

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Prehearing Conference
8 May 1, 2007
9 Jefferson City, Missouri
10 Volume 1
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12 Stanley Lewis,)
13 Complainant,)
14 v.) Case No. GC-2007-0267
15 Laclede Gas Company,)
16 Respondent.)
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21 BENJAMIN H. LANE, Presiding,
22 REGULATORY LAW JUDGE
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24 REPORTED BY:
25 PAMELA FICK, RMR, RPR, CCR #447, CSR

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1 P R O C E E D I N G S

2 JUDGE LANE: Okay. We're going to go
3 ahead and go on the record. My name is Benjamin
4 Lane. I am the regulatory law judge who is
5 serving -- will serve as the hearing officer in this
6 case. And this is Stanley Lewis versus Laclede Gas,
7 Case Number GC-2007-0267, and we're here today for a
8 prehearing conference in Mr. Lewis's pro se complaint
9 against Laclede Gas.

10 This conference was scheduled by order
11 dated April 17th, 2007, with notice to all parties,
12 and all parties were notified that attendance was
13 mandatory and that if a continuance were needed or
14 additional accommodations to attend this hearing were
15 required, I was to be called at my office, or in the
16 case of a continuance, notice was to be served on all
17 parties prior to the prehearing conference explaining
18 what the need for the continuance was.

19 I did not receive any requests for
20 continuance. Mr. Lewis, the complainant, did request
21 a telephone to participate in this hearing by
22 telephone conference, and he is present with us here
23 today. And I want to just say -- state for the
24 record who is present on this call at this time.

25 It is approximately 10:10 a.m. on

1 Tuesday, May the 1st, and the hearing was scheduled
2 to convene at ten o'clock on the 1st -- well, rather
3 than me do that, why don't I go ahead and have the
4 parties who are present, the attorneys enter their
5 appearances just for the record.

6 I know that you have filed written
7 entries, but just for the record, if you wouldn't
8 mind entering your oral entry of appearance. And
9 we'll start with Staff.

10 MR. BERLIN: Bob Berlin on behalf of the
11 Staff of the Missouri Public Service Commission, Post
12 Office Box 360, Jefferson City, Missouri 65102.

13 MR. POSTON: Marc Poston appearing on
14 behalf of the Office of Public Counsel.

15 JUDGE LANE: And Mr. Lewis, you are
16 present as well, right?

17 MR. LEWIS: Yes, sir.

18 JUDGE LANE: Okay. I will note that
19 there is no representative from Laclede present
20 either on the phone or in person. And again, I just
21 wanted to note that I have received no request for a
22 continuance, no phone messages and no e-mails
23 regarding their lack of participation in this
24 hearing.

25 Normally what I would do right now,

1 Mr. Lewis, is -- and just so that you know, there are
2 also members of Staff here that have -- were involved
3 in the investigation of your informal complaint and
4 are familiar with the details of your case.

5 Now, normally what I would do at this
6 point, Mr. Lewis, is describe the purposes of a
7 prehearing conference and what -- what the objectives
8 are. And I might as well go ahead and tell you what
9 they are in case this is -- winds up being
10 rescheduled.

11 One of the things you should be prepared
12 to discuss here, of course, is the nature of any
13 discovery that may need to be conducted. And by
14 discovery, Mr. Lewis, we mean the ability -- your
15 ability to request information from the other side,
16 from Laclede, you know, concerning details about your
17 account or anything -- any documents that they may
18 have that you may find useful in prosecuting your
19 case.

20 And the same thing applies for Laclede.
21 They'll be able to request information of you. And
22 so that's called the discovery process. And that
23 may -- sounds like discovery in this case will not
24 need to be voluminous, but in case there were some
25 documents or other information that is needed, that

1 can be done once the prehearing conference is
2 completed and we proceed toward an actual hearing.

3 You should also be prepared once the --
4 once we get past the prehearing conference to put
5 together a list of any witnesses that you plan to
6 call for your side. And the other side will do the
7 same, and also Staff will have witnesses and the
8 Office of Public Counsel also might want to have
9 witnesses as well. They have the right to call them.

10 Also any exhibits, that's written --
11 usually written documents or charts or graphs, things
12 like that. But the main purpose of the prehearing
13 conference -- I'm kind of getting ahead of myself --
14 the main purpose of the prehearing conference is to
15 provide an opportunity for all the parties to sit
16 down at the same table, or in this case, the same
17 virtual table, over the phone, and have an
18 opportunity to pursue settlement discussions.

19 Because it's been my experience that at
20 the prehearing conference it's really the last best
21 chance for the parties to get together and attempt to
22 resolve their differences amicably and see if they
23 can work something out just sitting together around a
24 table.

25 And it's important for you to know,

1 Mr. Lewis, that nothing that's said at the prehearing
2 conference can be used as evidence against you or be
3 admissible in the hearing unless it's -- can be
4 proved by independent evidence that's outside of the
5 scope of the hearing -- of the hearing room that
6 we're in today.

7 So it's designed to encourage a very
8 frank and very open discussion of the issues. And,
9 you know, if the parties can both give a little,
10 maybe we can get this thing settled and not need to
11 go through the time and expense of having a full
12 blown hearing, you know, where the attorneys will be
13 asking you questions. And Mr. Lewis, you'll have the
14 opportunity to ask questions of the other sides'
15 witnesses and provide your own statement and any
16 witnesses you may have.

17 And I know that process may be
18 unfamiliar to you and a little bit daunting, so I'm
19 just suggesting that the settlement process that we
20 can have at these types of hearings is conducive to
21 working that out so everyone can avoid that.

