

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Clyde Bradford,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0382</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

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

Issue Date: June 1, 2007

Effective Date: June 1, 2007

Clyde Bradford filed a formal complaint against Laclede Gas Company ("Laclede") on April 9, 2007.¹ Mr. Bradford sought an order requiring Laclede to refund to him the sum of \$1,266.73 plus interest, which he paid to Laclede for natural gas service on October 6, 2006, shortly before he sold his property at 930 Elias in St. Louis in late 2006 or early 2007. He claimed that he is entitled to the refund, plus interest, because he did not use the gas for which he was billed and thinks Laclede is trying to punish him for cancelling his gas service. On April 11, 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 Commission Rule 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation and file a report concerning the results of that investigation by May 18.

¹ Unless otherwise specified, all dates refer to the year 2007.

On May 10, Laclede filed its answer to Mr. Bradford's complaint, in which Laclede stated that although it was not accusing him of stealing gas, its internal investigation revealed that any unauthorized usage that may have occurred between October 2001 and January 2003 was attributable to Mr. Bradford, and that he was not entitled to a refund of any amount. After completing its investigation, on May 16, Staff filed a verified report recommending that the Commission dismiss the complaint, as its inquiry revealed no evidence that Laclede had acted improperly or illegally in billing and collecting the disputed sum from Mr. Bradford. Among other things, Staff noted that Mr. Bradford assumed responsibility for what he now claims is alleged unauthorized usage when he paid the \$1,266.73 bill in full without protest in October 2006, and that Mr. Bradford had also admitted, in his complaint and to representatives of Laclede, that he owned and resided at 930 Elias throughout the period during which the alleged unauthorized usage took place.

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.² 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

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

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 10:00 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 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 June 19, 2007, beginning at 10:00 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

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.

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 June 12, 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 June 19, 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 June 14, 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 July 9, 2007.

5. This order shall become effective on June 1, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is 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 1st day of June, 2007.