

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

Beverly A. Johnson,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2008-0295</u></b>
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**ORDER SETTING PREHEARING CONFERENCE AND DIRECTING**  
**FILING OF A PROPOSED PROCEDURAL SCHEDULE**

Issue Date: May 7, 2008

Effective Date: May 7, 2008

Beverly Johnson filed a formal complaint against Missouri Gas Energy ("MGE") on March 10, 2008, in which she alleged that MGE had unlawfully refused to establish natural gas service at her new address. On March 12, 2008, the Commission notified MGE of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of Ms. Johnson's formal complaint and to file a report concerning the results of its investigation no later than two weeks after MGE filed its answer to the complaint.

MGE filed its Answer and Motion to Dismiss on April 11, 2008, explaining that the company "operated within the requirements of its tariffs and Commission rule when it refused natural gas service to Ms. Johnson" since she had failed to pay an undisputed delinquent charge for gas service previously provided by MGE at one of her prior

addresses several years ago. On April 25, 2008, Staff filed a verified report based on its investigation, in which Staff concluded that although MGE had not violated its tariffs or the Commission's Denial of Service Rule (4 CSR 240-13.035) in refusing to initiate gas service at Ms. Johnson's new address, MGE should remove nearly half of her current account balance since she did not receive any benefit from the gas MGE provided to her old address after February 14, 2001.

This matter is now at issue and a prehearing conference is appropriate to ensure its prompt resolution. In part, a prehearing conference is designed to permit the parties to pursue settlement discussions and to identify all remaining procedural or substantive matters of concern prior to the formal disposition of the issues in the case.<sup>1</sup> In addition, a prehearing conference offers the parties a valuable opportunity to attempt to resolve their differences by agreeing to voluntary mediation of their dispute. The parties shall jointly file a proposed procedural schedule within one week after the prehearing conference.

The Commission reminds the parties that this prehearing conference is *not an evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference.<sup>2</sup> However, all parties are required to be present for the prehearing conference, and a court reporter will be present to make a record of the parties that appear. **Parties must arrive in person or appear by telephone at or before the scheduled starting time of 9:00 a.m. in order to participate.** Pursuant to Commission Rule 4 CSR 240-2.090(5), "Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the

---

<sup>1</sup> See Commission Rule 4 CSR 240-2.090(6).

<sup>2</sup> Also, under Commission Rule 4 CSR 240-2.090(7), any facts the parties may discuss during the conference, including any settlement offers or discussions, are privileged and cannot be used against any participating party unless the parties agree to disclose them or they are fully supported by other, independent evidence.

party's complaint, application or other action unless good cause for the failure to appear is shown."

The Commission further advises the parties that arriving late to a prehearing conference is the equivalent of failing to appear. 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. If a party fails to meet those obligations, that party may be dismissed and the Commission may rule in favor of an opposing party. This is why the Commission issues advance notice of all hearings and conferences and extends various opportunities prior to any scheduled event for the parties to appear by phone or request a continuance.

**IT IS ORDERED THAT:**

1. The parties shall appear at a prehearing conference to be held on May 28, 2008, beginning at 9:00 a.m. The prehearing conference will be held in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-751-7485 no later than May 15, 2008.

3. Any party wishing to request a continuance shall file a pleading with the Commission stating why they are unable to attend the scheduled prehearing conference on May 28, 2008, either in person or by phone, and shall provide the Commission with a list of

dates when that party is available to appear. Any such pleading shall be filed no later than May 21, 2008, and shall also be served on every other party to this complaint by the party requesting the continuance.

4. The parties shall jointly prepare and file a proposed procedural schedule no later than June 4, 2008.

5. This order shall become effective on May 7, 2008.

**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 )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 7th day of May, 2008.