22 MR. LEWIS: Yes, sir.

23 JUDGE LANE: Do you understand that,
24 Mr. Lewis?

25 MR. LEWIS: Yes, sir.

1 JUDGE LANE: Okay. And as I said
2 before, if the parties don't resolve their
3 differences at the prehearing conference, then what I
4 will probably do is issue an order requiring the
5 parties to enter into a proposed procedural schedule
6 where we get all of these -- the discovery matters
7 and the witnesses and the exhibits and all that, we
8 get all that squared away, and then when that's all
9 done, we'll go ahead and we'll have a hearing on the
10 merits of your complaint.

11 MR. LEWIS: Okay.

12 JUDGE LANE: Okay. Well, unfortunately,
13 most of that process is short-circuited right now
14 because Laclede is not here. That's the other side.

15 MR. LEWIS: Okay.

16 JUDGE LANE: That's the Respondent in
17 this matter. And without their presence, of course,
18 I don't think we can get too far in terms of
19 settlement.

20 However, I do want -- and I do want to
21 say that with regard to Laclede, the order scheduling
22 this prehearing conference specified that if any
23 party does not appear without providing a continuance
24 or without giving advance notice of their absence,
25 the Commission's going to enter an order asking them

1 to show cause why they should not be dismissed from
2 the case or lose the case for their failure to
3 appear. So that's going to be coming, a show cause
4 order having Laclede explain what good cause -- or
5 what the cause was for why they're not here today.

6 Because these are important matters. We
7 schedule them, we have the time. There are four
8 people here taking up valuable time, plus your time,
9 Mr. Lewis.

10 MR. LEWIS: Okay.

11 JUDGE LANE: So that will be coming down
12 the pike. Now, you don't need to worry about
13 responding to that. That's their responsibility.

14 MR. LEWIS: Yes, sir.

15 JUDGE LANE: But I do want to suggest
16 this before we go off the record, and I wanted you to
17 know that if we do have another prehearing
18 conference, I will actually leave the room while you
19 and Laclede and Staff and Public Counsel and the
20 Staff personnel that are here to help in this
21 process, I'll leave so that I'm not bias or
22 prejudiced by anything that I might hear as the judge
23 in this case.

24 MR. LEWIS: Okay.

25 JUDGE LANE: Okay? But I do want to

1 suggest before we go off the record that if you feel
2 that anything -- it would be helpful to discuss your
3 case or to, you know, try to reach, you know, some
4 type of agreement in principle or narrow the issues
5 down, if you feel that could be useful with the
6 parties who are present here today --

7 MR. LEWIS: Yes, sir.

8 JUDGE LANE: -- you are perfectly free
9 to go ahead and do that, to talk with the attorney
10 from Staff, to talk with the attorney from the Public
11 Counsel who represents the public at large in these
12 proceedings and to talk with the members of Staff who
13 are here who investigated your informal complaint.

14 Do you think that might be helpful,
15 Mr. Lewis?

16 MR. LEWIS: I really don't think it's
17 that serious.

18 JUDGE LANE: You don't think what?

19 MR. LEWIS: I said I don't really think
20 it's necessary. I think they got, you know, the
21 previous records, the bills that I paid, the existing
22 bills that I paid, plus the repairs that they have
23 done to the stove that I had put in and the -- they
24 looked over the furnace and the hot water tank.

25 JUDGE LANE: Yes, sir. I understand

1 that from your complaint that they came over and
2 verified that those appliances were working properly.

3 Well, all right. I'm certainly not
4 gonna put a gun to your head and force you to stay
5 here and, you know, engage in some give-and-take and
6 to maybe talk about, you know, to narrow down maybe
7 some of the issues in the case.

8 But I'm getting ready to take this
9 proceeding off the record, and I want to thank our
10 court reporter for being here this morning, Pam, and
11 I'm about ready to conclude this hearing.

12 Is there anything else you would like to
13 ask of me while I'm still here?

14 MR. LEWIS: Huh-uh.

15 JUDGE LANE: No?

16 MR. LEWIS: Yes, sir.

17 JUDGE LANE: Okay. Very good. Well,
18 I'm going to go ahead and take us off the record, and
19 if you want to stay on the line and, you know,
20 Mr. Poston, if you want to, you know, maybe kick
21 something off or -- I don't know. It's unknown.

22 But Mr. Lewis, if you want to stay on
23 the line, feel free. If not, go ahead and just --
24 we'll terminate this call and we'll take it from
25 here, okay?

1 MR. LEWIS: Okay. I'll terminate the
2 call.

3 JUDGE LANE: All right. Goodbye.

4 MR. LEWIS: Bye-bye.

5 JUDGE LANE: All right then. We're off
6 the record.

7 (WHEREUPON, the recorded portion of the
8 prehearing conference was concluded.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)
3) ss.
4 COUNTY OF COLE)
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6 I, PAMELA FICK, RMR, RPR, CSR, CCR #447,
7 within and for the State of Missouri, do hereby
8 certify that the foregoing proceedings were taken by
9 me to the best of my ability and thereafter reduced
10 to typewriting under my direction; that I am neither
11 counsel for, related to, nor employed by any of the
12 parties to the action to which this hearing was
13 conducted, and further that I am not a relative or
14 employee of any attorney or counsel employed by the
15 parties thereto, nor financially or otherwise
16 interested in the outcome of the action.

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PAMELA FICK, RMR, RPR, CSR, CCR #447
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