

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

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

**ORDER ADOPTING PROPOSED PROCEDURAL SCHEDULE WITH**  
**CONDITIONS AND SETTING EVIDENTIARY HEARING**

Issue Date: July 21, 2008

Effective Date: July 22, 2008

Beverly Johnson filed a formal complaint against Missouri Gas Energy ("MGE") on March 10, 2008,<sup>1</sup> 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"). A second prehearing conference was held on July 14, and on July 18, on behalf of itself, Staff and the Office of the Public Counsel, MGE filed a proposed procedural schedule including a recommendation for a hearing date.

The Commission has reviewed the parties' proposed procedural schedule and finds it to be generally acceptable. The Commission finds that the following conditions should be applied:

(A) The evidentiary hearing shall be live and no prefiled testimony shall be required.

(B) The parties shall agree upon and the Staff shall file a list of the witnesses to appear on the day of the hearing and the order in which they will be called, and the order of cross-examination for each witness.

(C) Because this is a billing dispute, no formal issues list will be adopted; however, the parties are put on notice that as an ancillary issue to any case before the Commission, the Commission will always hear evidence as to the provision of safe and adequate service. Should the Commission find that evidence exists of unsafe or inadequate service, it may elect to authorize its Staff to pursue an investigation, or a complaint action, or to seek penalties, for any suspected or established violations of State statutes, Commission rules or the company's tariffs.

(D) The Commission will hear closing arguments in lieu of requiring post-hearing briefs.

(E) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel. If any party is appearing by phone, they must mail or fax any exhibits to the Commission no later than one week prior to the hearing. Exhibits submitted by facsimile shall be sent to 573-526-6010 with a notation calling attention to the document(s) to Harold Stearley, Regulatory Law Judge.

(F) The Commission's standard practice is that hearing transcripts will be available no later than ten business days following the close of the hearing. If any party seeks to

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<sup>1</sup> All dates throughout this order refer to the year 2008 unless otherwise noted.

expedite the filing of the transcript, such request shall be tendered in writing to the Regulatory Law Judge at least five days prior to the date of the hearing.

**IT IS ORDERED THAT:**

1. The following procedural schedule is established:

<b>List and Order of Witnesses, and Order of Cross</b>	-	<b>August 12, 2008</b>
<b>Evidentiary Hearing</b>	-	<b>August 22, 2008, beginning at 8:30 a.m.</b>

2. The hearing will be held in the offices of the Missouri Public Service Commission at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. A conference call bridge has been established to allow the parties to participate in this evidentiary hearing by phone. Any party that wishes to participate in the hearing by telephone may do so by calling (573) 526-6012 or (866) 630-9353 at the time set for the hearing. The parties desiring to participate by phone shall, prior to the hearing, provide the Commission with a phone number where they may be reached so that the Commission may reestablish phone contact in the event the call bridge fails.

4. Any party wishing to request a continuance shall file a pleading with the Commission stating why they are unable to attend the scheduled evidentiary hearing on August 22, 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 August 12, 2008, and shall also be served on every other party to this complaint by the party requesting the continuance.

5. This order shall become effective on July 22, 2008 at 12:01 a.m.

**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 21st day of July, 2008.