

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day
of October, 2010.

Earnette Smith,)	
)	
Complainant,)	
)	
v.)	<u>File No. GC-2011-0009</u>
)	
Union Electric Company,)	
d/b/a AmerenUE,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: October 20, 2010

Effective Date: October 27, 2010

The Missouri Public Service Commission is dismissing without prejudice the complaint of Earnette Smith. He filed the complaint on July 8.¹ On September 14, the Commission issued an order scheduling a pre-hearing conference for September 28.

On September 28, the Commission convened the pre-hearing conference at the time and place set forth in the Commission's order. Despite such notice, Mr. Smith made no appearance. The Commission issued an Order to Show Cause on September 30, giving Mr. Smith until October 11 to show cause why he failed to appear for the pre-hearing conference. Mr. Smith did not respond.

The Commission's regulations provide:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party

¹ Unless otherwise noted, calendar references are to 2010.

or the party's complaint . . . unless good cause for the failure to appear is shown.²

The Commission's regulations also provide:

A party may be dismissed from a case for failure to comply with any order issued by the commission.³

Therefore, the Commission will dismiss the complaint without prejudice.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice.
2. This order shall become effective on October 27, 2010.
3. This file shall be closed on October 28, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge

² 4 CSR 240-2.090(5).

³ 4 CSR 240-2.116(3).