

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

Gwenda Allen,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0007</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

**MOTION FOR STAFF INVESTIGATION AND
TO SET ASIDE NOTICE OF DEFICIENCY AND
NOTICE OF PENDING DISMISSAL AND
TO ISSUE NOTICE OF COMPLAINT**

COMES NOW the Staff of the Missouri Public Service Commission, by and through the Commission's General Counsel, and hereby moves the Commission to order a Staff investigation and report in this matter and to set aside the Notice of Deficiency and Notice of Pending Dismissal previously issued herein, and to issue a Notice of Complaint requiring Respondent Laclede Gas Company to respond to the Complaint. In further support of its Motion, Staff states as follows:

1. On July 5, 2006, Gwenda Allen filed her Complaint with the Commission against Respondent Laclede Gas Company.

2. Thereafter, on July 6, 2006, the Commission issued its Notice of Deficiency to Complainant, stating:

Ms. Allen's complaint is deficient for not having fully complied with Commission regulations 4 CSR 240.070(5)(C), (D), and (E). Ms. Allen has failed to state the nature of her complaint and the complainant's interest in the complaint in a clear and

concise manner, the relief requested, and whether she has directly contacted the person, corporation or public utility about which complaint is being made. No action will be taken on this complaint until it is brought into compliance with all Commission regulatory requirements.

3. Thereafter, on August 31, 2006, the Commission issued its Notice of Pending Dismissal to Complainant, stating:

Fifty-six days have passed since the Commission issued its Notice of Deficiency and Ms. Allen has not yet brought her complaint into compliance with Commission Rules. Commission Rule 4 CSR 240-2.116(2) states: "Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time." The Commission is now issuing notice that should Ms. Allen fail to bring her complaint into compliance within the remaining thirty-four days to further prosecute her claim, or should Ms. Allen fail to request a continuance, that her complaint could face possible dismissal on October 4, 2006.

4. A review of the Complaint and the several documents attached to it reveals that Complainant has indeed failed to comply with Commission Rule 4 CSR 240-2.070(5)(C), (D), and (E). Nonetheless, Staff suggests to the Commission that the public interest would be better served by taking a course other than dismissal herein. The latest document attached to the Complaint is a letter from Great Things Incorporated Foundation dated May 5, 2006, advising Complainant that Great Things had approved a one-time grant of \$329.21 to paid to Laclede with respect to her account. Another attached document, dated January 13, 2003, shows that Complainant's unpaid balance owed to Laclede on that date was \$1,574.70 and that the Company would not restore Complainant's service because her available Energy Assistance Grant would not pay a sufficient portion of that unpaid balance. These documents are sufficient to alert the Commission that this matter involves a low-income ratepayer that is unable to

obtain heating service, a matter of great public interest in view of the potential danger to the health and welfare of Complainant and her family, if any, of a winter without heat.

5. Staff suggests that an overly-stringent application of the Commission's pleading rules to unrepresented consumer complainants is contrary to the public interest and in derogation of § 386.610, RSMo, which provides in pertinent part: "The provisions of this chapter shall be liberally construed with a view to the public welfare, efficient facilities and substantial justice between patrons and public utilities." Staff suggests, on information and belief, that some consumers are unable to strictly comply with the Commission's procedural requirements but nonetheless require regulatory protection.

6. While the Complaint is certainly insufficient to advise the Commission of the details of this matter, a Staff investigation and report would provide an alternative avenue for determining whether or not Commission action in this case is necessary.

7. Staff points out to the Commission that Rule 4 CSR 240-2.015 authorizes the Commission to waive its procedural rules for good cause shown.

WHEREFORE, Staff moves the Commission to order a Staff investigation and report in this matter, to set aside the Notice of Deficiency and Notice of Pending Dismissal previously issued herein, and to issue a Notice of Complaint requiring Respondent Laclede Gas Company to respond to the Complaint; and for such other and further relief as the Commission deems just in the premises.

Respectfully submitted,

s/ Kevin A. Thompson
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Attorney for Staff.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 26th day of September, 2006, as shown below:

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s/ Kevin A. Thompson