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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 12th  
day of March, 1998.

Lucille Johnson,	)	
	)	
Complainant,	)	
	)	
vs.	)	<b><u>Case No. GC-98-284</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**ORDER DIRECTING STAFF INVESTIGATION AND REPORT**

On January 12, 1998, Lucille Johnson (Complainant) filed a complaint against Laclede Gas Company (Laclede or Respondent). Complainant states that on Saturday, November 15, 1997 she called Laclede because of an odor of gas at her residence. Complainant alleges that the technician from Laclede informed her that it would be Monday before Laclede could fix her furnace because it was not an emergency. Complaint states that it was very cold on that day and that she was sick. Complainant states that an individual from Laclede returned between 2:00 and 3:00 p.m. on Monday, November 17, and fixed her furnace. Complainant states that Laclede did not turn on her furnace because the furnace did not have a flue liner. Complainant alleges that on November 18 Laclede informed her that Laclede had made a mistake about her furnace and that it did not need a flue liner. Complainant alleges Laclede later sent two technicians to turn on the furnace.

On February 17, 1998, Laclede filed an Answer to Complaint and Motion to Dismiss. Laclede admits that Complainant called Laclede on November 15, 1997, to report an odor of gas at her residence. Laclede

admits that when its service personnel arrived at Complainant's residence, they discovered a gas leak in the Complainant's customer-owned fuel line. Laclede denies the allegation that its service personnel said that the leak could not be fixed until the following Monday. Laclede states that the service personnel informed Complainant that she had the choice of waiting until Monday when Laclede would be able to perform the repair work, or calling another contractor to have her gas line repaired more quickly. Laclede alleges Complainant elected to wait to have Laclede perform the repairs on Monday.

Laclede admits that it returned to Complainant's residence on Monday, November 17, and repaired her leaking fuel line. Laclede admits that its service personnel did not turn on the gas to the Complainant's furnace because they believed that the furnace installation constituted a safety hazard inasmuch as the Complainant's masonry chimney was not protected with a flue liner.

Laclede admits that it subsequently realized that the Complainant's chimney did not require a flue liner because her furnace had been modified by the installation of a dilution air attachment, and that on November 19 Laclede called the Complainant to inform her of this development. Laclede denies the implication in the complaint that it did not reconnect gas service to the Complainant's furnace until November 22. Laclede states it reconnected service to Complainant's furnace on November 19 promptly following the discovery that it was unnecessary for Complainant's chimney to be protected by a flue liner and promptly after Laclede's call to Complainant.

Respondent requests that the Commission dismiss the complaint because Complainant did not allege that Laclede violated any provision of law, or any rule or order or decision of the Commission as required under

Section 386.390, RSMo 1994, and because Complainant has requested relief which is beyond the power of the Commission to grant under the applicable Missouri statutes.

The Commission has reviewed the complaint, the Respondent's answer, and the Respondent's motion to dismiss. The Commission notes that Complainant did not file a response to Respondent's motion to dismiss although Complainant had ten days to respond pursuant to Commission rule 4 CSR 240-2.080(12). Parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel. Sutton v. Kestler, 930 S.W.2d 516 (Mo. App. W.D. 1996). The Commission further notes that the Office of the Public Counsel (Public Counsel) did not file a pleading in this case even though Public Counsel has the statutory duty to represent the public before the Commission.

The Commission finds that this is an appropriate case in which its Staff should be directed to investigate further into the facts surrounding the complaint. The Staff should be directed to investigate the allegations set forth in the complaint and to file a report setting out its findings in this case. The Commission will not rule on Laclede's motion to dismiss until after Staff files its report.

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Missouri Public Service Commission shall investigate the allegations set out in the complaint filed herein and shall file a report of their findings in this case. Such report shall be filed no later than April 13, 1998.

2. That this order shall become effective on March 24, 1998.

BY THE COMMISSION

*Dale Hardy Roberts*

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

(S E A L)

Lumpe, Ch., Crumpton, Murray,  
and Drainer, CC., concur.

G. George, Regulatory Law Judge

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION