

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 25th day of
February, 2009

DUSTIN L. ESTES,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2009-0163
)	
MISSOURI GAS ENERGY,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issued: February 25, 2009

Effective: March 7, 2009

The Missouri Public Service Commission dismisses the complaint of Dustin L. Estes without prejudice for noncompliance with a Commission order.

Procedure

Mr. Estes filed the complaint on October 31, 2008, asking the Commission to remove charges from his bill. On December 3, 2008, Missouri Gas Energy filed its answer. The Commission's staff ("Staff") filed its recommendation on December 30, 2008.

Findings of Fact

1. On December 31, 2008, the Commission solicited Mr. Estes's input on the processing of the complaint. The letter asked Mr. Estes to reply no later than January 23, 2009. As of the date of this order, Mr. Estes has not responded to that letter.

2. On January 26, 2009, the Commission again solicited Mr. Estes's input on the processing of the complaint. The letter asked Mr. Estes to reply no later than February 9, 2009. As of the date of this order, Mr. Estes has not responded to that letter.

3. On February 10, 2009, the Commission ordered Mr. Estes to show cause why the Commission should not dismiss the complaint and state whether Mr. Estes intended to pursue the complaint. The order required Mr. Estes to respond no later than February 19, 2009. As of the date of this order, Mr. Estes has not responded to that order.

Conclusions of Law

1. The Commission may dismiss a complaint for failure to comply with an order of the Commission. The Commission's regulations provide:

The commission, on its own motion . . . , may after notice dismiss a complaint for . . . failure to comply with . . . an order of the commission[¹]

and:

A party may be dismissed from a case for failure to comply with any order issued by the commission [²]

Those regulations apply to Mr. Estes because Mr. Estes did not comply with the Commission's order of February 10, 2009.

2. The Commission's regulations also provide:

A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved. [³]

¹ 4 CSR 240-2.070(6).

² 4 CSR 240-2.116(3).

³ 4 CSR 240-2.116(4).

That regulation also applies because failure to comply with the Commission's order is good cause for dismissal.

3. For those reasons, the Commission will dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice.
2. This order shall be effective on March 7, 2009.
3. The Commission's Data Center shall close this case on March 8, 2009.

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)

Clayton, Chm., Murray, Davis, Jarrett,
and Gunn, CC., concur.

Jordan, Regulatory Law Judge