

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Paul Schaefer,

Complainant,

vs.

I.H. Utilities, Inc.

2538 Allegheny

Cuba, MO 65453

CERTIFIED MAIL

Respondent.

File No. WC-2013-0357

NOTICE OF CONTESTED CASE AND ORDERS FOR SMALL FORMAL COMPLAINT

Issue Date: January 18, 2013

Effective Date: January 18, 2013

The Commission is giving notice of a contested case and making orders under small formal complaint procedure.

A. Contested Case

On January 17, 2013, the complainant filed the complaint, a copy of which is attached. The filing of a complaint requires the Commission to set a hearing.¹ The requirement of a hearing on such issues signifies a contested case.² A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without an evidentiary hearing, including by stipulation and agreement.³ Also, as an alternative to the formal evidentiary hearing procedure, the Commission offers mediation.

¹ Section 386.390.5, RSMo 2000.

² Section 536.010(4), RSMo Supp. 2012.

³ Section 536.060, RSMo 2000; 4 CSR 240-2.115.

Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

B. Small Formal Complaint

For any formal complaint, the Commission's regulations provide:

Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve by certified mail, postage prepaid, a copy of the complaint upon the person, corporation or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the date of the notice. [⁴]

In addition, the complaint alleges facts to which the Commission applies small formal complaint procedure,⁵ for which the Commission's regulations provide:

When a complaint is filed that qualifies for handling as a small formal complaint, the assigned regulatory law judge shall direct the secretary of the commission to serve, by certified mail, postage prepaid, a copy of the complaint upon the [respondent]. At the same time, the regulatory law judge shall notify all parties that the complaint will proceed under the small formal complaint process. The [respondent] is allowed thirty (30) days after the date of notice to satisfy the complaint or file an answer [⁶]

In addition, the Commission's regulation for small formal complaints requires:

The commission's staff shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report detailing staff's findings and recommendations. [⁷]

⁴ 4 CSR 240-2.070(7).

⁵ 4 CSR 240-2.070(14).

⁶ 4 CSR 240-2.070(14)(A).

⁷ 4 CSR 240-2.070(14)(D).

The Commission will proceed under the small formal complaint process.

THE COMMISSION ORDERS THAT:

1. The complaint shall proceed under the small formal complaint process.
2. The secretary of the commission shall serve a copy of the complaint upon the respondent, by certified mail, postage prepaid.
3. The respondent shall file an answer no later than February 19, 2013.
4. The commission's staff shall investigate the complaint and file a report detailing staff's findings and recommendations no later than March 4, 2013.
5. This order is effective immediately upon issuance.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 18th day of January, 2013.