BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Norman Harrold,	)	
	)	
Complainant,	)	
	)	
v.	)	**Case No. GC-2007-0311**
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

ORDER GRANTING STAFF'S FOURTH REQUEST FOR EXTENSION OF TIME TO FILE RECOMMENDATION

Issue Date: June 18, 2007 Effective Date: June 18, 2007

Norman Harrold filed a formal complaint against Laclede Gas Company ("Laclede") on February 22, 2007.[1] On February 23, 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 Mr. Harrold's formal complaint and to file a report concerning the results of its investigation no later than three weeks after Laclede filed its answer to the complaint.

Although its answer to Mr. Harrold's complaint was due on March 26, Laclede did not file it until March 28.[2] Thus, Staff's report and recommendation were due three weeks

[1] All dates specified in this order refer to the calendar year 2007.

[2] Filed along with Laclede's answer was a motion requesting that the Commission grant Laclede leave to file its answer out-of-time. The Commission granted that motion on March 29.

later, on April 18. On April 20, Staff filed its first Request for Additional Time to File. In this pleading, Staff averred that it had learned, after discussions with both Laclede and Mr. Harrold, that settlement negotiations were ongoing and a settlement was possible. For that reason, Staff asked that it be given until May 9 to file its report and recommendation. The Commission granted Staff's request by order dated April 24.

On May 9, Staff filed its second Request for Additional Time to File, in which Staff advised that it had contacted Mrs. Harrold earlier that day. Despite having received a disconnect notice from Laclede, she evidently indicated that a settlement with Laclede was still possible.[3] Therefore, Staff proposed to file its report and recommendation by May 18 if no settlement had been reached by May 16. The Commission granted this request by order dated May 10.

On May 17, Staff filed its third Request for Additional Time to File, advising that according to Mrs. Harrold, the "exchange of additional information may result in resolution with Laclede." Staff proposed to file its report and recommendation by June 6 if settlement discussions had not been successful before then. Although this request was granted by order dated May 22, the Commission further stated: "However, the Commission advises its Staff that absent extraordinary circumstances, this is the last extension that will be granted."

On June 6, Staff filed its fourth Request for Additional Time to File, advising that according to Mr. and Mrs. Harrold, the "settlement discussions with Laclede are ongoing" and "an additional extension of time may be helpful in reaching resolution with Laclede."

[3] Staff also stated that because the amount of the bill is still the subject of this case, it had contacted Laclede to ensure that the company would not disconnect Mr. and Mrs. Harrold.

Staff requested twenty more days (*i.e.*, until June 26) to file its recommendation, assuming the case does not settle before then.

Noting that Staff had not made a showing of "extraordinary circumstances" to merit another extension but essentially only repeated what it had said since April 20 (when it submitted its first Request for Additional Time to File), on June 11, the Commission entered an order requiring Laclede to file a pleading regarding the status and progress of its settlement negotiations with Mr. Harrold to help the Commission determine whether a fourth extension of time to June 26 was justified. Laclede filed such a pleading on June 14, in which Laclede explains that it has long believed and communicated to Staff that a settlement was not only possible but imminent, and that only in the past few days it has become apparent that a settlement is now unlikely. Laclede further avers that although Staff's patience did not induce a final settlement, Staff's prior requests to delay the filing of its recommendation were appropriate and beneficial to all parties. Accordingly, Laclede recommends that the Commission now proceed with the administration of this case.

The Commission finds that Laclede's pleading sets forth extraordinary circumstances meriting a fourth extension of time to June 26.

IT IS ORDERED THAT:

1. Staff's fourth Request for Additional Time to File is granted. Staff shall file a report concerning the results of its investigation of Norman Harrold's formal complaint against Laclede Gas Company by no later than June 26, 2007.

2. This order shall become effective on June 18, 2007.

BY THE COMMISSION

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 18th day of June, 2007.