

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day of
February, 2009.

PATRICIA HILL,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2009-0101
)	
AMERENUE,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issued: February 19, 2009

Effective: March 1, 2009

The Missouri Public Service Commission is dismissing, without prejudice,
the complaint of Patricia Hill for failure to comply with Commission orders.

Procedure

Ms. Hill filed the complaint on September 17, 2008, alleging errors in her electric bill. On October 23, 2008, AmerenUE filed its answer. The Commission's staff ("Staff") filed its recommendation against the complaint on November 17, 2008.

Findings of Fact

1. On December 29, 2008, the Commission ordered Ms. Hill to show cause why the Commission should not dismiss her complaint ("First Show Cause Order"). The Commission did so because Ms. Hill did not respond to the Commission's letters dated November 25, 2008, and December 10, 2008,

soliciting Ms. Hill's input on the processing of the complaint. Ms. Hill filed her response to the First Show Cause Order on January 21, 2009.

2. On January 22, 2009, the Commission ordered the parties to file dates ("conflict dates") on which the parties could not attend a hearing ("Conflict Dates Order"). The Conflict Dates Order required all parties to reply no later than February 5, 2009. As of the date of this order, Ms. Hill has not responded to the Conflict Dates Order.

3. On February 6, 2009, the Commission again ordered Ms. Hill to file conflict dates, and again required her to show cause why the Commission should not dismiss the complaint ("Second Show Cause Order"). The Second Show Cause Order required Ms. Hill to respond no later than February 13, 2009. As of the date of this order, Ms. Hill has not responded to the Second Show Cause Order.

Conclusions of Law

1. The Commission may dismiss a complaint for failure to comply with an order of the Commission. The Commission's regulations provide:

The commission, on its own motion . . . , may after notice dismiss a complaint for . . . failure to comply with . . . an order of the commission[;¹]

and:

A party may be dismissed from a case for failure to comply with any order issued by the commission [.²]

Those regulations apply to Ms. Hill because she failed to comply with the Conflict Dates Order and Second Show Cause Order.

¹ 4 CSR 240-2.070(6).

² 4 CSR 240-2.116(3).

2. The Commission's regulations also provide:

A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved. [³]

That regulation also applies because failure to comply with the Conflict Dates Order and Second Show Cause Order is good cause to dismiss the complaint.

3. For those reasons, the Commission will dismiss the complaint, but the dismissal is without prejudice, because the Commission is not deciding the complaint's substance.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice.
2. This order shall be effective on March 1, 2009.
3. The Commission's Data Center shall close this case on March 2, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis, Jarrett,
and Gunn, CC., concur.

Jordan, Regulatory Law Judge

³ 4 CSR 240-2.116(4).