

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Beverly A. Johnson,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2008-0295</u>
)	
Missouri Gas Energy,)	
)	
Respondent.)	

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

Issue Date: July 2, 2008

Effective Date: July 2, 2008

Beverly Johnson filed a formal complaint against Missouri Gas Energy ("MGE") on March 10, 2008,¹ in which she alleged that MGE had unlawfully refused to establish natural gas service at her new address. MGE filed its Answer and Motion to Dismiss on April 11, and the Commission's Staff filed the report of its investigation into this matter on April 25.

On June 27, MGE filed a status report and on June 30 this case was reassigned to a different Regulatory Law Judge ("RLJ"). Before any further action is scheduled in this matter, the new RLJ will schedule a prehearing conference.

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.² In addition, a prehearing

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

² See Commission Rule 4 CSR 240-2.090(6).

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 one week 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.³ 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 8:30 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 opportunities prior to any scheduled event for the parties to appear by phone or request a continuance.

³ 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.

IT IS ORDERED THAT:

1. The parties shall appear at a prehearing conference to be held on July 14, 2008, beginning at 11:00 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. A conference call bridge has been established to allow the parties to participate in this conference by phone. Any party that wishes to participate in the conference by telephone may do so by calling (573) 526-5712 or (866) 630-9350 at the time set for the conference.

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 July 14, 2008, 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 July 9, 2008, 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 July 21, 2008.

5. This order shall become effective on July 2, 2008.

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)

Harold Stearley, Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of July, 2008.