

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

William Wehrle,	)	
Complainant,	)	
v.	)	<b><u>Case No. GC-2013-0361</u></b>
	)	
Laclede Gas Company,	)	
Respondent	)	

**REQUEST FOR ORDER DISMISSING CASE  
WITH PREJUDICE OR SETTING HEARING**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its *Request for Order Dismissing Case with Prejudice or Setting Hearing* states as follows:

1. This case originally began on January 22, **2013**, when Complainant William Wehrle filed a complaint against Respondent Laclede Gas Company ("Laclede").

2. The Commission dismissed Mr. Wehrle's complaint by its *Order Dismissing Complaint* issued on June 11, **2014**, citing Commission rule 4 CSR 240-2.116(2), which provides in pertinent part that "Cases may be dismissed for lack of prosecution if no action has occurred in the case for 90 days." However, the Commission's June 11, 2014 Order dismissed the complaint without prejudice and provided that Mr. Wehrle could reopen the case by filing a response to Laclede's status report.

3. The case was reopened on October 24, **2016**, when the Commission received a letter from Mr. Wehrle which was denominated in EFIS as *Response to Order Dismissing Complaint*.

4. On October 25, 2016, the Commission issued an *Order Setting Deadline for Submission of Response to Letter* in which Laclede was ordered to respond to Mr. Wehrle's letter no later than November 30, 2016.

5. Laclede filed the *Response of Laclede Gas Company and Motion to Dismiss with Prejudice* on November 30, 2016<sup>1</sup>.

6. On December 5, 2016, the Commission issued an *Order Setting Deadline for Filing Response to Motion to Dismiss* in which the Commission noted that Laclede stated in its November 30<sup>th</sup> filing "that if the Commission grants the request to dismiss, [Laclede] will honor a prior agreement to pay Mr. Wehrle \$100 for any past inconvenience he may have suffered." The December 5<sup>th</sup> Order then ordered that "No later than December 12, 2016, Mr. Wehrle shall file a response indicating if he objects to Laclede Gas Company's Motion to Dismiss with Prejudice. **Should Mr. Wehrle object to the motion, the response shall specify what statute, rule, tariff, or Commission order he alleges the company violated.**" (Emphasis added)

7. On December 8, 2016, Mr. Wehrle sent an email<sup>2</sup> to certain persons, including the Commission's Secretary and Chief RLJ, requesting a one-month continuance. Based on this email, on December 8, 2016, the Commission issued an *Order Extending Deadline to File Response*, in which it ordered that "No later than January 12, 2017, Mr. Wehrle shall file a response indicating if he objects to Laclede Gas Company's Motion to Dismiss with Prejudice. **Should Mr. Wehrle object to the motion, the response shall specify what statute, rule, tariff, or Commission order he alleges the company violated.**" (Emphasis added)

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<sup>1</sup> This *Motion to Dismiss with Prejudice* remains outstanding.

<sup>2</sup> See Case No. GC-2013-0361 EFIS Entry Number 20.

8. On January 12, **2017**, Mr. Wehrle filed certain statements concerning his complaint; however, he did not specify what statute, rule, tariff, or Commission order he alleges the company violated, nor has he done so since the January 12, 2017 filing, as that was the last filing made in this case by any party or the Commission.

9. Commission rule 4 CSR 240-2.116 provides in part as follows:

(2) Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time.

(3) A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

**WHEREFORE**, Staff requests the Commission issue an order either (1) dismissing this case with prejudice or (2) setting it for hearing.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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Commission

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 5<sup>th</sup> day of October, 2017.

**/s/ Jeffrey A. Keevil**