

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

Percy Cannon,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2008-0169</u></b>
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**ORDER SETTING IMMEDIATE PREHEARING CONFERENCE AND  
PROVIDING NOTICE ADVISING THE PARTIES HOW TO PARTICIPATE  
IN THE PREHEARING CONFERENCE BY PHONE**

Issue Date: December 4, 2007

Effective Date: December 4, 2007

On November 19, 2007, Percy Cannon filed a complaint with the Commission against Missouri Gas Energy ("MGE"). Complainant claims that MGE is erroneously refusing to establish natural gas service for him and his family. On November 26, the Commission issued notice of the complaint and set the deadlines for responses to the complaint.

On November 27, Complainant filed a letter with the Commission seeking expedited treatment of his complaint action.<sup>1</sup> The reasons stated for this request include the current and impending cold weather and that there are two asthmatic children living in his household that could be adversely affected by the lack of proper home heating.

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<sup>1</sup> The Commission notes that Mr. Cannon is a *pro se* Complainant and understandably not versed in legal practice or practice before the Commission. Therefore, the Commission will treat Mr. Cannon's letter as being a motion for expedited treatment and finds his request to be in substantial compliance with Commission Rule 4 CSR 240-2.080(16) for purposes of this order.

MGE's answer to the complaint was not due until December 26. However, given the health issues raised by the Complainant, the Commission directed MGE to expeditiously show cause for its denial of service. The Commission further directed its Staff to provide a recommendation as to whether this matter needed to be expedited.

On November 29, MGE filed its response stating that it had appropriately refused to establish service for Mr. Cannon at his current address pursuant to Commission Rule 4 CSR 240-13.035, and to Section 3.02(1)(G) of its tariffs. MGE points out that Mr. Cannon, in his complaint, admits responsibility for an arrearage in the amount of \$1929.57 for natural gas service provided to his wife at his and his wife's current address. Staff filed its response on November 30 asserting that it had no reason to doubt the facts asserted by MGE and that under the Filed Rate Doctrine, MGE's tariff is binding on MGE, Mr. Cannon, and the Commission.

In order to give Mr. Cannon an adequate and expeditious opportunity to respond to MGE's position, the Commission issued an order and sent Mr. Cannon a detailed letter, via over-night mail, detailing procedures before the Commission and requesting his response. The Commission also made multiple attempts to contact Mr. Cannon for the purpose of scheduling an immediate prehearing conference.

The Commission shall now set a time for an immediate pre-hearing conference to further address Mr. Cannon's motion to expedite this matter. The conference shall be scheduled for December 7, 2007 at 8:00 a.m. Due to the rapid scheduling of this conference, in addition to this written order, the parties shall be notified by phone and shall be provided with the opportunity to participate by phone. A conference call bridge has been established to accommodate the parties. Any party that wishes to participate in the

conference by telephone may do so by calling (573) 526-5622 or toll free at (866) 630-9348 at the time set for the conference.

**IT IS ORDERED THAT:**

1. The parties shall appear at a prehearing conference to be held on December 7, 2007, beginning at 8:00 p.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. Any party wishing to participate by phone may do so as directed in the body of this order.

2. The parties, in their discretion, may participate in the prehearing conference in person or by phone, the instructions for which are provided in the body of this order.

3. In addition to this written order, the Commission shall provide phone notification to the parties of the scheduled prehearing conference.

4. This order shall become effective on December 4, 2007.

**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 pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4th day of December, 2007.