

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day
of November, 2006.

Mark S. Liesenfeld,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2007-0015</u>
)	
Joe Hybl,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: November 21, 2006

Effective Date: December 1, 2006

On June 28, 2006, Mark Liesenfeld filed a complaint against Joe Hybl that alleges that Mr. Hybl discontinued Mr. Liesenfeld's water service without notice, thus forcing him to install a private well. Mr. Liesenfeld asks the Commission to order Mr. Hybl to reimburse him the cost of the well.

As directed, Staff filed a report on September 8. Staff stated that the Circuit Court of Warren County entered an August 29, 2006 consent order under which Respondent agreed to reconnect Complainant within ten days of the order. Furthermore, Staff argued that the Commission has no authority to order monetary damages.¹

On September 26, the Commission noted that in light of Staff's report, and in light of a separate complaint that Staff filed against Mr. Hybl in Case No. WC-2007-0088, there appeared to be no issues for the Commission to resolve in this case. Thus, the Commis-

¹ *State ex. Rel. Missouri Pacific Railroad v. Public Service Commission*, 259 S.W. 445, 447 (Mo. 1924).

sion ordered Staff, and permitted any other party who wished to comment, to file pleadings regarding whether the Commission should dismiss the complaint. Staff responded on October 2, stating that the complaint should be dismissed; no other parties responded.

Commission Rule 4 CSR 240-2.116(4) allows the Commission to dismiss complaints for good cause after a minimum of ten days' notice to all parties. Given Mr. Hybl's agreement to reconnect Mr. Liesenfeld, the Commission's lack of authority to order money damages, Staff's separate complaint against Mr. Hybl, and the apparent disinterest of Mr. Liesenfeld in pursuing this matter any further, the Commission finds good cause exists to dismiss the complaint. Therefore, the complaint will be dismissed.

IT IS ORDERED THAT:

1. The complaint filed by Mark Liesenfeld on June 28, 2006 is dismissed without prejudice.
2. This order shall become effective on December 1, 2006.
3. This case shall close on December 2, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Pridgin, Senior Regulatory Law Judge