

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Harold and)
Debbie Meyer for Change of Electric Supplier.) **File No. EO-2010-0051**

STAFF'S STATUS REPORT

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this status report respectfully stating the following to the Missouri Public Service Commission (Commission):

1. On August 4, 2009, Harold and Debbie Meyer (Applicants) filed an *Application For Change Of Electric Service Provider (Application)* seeking to change their electric service supplier from the City of Marceline (Marceline) to Macon Electric Cooperative (MEC). The Applicants assert poor service as the reason for the *Application*.

2. The Commission initially scheduled a prehearing conference for November 16, 2009. Due to the scheduling conflicts of the Staff and Marceline, the undersigned telephoned the Applicants on at least three different days, and finally reached the Applicants to determine their availability to include within the Staff's *Proposed Dates for Scheduling Prehearing Conference* filed November 20, 2009.

3. On January 12, 2010, the Staff and counsel for Marceline participated in the scheduled prehearing conference. The record reflects that the Applicants failed to appear for the prehearing conference and that the Staff attempted to reach the Applicants three times by telephone during the conference.

4. Subsequent to the conference, the undersigned attempted to contact the Applicants by telephone on two different days. Being unable to contact the Applicants, the Staff filed a *Motion To Stay The Filing Of Procedural Schedule* on January 19, 2010. On January 22,

2010, the Commission granted the Staff's motion by order, which also directed the Applicants to notify the Commission in writing as to whether they wished to continue with their *Application* by no later than February 11, 2010.

5. On February 15, 2010, Applicant Ms. Debbie Meyer left a voice mail message with the undersigned, which stated she wanted to continue with the *Application* to change electric suppliers. The undersigned forwarded the voicemail to Judge Dippell, who received it on February 17, 2010.

6. On February 22, 2010, the Commission's *Notice Of Ex Parte Contact And Order Directing Filing* directed the parties to file a proposed procedural schedule no later than March 15, 2010. The undersigned telephoned the Applicants on three different days and was able to reach the Applicants on March 15, 2010, to discuss their availability for rescheduling a prehearing conference. On the same date, the Staff, on its behalf, and that of the Applicants and Marceline, filed a *Joint Motion For Prehearing Conference* with agreeable dates therein.

7. On March 22, 2010, the Commission ordered a second prehearing conference for April 29, 2010. On April 26, 2010, Marceline's counsel filed a motion to continue the second prehearing conference, which alleged he had suffered an injury and was scheduled for pre-operation procedures on that day. On April 27, 2010, the Commission granted the continuance.

8. In an effort to move the case forward, on June 14, 2010, the Commission directed Marceline's counsel to file a pleading to advise the Commission when he expected to be available for a second prehearing conference. In an attempt to avoid scheduling conflicts, the undersigned attempted to contact the Applicants, both prior to and after Marceline's June 2010 availability status report, at least six times by telephone. Additionally, on July 21, 2010, the undersigned sent a letter to the Applicants, which advised of Marceline's filing and requested

that they also provide a response as to their availability. To date, the undersigned has received neither a telephone message nor a letter from the Applicants.

9. The Commission's February 22, 2010, order summarizes the anti-flip-flop statutes and states "[t]he Commission may only order a change of electric suppliers under Missouri law if the applicants prove that the request is for a reason other than a rate differential. The process of proving a case to the Commission is through a formal hearing, unless the parties reach an agreement otherwise."

10. As the parties have not reached an agreement, the Applicants must prove through an evidentiary hearing that a change of supplier is lawful and for a reason other than a rate differential. While the Staff realizes that some delay in this case can be attributed to early scheduling conflicts and unforeseen illness, the Applicants failed to appear at the initial prehearing conference scheduled according to their availability, and have also failed to maintain timely contact with the Commission regarding their August 2009 *Application*.

11. As such, the Staff recommends that the Commission issue an order directing the Applicants to file a written response indicating whether they wish to pursue their *Application*, and if so, provide dates of availability for a second prehearing conference to the Commission by a date certain.

WHEREFORE, the Staff submits this status report for the Commission's information and consideration, and recommends that the Commission issue an order directing the Applicants to file a written response by a date certain indicating whether they wish to pursue the *Application*, and if so, provide dates of availability for a second prehearing conference. The Staff further recommends that the order advise the Applicants that no response may result in a dismissal of their *Application*.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid to Debbie and Harold Meyer, 902 S. Fairview Drive, Marceline MO 64658; Macon Electric Cooperative c/o Legal Department, P. O. Box 157, Business Highway 36 East, Macon, MO 63552; and via electronic mail to Scot T. Othic, attorney for the City of Marceline at scot.othic@sbcglobal.net; and the Office of Public Counsel for the State of Missouri at opcservice@ded.mo.gov this 4th day of August 2010.

/s/ Jennifer Hernandez