

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

Charles A. Harter,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2016-0166
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**ORDER DIRECTING FILING OF REPLY**

Issue Date: February 18, 2016

Effective Date: February 18, 2016

The Commission is directing Charles A. Harter to file a reply to the answer<sup>1</sup> of Laclede Gas Co. (“Laclede”), and the report<sup>2</sup> of the Commission’s staff (“Staff”), both of which respond to Mr. Harter’s complaint.

Mr. Harter’s complaint<sup>3</sup> seeks an order of the Commission:

- Staying disconnection of service, which the Commission granted.<sup>4</sup>
- Imposing a sanction on Laclede for a violation of the Commission’s regulation 4 CSR 240-13.070.

Mr. Harter also seeks an amendment to that regulation.

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<sup>1</sup> Electronic Filing Information Service (“EFIS”) No. 7 (February 3, 2016) *Laclede Gas Company’s Answer to Complaint*.

<sup>2</sup> EFIS No. 8 (February 18, 2016) *Staff Report*.

<sup>3</sup> EFIS No. 1 (January 4, 2016) *Complaint*.

<sup>4</sup> EFIS No. 3 (January 4, 2016) *Order Staying Disconnection or Requiring Reconnection*.

Regulation 4 CSR 240-13.070 sets forth the procedure for a disconnection that is subject to an informal complaint. That regulation marks the date when an informal complaint concludes with the date of a letter from Staff:

(4) If the staff is unable to resolve the complaint to the satisfaction of the parties, the **staff shall** call the complainant and utility and note such conversation into the commission's electronic file and information system and **send a dated letter** or email to that effect to the complainant and to the utility [<sup>5</sup>]

That date starts the time after which Laclede may disconnect service:

(6) A utility **shall not discontinue residential service** relative to the amount in dispute during the pendency of an informal complaint and **until at least thirty-one (31) days after the date of the letter** issued pursuant to section (4), and shall in no case discontinue this service **without leaving a notice of discontinuance** after the date of the letter issued pursuant to section (4). [<sup>6</sup>]

The complaint alleges no conduct in violation of 4 CSR 240-13.070(6). The complaint alleges that Laclede left a notice of disconnection within 31 days of the date of Staff's letter. Nothing in 4 CSR 240-13.070(6) bars that conduct.

The complaint also alleges that Mr. Harter has paid according to agreements with Laclede, and was paying his gas bill regularly, when Laclede sent him a disconnection notice. Reading the complaint generously in Mr. Harter's favor, that allegation may be the grounds for an argument that Laclede violated a statute or a regulation, tariff, or order of the Commission. Laclede's answer denies Mr. Harter's allegations and Staff's report does not reveal any violation based on the state of Mr. Harter's account.

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<sup>5</sup> 4 CSR 240-2.070(4), emphasis added.

<sup>6</sup> 4 CSR 240-2.070(6), emphasis added.

Mr. Harter has the burden of proof on his complaint,<sup>7</sup> and the Commission takes official notice that Mr. Harter has been a member of the Missouri Bar since 1979.<sup>8</sup> Therefore, the Commission will order Mr. Harter to file a reply setting forth with particularity any history of Mr. Harter's account relevant to the complaint. Such history shall include the date and amount involved in any bill from Laclede, payment on Mr. Harter's account, or notice from Laclede relevant to the complaint.<sup>9</sup>

**THE COMMISSION ORDERS THAT:**

1. The pleading described in the body of this order shall be filed no later than March 21, 2016.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18<sup>th</sup> day of February, 2016.

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<sup>7</sup> *State ex rel. Tel-Central of Jefferson City, Inc. v. Pub. Serv. Comm'n of Missouri*, 806 S.W.2d 432, 435 (Mo. App., W.D. 1991).

<sup>8</sup> Section 536.070(6), RSMo Supp. 2013. <http://www.mobar.org/LawyerDirectory.aspx>

<sup>9</sup> The Commission's regulation 4 CSR 240-2.080 governs the reply's format.