

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

Tony Walker,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2007-0162</u></b>
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**ORDER TO SHOW CAUSE WHY COMPLAINT SHOULD NOT BE  
DISMISSED AND SUSPENDING REQUIREMENT FOR THE FILING OF A  
PROCEDURAL SCHEDULE**

Issue Date: December 22, 2006

Effective Date: December 22, 2006

On October 19, 2006,<sup>1</sup> Tony Walker filed a complaint with the Commission against Missouri Gas Energy ("MGE"). MGE filed its answer to the complaint on November 9, and the Staff of the Missouri Public Service Commission filed its Report on December 6.

On December 7, a prehearing conference was set for December 22. In the order setting the prehearing conference the parties were advised that, pursuant to Commission Rule 4 CSR 240-2.090, "Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for

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<sup>1</sup> All dates throughout this order refer to the year 2006 unless otherwise noted.

the failure to appear is shown.” The parties were also given the option to appear by telephone, but no such requests were made.

On December 22, the Staff and MGE entered their appearance at the prehearing conference. Mr. Walker did not appear. Mr. Walker had not requested a continuance.

During the prehearing conference, the presiding officer made three attempts to contact Mr. Walker by phone using two phone numbers he had provided to the Commission, and a third number provided by another individual answering one of the calls. Mr. Walker could not be reached by phone.

An hour after the prehearing conference had been adjourned, Consumer Services contacted the presiding officer to inform him that Mr. Walker had arrived at the Governor’s Office Building. Parties are expected to appear at scheduled hearings on time, or to advise the Commission of their need to appear late or to timely request a continuance. Once a hearing is adjourned, the parties who did enter their appearance and the court reporter are released. It is extremely difficult to have parties who were timely in their appearance, and court reporters that keep very busy schedules, return to the Public Service Commission for unscheduled hearings. This is why the Commission issues advance notice of all hearings and extends various opportunities prior to any scheduled hearing for the parties to appear by phone or request a continuance.

Because Mr. Walker failed to make a timely appearance at the prehearing conference, he shall file a pleading with the Commission showing cause why his complaint should not be dismissed. In that pleading he shall also address Staff’s recommendation that this matter be dismissed on the merits of his claim. This means Mr. Walker must explain to the Commission why he was unable to appear on time for

the prehearing. He must ask for a new date for a prehearing conference should he wish to continue with his complaint, and he must explain why he has a valid complaint given the Staff's report concerning his gas bill. Should Mr. Walker fail to adequately explain his absence and why his complaint should still be heard, the Commission may decide not to hear his complaint.

The December 7 order setting the prehearing conference also required a procedural schedule to be filed no later than December 29. The requirement for a procedural schedule shall be indefinitely suspended.

**IT IS ORDERED THAT:**

1. No later than January 2, 2007, Tony Walker shall file a pleading showing cause why his October 19, 2006 complaint with the Commission against Missouri Gas Energy should not be dismissed. In this same pleading, Mr. Walker shall be required to address the Staff of the Missouri Public Service Commission's recommendation that this matter be dismissed on the merits of his claim.

2. The requirement for a procedural schedule to be filed no later than December 29, 2006, shall be indefinitely suspended.

3. This order shall become effective on December 22, 2006.

**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, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22nd day of December, 2006.