complainants,	)	
v.	)	<b><u>File No. GC-2011-0394</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent	)	

**ORDER DISMISSING COMPLAINT**

Issue Date: January 4, 2012

Effective Date: February 3, 2012

On June 16, 2011, Vernon Ball and Linda T. Nelson filed a complaint with the Missouri Public Service Commission against Laclede Gas Company. Upon Laclede's motion, Complainants filed a more definite statement of the complaint to which Laclede filed an answer. The Staff of the Commission filed its report and a prehearing conference was set.

Complainants failed to attend the prehearing conference. The Commission then issued an order directing Complainants to file a statement of why the complaint should not be dismissed. In its order, the Commission explained that Commission rule<sup>1</sup> allows dismissal of a party from a case for failure to attend a prehearing conference. The Commission also informed Complainants that the complaint could be dismissed for failing to respond to the Commission's order. Complainants did not respond to the order, but rather filed a statement further setting out the complaint.

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<sup>1</sup> Commission rule 4 CSR 240-2.116(3).

The Commission then issued a second order directing Complainants to file a statement of their intention to proceed with this complaint. Complainants refused the mail and have thus not responded to the Commission's order.

Because Complainants failed to appear at a prehearing conference and have not complied with Commission orders, the Commission is unable to process this complaint. Commission rule<sup>2</sup> states that a party may be dismissed from a case for failing to comply with a Commission order or failing to appear at a prehearing conference. Complainants first failed to appear at a prehearing conference. Complainants then failed to respond to two Commission orders. The Commission must therefore dismiss this complaint.

Because this order of dismissal is not based on the substance of the complaint, but rather on Complainants' lack of participation in the process, Complainants may again file their complaint with the Commission. If Complainants consider this order to be unlawful, unjust or unreasonable, they must file an application for rehearing.<sup>3</sup> The application must be filed prior to the effective date of this order and must set forth specific grounds in support of Complainants' position.

**THE COMMISSION ORDERS THAT:**

1. This complaint, filed by Vernon Ball and Linda T. Nelson, against Laclede Gas Company is dismissed.

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<sup>2</sup> *Id.*

<sup>3</sup> Section 386.500 (2) Revised Statutes of Missouri.

2. This order shall become effective on February 3, 2012.
3. This case shall be closed on February 4, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Jarrett, Kenney,  
and Stoll, CC., concur.  
Davis, C., abstains.

Jones, Senior Regulatory Law Judge