

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Thomas E. LeCuru,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0372</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

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

Issue Date: August 14, 2007

Effective Date: August 14, 2007

Thomas E. LeCuru filed a formal complaint against Laclede Gas Company ("Laclede") on April 3, 2007,¹ in which he alleged that Laclede was attempting to make him pay a final adjusted bill for gas which was delivered between May 2004 and May 2005 to the first floor of a two-story building he owns and has leased to commercial tenants. Among other things, Mr. LeCuru claims that at some point, one of the tenants, who later absconded without paying Mr. LeCuru any rent, made an unauthorized request that gas service to the first floor be turned on in his name.

On April 5, 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 following day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of

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

Mr. LeCuru's formal complaint and to file a report concerning the results of its investigation no later than two weeks after Laclede filed its answer to the complaint.

Laclede timely filed its answer to Mr. LeCuru's complaint on May 7. Thus, Staff's report and recommendation were due two weeks later, on May 21. On May 21, Staff filed a Request for Additional Time to File. In this pleading, Staff averred that Laclede was attempting to resolve the case with Mr. LeCuru and that they had been discussing a possible settlement. Accordingly, Staff proposed to file its report and recommendation by June 15 if the case had not settled before then. The Commission granted Staff's motion by order dated May 23.

The case did not settle before June 15, and Staff timely filed its report and recommendation on that day. Staff concluded that Laclede did not violate its tariffs, Commission rules, or applicable statutes in issuing its final adjusted bill to Mr. LeCuru, and that Mr. LeCuru was responsible for paying his remaining account balance of \$797.78, which has already been reduced significantly to reflect several billing adjustments made by Laclede based on prior conversations with Mr. LeCuru and a further review of the company's records. Accordingly, Staff recommended that his complaint be dismissed. However, Staff also noted that Laclede has much room for improvement of its service order processing and handling methodologies, as its investigation revealed several instances in which turn-on or turn-off orders were not properly entered into Laclede's billing and service order processing systems.

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 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

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

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.

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 Tuesday, September 4, 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 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 22, 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 September 4, 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 24, 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 24, 2007.

5. This order shall become effective on August 14, 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 14th day of August, 2007.