

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 13th
day of May, 1992.

Sandra A. Session,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. GC-92-238</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

On March 16, 1992, Sandra A. Session (Complainant) filed a complaint against Laclede Gas Company (Respondent) alleging several problems with service at her apartment building located at 3043 Semple Avenue, St. Louis, Missouri. Complainant alleges that Respondent failed to address her complaints concerning service. Complainant requests that the Commission award her actual damages and punitive damages because of the service problems. On April 23, 1992, Respondent filed its answer to the complaint.

The Commission has considered Complainant's pleading and Respondent's answer, and finds that the Complaint should be dismissed. Section 386.390, RSMo 1986, requires a complaint to allege any act or thing done or omitted to be done by a public utility in violation of any provision of law, or of any rule or order or decision of the Commission. The Commission finds that Complainant has failed to allege specifically what provisions of law, rule or Commission order Respondent is to have violated. In addition, the Complainant's prayer for relief requests monetary damages, which the Commission cannot award. *Gaines v. Gibbs*, 709 S.W.2d 541 (Mo. App. 1986); *Wilshire Construction Co. v. Union Electric Co.*, 463 S.W.2d 903 (Mo. App. 1971); *State ex rel. Fee Fee Trunk Sewer Inc. v. Litz*, 596 S.W.2d 466 (Mo. App. 1980).

IT IS THEREFORE ORDERED:

1. That the complaint of Sandra A. Session against Laclede Gas Company is hereby dismissed.

2. That this Order shall become effective on the 26th day of May, 1992.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC.,
concur.