

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 10th
day of December, 1991.

C.W. Hopkins,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-92-24</u>
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	
)	

ORDER DISMISSING COMPLAINT

On August 29, 1991, C.W. Hopkins (Complainant) filed a complaint against Southwestern Bell Telephone Company (SWB) alleging that SWB changed the designation of his telephone lines from residential to business without authorization. SWB denied the allegations and by order issued October 25, 1991 the Commission established a prehearing conference for the parties to narrow the issues and agree upon a procedural schedule if the dispute was not settled.

On December 5, 1991 the prehearing conference was held as scheduled. SWB appeared but Complainant did not. SWB moved on the record for dismissal of the complaint for failure to prosecute.

The Commission will grant SWB's motion. Complainant is the moving party in this case and the burden is on Complainant to appear at the prehearing conference. Where a complainant fails to appear without requesting a continuance, the Commission may dismiss the complaint. 4 CSR 240-2.110(6). Complainant did not appear and did not seek a continuance. The complaint will be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint of C.W. Hopkins against Southwestern Bell Telephone Company be hereby dismissed.

2. That this order shall become effective on the 20th day of December, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch
and McClure, CC., concur.
Perkins, C., absent.