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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of December, 1998.

Dana K. Joyce, General Counsel of the Missouri Public Service Commission, ex rel. the Staff of the Missouri Public Service Commission,)	
)	
)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-99-121</u>
)	
Laclede Gas Company,)	
)	
)	
Respondent.)	

ORDER OF DISMISSAL

The Staff of the Missouri Public Service Commission (Complainant) filed a formal complaint with the Commission against Laclede Gas Company (Laclede) on September 28, 1998. The complaint alleges that Laclede's tariff is deficient in several ways. Laclede answered Staff's complaint on November 16, 1998 and moved to dismiss the same.

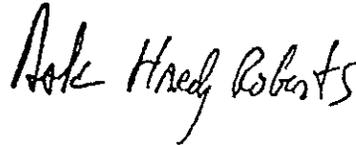
The various defects alleged to exist in Laclede's tariff cannot be addressed in these proceedings. As Laclede points out in its answer, a complaint can only be entertained by the Commission if it alleges a violation of a law or rule or order of the Commission. See § 386.390.1, RSMo, and 4 CSR 240-2.070(3). Staff's complaint, while identifying many problems it sees with Laclede's tariff, does not allege that any provision of the tariff is in violation of a law or rule or order of the Commission.

The Commission, by this order, is not taking a position on the merit of the Staff's arguments but is compelled by law to dismiss the complaint because it does not meet a threshold requirement for all complaints. Furthermore, it is important to note that the Commission is granting this Order of Dismissal based expressly and solely on the fact that no violation of law, rule or order was alleged, and for no other reason propounded by Laclede's answer.

IT IS THEREFORE ORDERED:

1. That this complaint is dismissed for reasons set out above.
2. That this order shall become effective on January 5, 1999.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Crumpton, Murray
and Schemenauer, CC., concur.
Drainer, C., absent.

Gandhi, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION