

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

Charles Engelke,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2009-0238</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME, AS
MODIFIED, SETTING DEADLINE FOR STAFF REPORT AND SETTING
PREHEARING CONFERENCE**

Issue Date: February 2, 2009

Effective Date: February 2, 2009

On December 5, 2008, Charles Engelke filed a complaint with the Commission against Laclede Gas Company ("Laclede"). Laclede timely-filed its answer to the complaint on January 12, 2009. On February 2, 2009, the deadline set for the Commission's Staff to file a report of its investigation into the complaint, Staff filed a request for an extension of time to file its report.

Staff states that it believes that Mr. Engelke and Laclede are engaged in settlement discussions. Staff also states that scheduling conflicts between Mr. Engelke and Laclede have limited their ability reach an agreement prior to the deadline for filing its report and that it believes additional time for negotiation will promote resolution of this matter. Consequently Staff seeks an extension, until March 2, 2009, to file its report.

There is no question that the public policy of Missouri favors settlements.¹ However, neither Mr. Engelke nor Laclede have joined in Staff's pleading or have indicated that any positive negotiations are progressing. While settlement is preferred, public policy and judicial and administrative economy also favors finality; that there be an end to litigation.² While the Commission agrees with its Staff, that an extension of time may promote the resolution of this matter, the Commission will not allow its proceedings to mirror the rippling of the waters traveling without end.

Consequently, the Commission shall grant Staff's motion, with modification, and shall set a prehearing conference. If the parties have not reached a settlement before the prehearing conference, the conference will bring the parties together to further pursue such negotiations. The Commission further reminds the parties that mediation is an option that is available should the parties' own negotiations reach an impasse.

THE COMMISSION ORDERS THAT:

1. The Staff of the Public Service Commission's Motion for Extension of Time is granted.
2. The Staff of the Public Service Commission shall file, no later than 9:00 a.m. on February 27, 2009, a report of its investigation in this matter.
3. The Commission's Data Center shall mail a copy of the Staff of the Public Service Commission's investigation report to the Complainant, Charles Engelke, via overnight mail, immediately after it is filed.

¹ *Williams v. Preman*, 911 S.W.2d 288, 298 (Mo. App. 1995). "The law favors compromise and settlement of disputed claims. It is to the interest of the commonwealth that there should be an end to litigation." *Parks v. Union Carbide Corp.*, 602 S.W.2d 188, 202 (Mo. banc 1980).

² *Sprung v. Negwer Materials, Inc.*, 775 S.W.2d 97, 106 (Mo. banc 1989).

4. The parties shall appear at a prehearing conference to be held on March 2, 2009, 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.

5. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-522-8459 no later than February 19, 2009.

6. 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 February 19, 2009, either in person or by phone, and shall provide the Commission with a list of dates when that party is available to appear.

7. Any party requesting a continuance shall serve a copy of the request on every party to this complaint.

8. The parties shall jointly prepare and file a proposed procedural schedule no later than March 9, 2009.

9. This order shall become effective immediately upon issue.

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)

Harold Stearley, Senior Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of February, 2009.