

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Clyde Bradford,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0382</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER SETTING COMPLAINT FOR HEARING

Issue Date: August 8, 2007

Effective Date: August 8, 2007

Clyde Bradford filed a formal complaint against Laclede Gas Company ("Laclede") on April 9, 2007.¹ Mr. Bradford sought an order requiring Laclede to refund to him the sum of \$1,266.73 plus interest, which he paid to Laclede for natural gas service on October 6, 2006, shortly before he sold his property at 930 Elias in St. Louis in late 2006 or early 2007. He claimed that he is entitled to the refund, plus interest, because he did not use the gas for which he was billed and thinks Laclede is trying to punish him for cancelling his gas service. On April 11, 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 same day, pursuant to Commission Rule 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation and file a report concerning the results of that investigation by May 18.

¹ Unless otherwise specified, all dates refer to the year 2007.

On May 10, Laclede filed its answer to Mr. Bradford's complaint, in which Laclede stated that although it was not accusing him of stealing gas, its internal investigation revealed that any unauthorized usage that may have occurred between October 2001 and January 2003 was attributable to Mr. Bradford, and that he was not entitled to a refund of any amount. After completing its investigation, on May 16, Staff filed a verified report recommending that the Commission dismiss the complaint, as its inquiry revealed no evidence that Laclede had acted improperly or illegally in billing and collecting the disputed sum from Mr. Bradford. Among other things, Staff noted that Mr. Bradford assumed responsibility for what he now claims is alleged unauthorized usage when he paid the \$1,266.73 bill in full without protest in October 2006, and that Mr. Bradford had also admitted, in his complaint and to representatives of Laclede, that he owned and resided at 930 Elias throughout the period during which the alleged unauthorized usage took place.

By order dated June 1, the Commission set the case for a prehearing conference, which was held on June 19. In the same order, the parties were directed to jointly prepare and file a proposed procedural schedule by no later than July 9. On July 9, Staff filed a motion requesting a second prehearing conference, explaining that although the parties had determined during the first conference that they needed more information, they hadn't had sufficient time to review certain additional information regarding Mr. Bradford's billing records that had been collected since then. By order dated July 12, the Commission granted Staff's motion and set the case for a second prehearing conference, which took place on July 30. In the same order, the Commission directed the parties to jointly prepare and file a proposed procedural schedule by no later than August 6.

On August 6, the parties filed their proposed procedural schedule, explaining that they wished to bring the matter to hearing at 1:30 p.m. on September 11 since Mr. Bradford and Laclede had been unable to resolve their differences during the second prehearing conference. Accordingly, the Commission will schedule an evidentiary hearing on the merits of Mr. Bradford's complaint for Tuesday, September 11, 2007 at 1:30 p.m.

IT IS ORDERED THAT:

1. An evidentiary hearing will take place on Tuesday, September 11, 2007, beginning at 1:30 p.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, which meets accessibility standards required by the Americans with Disabilities Act. Any party needing additional accommodations to participate in this hearing should call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

2. Although the parties are strongly encouraged to attend the hearing in person, any party wishing to participate by telephone will be permitted to do so after notifying the Regulatory Law Judge by calling 573-751-7485 by no later than noon on September 3, 2007. The parties are reminded that as the Complainant in this matter, Clyde Bradford bears the burden of proof to establish the allegations of his formal complaint by a preponderance of the credible admissible evidence adduced during the hearing or otherwise properly before the Commission. No prefiled testimony shall be submitted, and all evidence shall be presented live at the hearing. Likewise, post-hearing briefs will not be permitted. Rather, the parties are directed to present oral arguments at the conclusion of the evidentiary hearing.

3. In lieu of a formal, more detailed procedural schedule, the parties are directed to promptly meet and confer to exchange witness lists and copies of any documents or exhibits they plan to rely on or introduce into evidence during the hearing. Furthermore, by no later than 5:00 p.m. on Friday, September 7, 2007, each party shall file with the Commission a list of issues to be determined and a copy of its witness list.

4. This order shall become effective on August 8, 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 8th day of August, 2007.