

SAM <sup>1</sup> WAHEED,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2009-0236
	)	
AMERENUE,	)	
	)	
Respondent.	)	

<sup>1</sup> We change the spelling of complainant's name from the way it appears on his gas bills to the way he signs it.

all in Mexico, Missouri. Mexico, Missouri, therefore appears to be a logical location for the parties to appear for the pre-hearing conference.

Further, the pre-hearing conference's purposes include the following:

Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.<sup>[3]</sup>

The presiding officer's presence during the pre-hearing conference facilitates the discussion and decision of procedural and substantive matters. But a pre-hearing conference also constitutes an opportunity to discuss the possibilities for settlement.

Settlement appears to be a realistic possibility for this case, according to the pleadings and the reply form that Sam Waheed filed on Marc 25, 2009. The Commission emphasizes that parties have the right to an evidentiary hearing and a decision from the Commission. But more satisfactory results may be possible if the parties can arrive at a mutually agreeable settlement.

Settlement is more likely when parties more freely share their information. Such information may be sensitive and better kept from the RLJ until offered in proper context during an evidentiary hearing, as the Commission's regulations recognize:

Facts disclosed in the course of a prehearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence. <sup>[4]</sup>

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<sup>2</sup> 4 CSR 240-2.090(3).

<sup>3</sup> 4 CSR 240-2.090(6).

<sup>4</sup> 4 CSR 240.2-090(7).

Thus, though the RLJ is available to facilitate the discussion and decision of procedural and substantive matters at the pre-hearing conference, the parties may want the RLJ to be present—if at all—only by telephone.<sup>5</sup>

Similarly, counsel may prefer to participate by telephone to reduce unnecessary expenditure of party resources.

**THE COMMISSION ORDERS THAT:**

1. The parties shall file conflict dates for April 13, 2009, through May 7, 2009.
2. The parties shall file suggestions as to the location of the pre-hearing conference.
3. The parties shall file suggestions as to participation at the pre-hearing conference in person or by telephone of the presiding officer, parties, and counsel.
4. Any response to this order shall be filed no later than April 17, 2009.
5. This order is effective when issued.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 25<sup>th</sup> day of March 2009.

Jordan, Regulatory Law Judge

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<sup>5</sup> The Commission reminds the parties that mediation, conducted by someone other than the RLJ assigned to this case, is also available under 4 CSR 240-2.125(2)-(6).