

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Ronald Kitchen,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2006-0066</u>
)	
Missouri Gas Energy,)	
)	
Respondent.)	

ORDER DIRECTING FILING OF
STAFF INVESTIGATION AND REPORT AND
ORDER DIRECTING COMPLAINANT TO RESPOND TO
MOTION TO DISMISS

Issue Date: September 12, 2005

Effective Date: September 12, 2005

This order directs the Staff of the Commission to investigate the facts of this case and to file a report under Commission Rule 4 CSR 240-2.070(10). This order also directs Complainant to respond to Missouri Gas Energy's Motion to Dismiss.

Staff Investigation and Report

Under 4 CSR 240-2.070(10) the Commission may direct, after a formal complaint has been filed, an analysis by its Staff of the reasons underlying the complaint. The Staff must then file its findings with the Commission and serve copies on the other parties.

The Commission views its Staff as an unbiased third party in this complaint case and will direct the Staff to investigate the contested issues set out in the pleadings and to file a

report of its findings with the Commission. The Commission will therefore direct the Staff to file its report and will allow the parties to file responsive pleadings to that report.

Complainant's Response to MGE's Motion to Dismiss

On September 7, 2005, MGE filed its answer to this complaint and a Motion to Dismiss. As required by Commission rule 4 CSR 240-2.080(15), parties are allowed no more than 10 days to file responsive pleadings unless otherwise ordered by the Commission. Because MGE's motion was filed on September 7, Complainant's response would be due by September 17. However, the issues may become more clear after Staff's impartial investigation of this matter. The Commission will therefore extend the time by which Complainant must file his response beyond the time by which Staff will be required to file its report. Also, MGE and Complainant will be allowed to respond to Staff's report.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission shall investigate the issues set out in the pleadings and file a report of its findings no later than October 12, 2005.
2. That Ronald Kitchen shall file, no later than October 24, 2005, a response to Missouri Gas Energy's Motion to Dismiss.
3. That the parties **may** file, no later than October 24, 2005, a response to the Staff of the Commission's report.

3. That this order will become effective on September 12, 2005.

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)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of September, 2005.