

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of December, 1995.

Fred and Norma Dell,)	
)	
Complainants,)	
)	
vs.)	<u>CASE NO. MC-95-324</u>
)	
Spiral Industry Inc.)	
Heritage Mobile Homes Inc.,)	
)	
Respondents.)	

ORDER OF DISMISSAL

On April 19, 1995, Fred and Norma Dell (Complainants) filed a complaint against Spiral Industry Inc. (Spiral) and Heritage Mobile Homes, Inc. (Heritage), (collectively referenced as Respondents). On June 21, 1995, the Commission ordered the Staff of the Commission (Staff) to investigate the allegations against Respondents.

On August 21, 1995, Staff filed a report on its investigation into the complaint. Staff recommended that the complaint against Spiral be dismissed because no items in the complaint were attributable to manufacturing defects.

On September 19, 1995, the Commission dismissed the complaint against Spiral and scheduled a prehearing conference concerning the complaint against Heritage for October 13, 1995. On October 12, 1995, at the request of the Complainants, the Commission continued the prehearing conference to October 27, 1995.

On October 27, 1995, the Commission convened the prehearing conference with Heritage and Staff appearing. The Complainants failed to appear at the prehearing conference although they had not been excused. On November 15, 1995, Heritage filed a motion to dismiss the complaint. Within its motion, Heritage included an affidavit stating that, subsequent to the scheduled prehearing conference, it contacted the Complainants and offered to correct the deficiencies noted in Staff's report but the Complainants refused. As of the date of this Order, the Complainants have not responded to Heritage's motion.

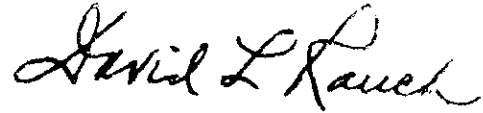
4 CSR 240-2.090(5) provides: "Attorneys representing the parties shall be present at all prehearing conferences, unless excused by the commission or presiding officer." In light of the Complainants' failure to appear at the scheduled prehearing conference, the Commission finds that the Complainants have abandoned their complaint. Thus, the Commission finds that the complaint against Heritage in this case should be dismissed.

IT IS THEREFORE ORDERED:

1. That the motion to dismiss filed by Heritage Mobile Homes, Inc. is hereby granted.
2. That the complaint of Fred and Norma Dell against Heritage Mobile Homes, Inc. is hereby dismissed.

3. That this Order shall become effective on December 19,
1995.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Kincheloe,
and Drainer, CC., Concur.
Crumpton, C., Absent.