

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

Myron Lockhart,)	
)	
Complainant,)	
v.)	Case No. GC-2012-0078
)	
Laclede Gas Company,)	
Respondent.)	

LACLEDE GAS COMPANY’S MOTION TO DISMISS COMPLAINT
OR, IN THE ALTERNATIVE,
MOTION FOR A MORE DEFINITE STATEMENT

COMES NOW Laclede Gas Company (“Laclede” or “Company”) and moves to dismiss the complaint filed by Myron Lockhart in this case, or in the alternative, moves the Commission to require Mr. Lockhart to file a more definite statement of his complaint. In support thereof, Laclede states as follows:

1. On September 12, 2011, Complainant Myron Lockhart filed a complaint against Laclede and Union Electric. For the reasons set forth below, his complaint is deficient and should be dismissed.

MOTION TO DISMISS

2. Complainant’s complaint fails to comply with Section 2.070(5) of the Commission’s rules.¹ As a result, pursuant to Commission Rule 2.070(6), Laclede moves to dismiss the complaint for failure to comply with the provisions of the Commission rules.

3. Specifically, the complaint fails to meet the filing requirements of Rule 2.070(5)(A) because it does not contain the street address, email address, if applicable, or the address where utility service was rendered. The complaint does contain a post office

¹ 4 CSR 240-2.070(5).

box, but that is not a street address. The complaint also does not list a telephone number, as required by Rule 2.070(5)(A); however, there is a telephone number listed on an informal complaint form, which is an attachment to the complaint.

4. The complaint also does not comply with Rule 2.070(5)(C), as it fails to identify “the nature of the complaint and the complainant’s interest in the complaint, in a clear and concise manner.” The complaint appears to have something to do with securities, that is, stock and bond issuances, and it further appears that the time period in question is around 1971. However, the nature of the complaint is completely unclear, as is the complainant’s interest in this matter. On page 3 of the complaint, Complainant asks who authorized Laclede to change from a private company to a public company. It is well known that Laclede has been a public company for well over a century, and that it was one of the original companies that comprised the Dow Jones industrials in the 1890s.

5. The complaint also violates Rule 2.070(5)(D), as there is no comprehensible relief requested. There is a statement under the request for relief. However, Laclede cannot fathom the meaning of this statement: “Bonds stock shares and trust compensation inform of payments current value.”

6. The complaint does not contain information providing that the Commission has jurisdiction over the subject matter of the complaint, as provided in Rule 2.070(5)(F). While Laclede would not expect a pro se complainant to be versed in matters of jurisdiction, in a case where the subject matter appears to be 1971 securities transactions, the Commission’s jurisdiction should be addressed.

7. In addition to the shortcomings in the formal complaint filing, pursuant to Rule 2.070(6), Laclede also moves to dismiss the complaint for failure to state a claim on

which relief can granted. A formal complaint must set forth acts or things the utility did or failed to do that allegedly violated a law, or a rule, order or decision of the Commission.² Nothing in the complaint states facts that allege any act or omission of wrongdoing on which relief may be granted by this Commission.

ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT

8. Laclede has read the complaint but cannot understand the nature of the complaint and therefore is unable to fairly respond to it. In the event the Commission declines to dismiss the complaint, Laclede requests that the Commission order Complainant to provide a more definite statement of the nature of the complaint, the specific acts done or omitted by Laclede, how those acts or omissions violate laws or Commission orders, rules or decisions and give rise to a right to relief for the Complainant.

WHEREFORE, Laclede respectfully requests that the Commission grant this motion and dismiss the complaint or, in the alternative, require the Complainant to make more clear and definite statements in the complaint as requested herein.

Respectfully submitted,

/s/ Rick Zucker

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² 4 CSR 240-2.070(3).

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Motion was served on the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 28th day of September, 2011 by United States mail, hand-delivery, email, or facsimile.

/s/ Gerry Lynch_____