

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Pre-hearing Conference
8 October 17, 2007
9 Jefferson City, Missouri
10 Volume 2
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12 Stanley Lewis)
13 Complainant,)
14) Case No.
15) GC-2007-0267
16 Laclede Gas Company)
17 Respondent.)
18 BENJAMIN H. LANE, Presiding,
19 REGULATORY LAW JUDGE
20
21 REPORTED BY:
22 MINDY VISLAY, CCR
23 MIDWEST LITIGATION SERVICES
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1 P R O C E E D I N G S

2 JUDGE LANE: Good afternoon, ladies and
3 gentlemen. My name is Benjamin Lane, I'm the
4 Regulatory Law Judge who will serve as the hearing
5 officer in this case should there ever be a hearing.

6 This is Stanley Lewis versus Laclede Gas Company,
7 Case No. GC-2007-0267, and we're here this afternoon
8 for a pre-hearing conference in Mr. Lewis's pro se
9 complaint against Laclede Gas.

10 Before we go any further, I know that some of you
11 that are here in person have given your written
12 entries of appearance, but just for the record, I
13 would like to have the attorneys enter their
14 appearances for the record.

15 Let's begin with Staff.

16 MR. BERLIN: Appearing on behalf of the
17 Staff of the Public Service Commission; Bob Berlin,
18 Post office Box 360, Jefferson City, Missouri 65102.

19 JUDGE LANE: Thank you, Mr. Berlin.

20 The Office of Public Counsel.

21 MR. POSTON: Marc Poston appearing on
22 behalf of the Office of Public Counsel, P.O. Box 2230,
23 Jefferson City, Missouri 65102.

24 JUDGE LANE: Thank you, Mr. Poston.

25 And for the Respondent; Laclede Gas.

1 MR. ZUCKER: This is Rick Zucker,
2 Z-U-C-K-E-R, appearing on behalf of Laclede Gas
3 Company, 720 Olive Street, St. Louis, Missouri 63101.

4 JUDGE LANE: Thank you, Mr. Zucker.

5 I want to note that Marilyn Doerhoff of Consumer
6 Services is also present here with us today.

7 Is the complainant Mr. Lewis present? He's not
8 here in the hearing room. Is he present? No. Let me
9 just make a record then.

10 It's approximately 2:20 p.m. on October 17th,
11 that's a Wednesday afternoon. This pre-hearing
12 conference, which is actually the second one we've
13 held in this case, was scheduled, by order dated
14 October 4th, 2007, to commence at or around
15 two o'clock p.m. in hearing room 305.

16 Laclede Gas made a telephonic request to appear by
17 telephone, which was honored, and we set up a toll
18 free call in number to allow anyone who wished to
19 participate by phone to do so, and I see that
20 Laclede and the Office of Public Counsel have both
21 taken advantage of that opportunity.

22 I will also state that I did not receive any
23 indication from Mr. Lewis whether he would be
24 attending in person or by phone, but the order giving
25 the parties the call in information specified that any

1 party that wished to appear by phone could do so using
2 that number.

3 In the order setting this pre-hearing conference
4 the Commission summarized the developments in the case
5 thus far and indicated that all the parties were
6 required to be present for this conference, and that
7 the court reporter would also be here to make a record
8 of the parties that did appear.

9 And the order also made it clear that failure to
10 appear at a pre-hearing conference without previously
11 having secured a continuance constitutes grounds for
12 dismissal of the party's complaint unless good cause
13 for the failure to appear is shown. And also that
14 arriving late to a pre-hearing conference can be the
15 equivalent of failing to appear.

16 We have all the parties of record here except for
17 the Complainant, Mr. Stanley Lewis, and obviously we
18 can't do much in the way of a pre-hearing conference
19 without him.

20 I will remind the parties, we had a similar
21 situation with regard to the first pre-hearing
22 conference where there was no appearance by Laclede
23 Gas, and I explained to the parties in those
24 proceedings that the next step would be for the
25 Commission to enter a Show Cause Order requiring the

1 non-appearing party to show good cause for their
2 failure to appear and going from there.

3 So, I just want to say Mr. Lewis is not here,
4 there is no representative for him present, either on
5 the phone or in person, and I also just want to note
6 for the record that I received no request for a
7 continuance from any party, including Mr. Lewis, no
8 phone messages, no e-mails, regarding his lack of
9 participation in this hearing or his intention not to
10 appear at the hearing or to request a continuance.

11 And as I explained, normally what I would do is
12 issue a Show Cause Order and that's exactly what I
13 plan to do, just as I was prepared to do in the last
14 pre-hearing conference which I believe happened way
15 back on May 1st of 2007.

16 Just while I have everyone on the record here, I
17 want to say that this complaint has been pending since
18 January 16th, 2007. I know, based on the pleadings of
19 Laclede, there have been numerous attempts to resolve
20 this complaint by way of settlement with Mr. Lewis.
21 And he appears, based on the pleadings, to have been
22 somewhat equivocal about whether he's interested in
23 settling this matter without the need for a formal
24 evidentiary hearing.

25 And I am certainly desirous of getting this matter

1 scheduled for a hearing, if that's what Mr. Lewis
2 wants, since he has stated a cause of action. And if
3 that's not what he wants, to get this resolved as
4 quickly as possible because it has been a number of
5 months now, and I know it's probably frustrating for
6 everyone involved.

7 So, I just want to let everyone know that I am
8 very interested in getting this case resolved one way
9 or the other as soon as we can. Certainly, hopefully,
10 by the end of the year.

11 I think that about covers all the record that I
12 need to make for purposes of this pre-hearing
13 conference, which obviously cannot go forward without
14 the Complainant. At the last pre-hearing conference I
15 think I explained to Mr. Lewis in some detail what the
16 purpose of a pre-hearing conference was, why it's
17 important, that it represents an opportunity -- kind
18 of a last chance opportunity for settlement if that's
19 going to be possible, and also for the parties to
20 clear up any procedural matters, any discovery that
21 needed to be pursued prior to the evidentiary hearing.

22 I hate to have dragged this on as long as I have,
23 but I need to make a record. Do any of the parties
24 have comments, or is there anything else we need to
25 take up before we go off the record and conclude this

1 pre-hearing conference? Anyone?

2 MR. ZUCKER: No, Your Honor.

3 MR. BERLIN: No, Judge.

4 JUDGE LANE: Very well. Thank you very
5 much for your appearance and attendance here today
6 either by phone or in person.

7 And the Commission will -- within a matter of days
8 I would expect -- issue a Show Cause Order to move
9 this matter toward an expeditious resolution. And
10 with that we are off the record, thank you.

11 (WHEREIN, the recorded portion of the pre-hearing
12 conference was concluded.)

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1 CERTIFICATE OF REPORTER

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4 I, Mindy Vislay, Certified Court Reporter with the
5 firm of Midwest Litigation Services, and Notary Public
6 within and for the State of Missouri, do hereby
7 certify that I was personally present at the
8 proceedings had in the above-entitled cause at the
9 time and place previously described; that I then and
10 there took down in Stenotype the proceedings had; and
11 that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such
13 time and place.

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Mindy Vislay, CCR

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Notary Public (County of Cole)

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My commission expires March 19, 2011

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