

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

Norman Harrold,)	
)	
v.)	Case No. GC-2007-0311
)	
Laclede Gas Company,)	
)	
Respondent.)	

**LACLEDE GAS COMPANY’S NOTICE OF PROVISION OF REQUESTED
RELIEF AND RENEWAL OF MOTION TO DISMISS COMPLAINT**

COMES NOW Laclede Gas Company (“Laclede”) and submits this notice that it has provided the relief requested by Complainant in this case, and renews its motion to dismiss the complaint filed by Norman Harrold (“Mr. Harrold”) for the reasons that Mr. Harrold no longer has grounds upon which to bring this complaint or, alternatively, that the complaint has been satisfied. In support thereof, Laclede states as follows:

1. In his February 22, 2007 complaint (the “Complaint”), Mr. Harrold objected to a billing adjustment on his gas account at 5918 Theodore (the “Theodore Account”) between September 2004 and April 2006 (the “Disputed Period”). The main thrust of Mr. Harrold’s complaint was that the billing adjustment of 2568 CCF (hundred cubic feet) was too high and should be reduced because the property was vacant during the Disputed Period.

2. In his request for relief, Mr. Harrold asked that Laclede correct the erroneous rebilling. He provided his own analysis of usage during the Disputed Period and concluded that such usage should have been 1330 CCF, and therefore, Laclede’s billing adjustment overstated the gas used during the Disputed Period by 1238 CCF (2568-1330). Mr. Harrold therefore requested that the billing adjustment be reversed and result in a credit to him, as the customer under the account, for 1238 CCF.

3. On October 30, 2007, Laclede agreed to provide the relief requested by Mr. Harrold and moved to dismiss the case. Staff concurred with Laclede's position. Mr. Harrold appeared at the November 6, 2007 hearing only after being contacted by Laclede's attorney and conferenced into the hearing, whereupon he claimed to be unprepared to proceed.

4. After Mr. Harrold subsequently failed to amend his complaint, on January 21, 2008, Laclede renewed both its agreement to provide the relief requested in the original complaint and its motion to dismiss that complaint. Laclede added that, since it was Mr. Harrold's position that he should never have been designated as the customer of record on the Theodore Account, Laclede also agreed to restore Mr. Harrold's adult daughter, Kenya Grimmer, as the customer of record. Mr. Harrold assented to Ms. Grimmer's receiving the benefits arising from the abovementioned billing adjustment. Staff again concurred with Laclede.

5. When Mr. Harrold failed to appear at the January 23, 2008, hearing, subjecting Mr. Harrold to dismissal of his complaint, Laclede represented on the record that it would nevertheless proceed with the agreed upon billing adjustment.

6. On January 23, 2008, the Commission issued two orders directing Mr. Harrold to file pleadings by January 30, 2008, showing good cause for his failure to appear at the January 23 hearing, and providing a response to Laclede's motion to dismiss.

7. Mr. Harrold failed to make his filing by the January 30 deadline.

8. By this pleading, Laclede is providing notice that it has implemented the relief requested by Mr. Harrold and agreed to by Laclede. Transfers made from the

Theodore Account to Mr. Harrold's current account have been reversed. His current account is now unaffected by any transactions that occurred on the Theodore Account. Ms. Kenya Grimmett has been restored as the customer at the Theodore Account. The billing adjustment has been performed, providing a net credit to the account of \$1,125. This eliminated an \$840 balance and resulted in a credit balance of more than \$285. This credit balance has been transferred to Ms. Grimmett's current account, for her benefit. Since Laclede has been unable to reach Ms. Grimmett by telephone, a letter was sent to her explaining these transactions.

9. Laclede again renews its motion to dismiss this case on the grounds that Mr. Harrold: (i) failed to appear and prosecute his complaint at the November 6, 2007 hearing; (ii) failed to amend his complaint as directed by the Commission; (iii) failed to appear at the January 23, 2008 hearing; (iv) failed to timely respond to either of the Commission's January 23, 2008 Orders Directing Filing; (v) has taken the position that he was not the customer at the Theodore Account and, by Laclede's agreement, he in fact is no longer the customer at the Theodore Account, and therefore has no standing to file a complaint to adjust the billing of another customer; and (vi) has, in any event, received the full benefit of the relief he requested in his complaint, and accordingly such complaint has been satisfied. In summary, the Complainant has both won his case and ignored Commission orders to amend his complaint, to appear at a hearing, to prosecute his case, to provide good cause for failing to appear, and to respond to another party's motion. Any one or two of these events individually would represent strong grounds for dismissal. With all of them occurring in the same case, it is hard to imagine a situation in which dismissal would be more appropriate.

10. Indeed, the other parties to this case, and their witnesses, are entitled to avoid being repeatedly subjected to preparing for a hearing that the Complainant does not appear at, over an account that the Complainant is not a party to, to argue over relief that Complainant has already received. Nor should the Commission waste its and the other parties' resources by continuing to entertain such a case.

11. In general, dismissal is viewed as a harsh remedy for the complainant. In this case, dismissal would have no effect on the Complainant. Rather, *not* dismissing the case would be a harsh and inequitable outcome for Laclede and all the other participants in this case.

WHEREFORE, Laclede respectfully requests that the Commission take notice that Laclede has implemented the terms of the agreed upon relief requested by the Complainant and, for the foregoing reasons, dismiss the complaint.

Respectfully submitted,

/s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the Complainant, the Staff, and the Office of Public Counsel on this 4th day of February, 2008 by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker