

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Norman Harrold,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0311</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

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

Issue Date: August 1, 2007

Effective Date: August 1, 2007

On February 22, 2007,¹ Norman Harrold filed a formal complaint against Laclede Gas Company ("Laclede") in which he disputed the amount of an estimated gas bill rendered by Laclede. The following day, 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. On June 26, after requesting and being granted four extensions of time to facilitate settlement negotiations between Mr. Harrold and Laclede, which apparently culminated in a settlement offer from Laclede that was declined by Mr. Harrold, Staff filed its report.

Among other things, the report indicated that in Staff's view, both Mr. Harrold and Laclede "have added to the confusion [surrounding the estimated bill in dispute] and should

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

take a share of responsibility for the events resulting in this complaint.” Accordingly, Staff recommended that Mr. Harrold and Laclede “continue [to] discuss the amount of gas usage during the re-bill period to find a solution that is acceptable to both.” Staff further recommended that the Commission schedule a prehearing conference and set a date for hearing, but only if they were unable to reach a settlement within thirty days. As the law favors settlements and compromises based upon valid considerations, and because the Commission firmly believed it was in the best interest of all parties to make one final attempt to settle this case before they incur the time, expense, and uncertainty of a formal evidentiary hearing, the Commission notified Mr. Harrold and Laclede that they had until July 27 to settle this matter by mutual agreement.

The July 27 deadline has now come and gone, and the Commission has received no indication that the parties have reached a settlement. Therefore, the 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 August 23, 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 August 13, 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 August 23, 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 August 17, 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 September 6, 2007.

5. This order shall become effective on August 1, 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)

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 August, 2007.