

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

Raymond Joseph Freeman, III,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2009-0047</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	
	)	

**ORDER DIRECTING FILING**

Issue Date: January 23, 2009

Effective Date: January 23, 2009

The Missouri Public Service Commission is directing Mr. Freeman to state whether he has any additional facts or legal allegations which would be a claim for which the Commission could grant him relief.

Raymond Joseph Freeman, III, filed a formal complaint against Laclede Gas Company on August 15, 2008. In his complaint, Mr. Freeman alleges that:

1. Laclede disconnected his service for failure to pay bills based on estimated readings;
  2. The actual amount owed as disconnection was less than \$150;
  3. Laclede charges a minimum amount each month even though there is no usage;
  4. A \$62 disconnection fee is too much;
  5. Laclede issued a new account number when his service was restored;
- and

6. Laclede should have a separate rate for the months April, May, October, and November.

For relief Mr. Freeman requests that Laclede not be allowed to disconnect a customer for estimated billing; that Laclede not be allowed to disconnect a customer unless that customer owes a set amount (e.g., \$150 to \$300); that there be no minimum billing without usage; that the disconnection fee be lowered to \$25 - \$35; and that Laclede not change an account number upon reconnection.

Laclede filed its Answer and Motion to Dismiss on September 18, 2008. Laclede submits that it has, at all times, acted appropriately and in accordance with its Commission-approved tariff. Laclede requests that the Commission issue an order dismissing this complaint for failure to state a claim upon which relief may be granted. In other words, Laclede argues that, taking everything stated in the Complaint to be true, the Commission has no legal reason or authority to give Mr. Freeman what he asks for.

Staff conducted an investigation of the complaint and filed its verified report on October 7, 2008. Staff reported that Mr. Freeman has not alleged any violations of Missouri statute, Commission rules, or Laclede's tariff, and that Staff did not find any such violations. Staff recommended that the case be dismissed.

At this stage of this case, Mr. Freeman has not stated any facts upon which the Commission could conclude that Laclede has violated its approved tariff, applicable Commission rules, or Missouri statutes. Therefore, the Commission would like to hear from Mr. Freeman before making a determination on the motion to dismiss this case for failure to state a claim. Accordingly, Mr. Freeman will be given time to file a statement

or pleading setting forth the legal or factual reasons why he believes Laclede has acted in violation of some tariff, rule or other Missouri law.

If no response is received, the Commission will make its decision based on the current documents and recommendations before it.

**THE COMMISSION ORDERS THAT:**

1. Raymond Joseph Freeman, III, shall file a statement, by not later than 5:00 p.m. on February 13, 2009, which addresses the statements contained in Laclede Gas Company's answer and Staff's report in this matter and sets forth the legal and factual reasons why this case should not be dismissed for failure to state a cause of action.
2. This order shall become effective upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a faint rectangular stamp.

Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 23rd day of January, 2009.