

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Craig Mershon,)	
)	
Complainant,)	
)	
vs.)	File No. EC-2013-0521
)	
Union Electric Company d/b/a Ameren Missouri)	
)	
Respondent.)	

ORDER DENYING RE-CONSIDERATION OF PROCEDURAL SCHEDULE

Issue Date: November 26, 2013

Effective Date: November 26, 2013

On receipt of Craig Mershon's *Proposed Procedural Schedule*, ("motion") the Missouri Public Service Commission is re-considering the procedural schedule as ordered, and will maintain the schedule as ordered.

Background

On May 7, 2012, Mr. Mershon filed a complaint¹ that raised the same issues that Mr. Mershon raises in the current action. Craig Mershon filed the instant complaint on June 13, 2013. On November 13, 2013, the Commission convened a conference at which the parties discussed matters that included scheduling, and issued an order directing each party to file a proposed procedural schedule.² By order issued on November 14, 2013,³ the

¹ Electronic Filing and Information System ("EFIS"), File No. EC-2012-0365, No. 1, *Complaint*, filed on May 7, 2012. All other citations to EFIS reference this file no. EC-2013-0521.

² Electronic Filing and Information System ("EFIS") No. 58, *Order Directing Filing*, issued on November 13, 2013.

³ EFIS, File No. EC-2013-0521, Item No. 60, *Post-Conference Order*, issued on November 14, 2013.

Commission expressly permitted Mr. Mershon to file any document by email directly transmitted to the regulatory law judge assigned to this action.

On November 14, 2013, Ameren filed its proposed procedural schedule. On November 15, 2013, the Commission's staff ("Staff") filed its response endorsing Ameren's proposal. Mr. Mershon did not file a response by the deadline of November 22, 2013. On November 25, 2013, the Commission issued its order setting the schedule ("scheduling order") as proposed by Ameren and endorsed by Staff.⁴

The scheduling order crossed in the mail with the motion. The motion arrived at the Commission's Data Center in an envelope postmarked November 15, 2013,⁵ with a cover letter dated November 18, 2013, acknowledging the filing deadline of November 22, 2013, and the Commission received it on November 26, 2013. The motion proposes a procedural schedule, so the Commission will treat the motion as a motion for re-consideration⁶ of the scheduling order, as to which a motion for reconsideration is timely.⁷

The Motion

The parties propose dates for convening the evidentiary hearing as follows.

<i>Ameren</i>	December 16, 2013
<i>Mr. Mershon</i>	January 16, 2014

Ameren's proposal provides ample time to conclude preparation in this long-standing matter, while promoting to the Commission's directive that this action shall "be processed in the

⁴ EFIS No. 63, *Notice of Hearing and Order Setting Procedural Schedule*, issued on November 25, 2013.

⁵ EFIS No. 64, *Proposed Procedural Schedule*, filed on November 26, 2013.

⁶ 4 CSR 240-2.160(2) and (3).

⁷ 4 CSR 240-2.160(2).

timeliest manner possible [.]”⁸ Mr. Mershon states that he will begin discovery as soon as possible, and seeks additional time to file documents needed for the hearing, though Mr. Mershon proposes a later hearing date than Ameren.

The parties also cite the unavailability of certain persons. Staff specifies dates on which its personnel are unavailable. Those dates include the latter half of January 2014, when Staff will be preparing direct testimony on tariffs that propose a natural gas rate increase,⁹ to which:

. . . the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.[¹⁰]

Mr. Mershon states that he, his assistant, or both, will be unavailable on unspecified dates due to “upcoming holidays [,] family visits, and other holiday festivities.”¹¹ Those events do not constitute unavailability for an evidentiary hearing on the merits of Mr. Mershon’s complaint.

Therefore, the Commission will maintain the schedule as currently ordered, which is the proposal of Ameren, supported by Staff.

THE COMMISSION ORDERS THAT:

1. Craig Mershon’s *Proposed Procedural Schedule* is denied.

⁸ 4 CSR 240-2.070(15)(C).

⁹ In the Matter of Missouri Gas Energy, Inc.’s Filing of Revised Tariffs to Increase its Annual Revenues for Natural Gas, File No. GR-2014-0007.

¹⁰ Section 393.150.2, RSMo 2000.

¹¹ Motion, second page

2. On reconsideration, the Commission maintains the schedule set forth in the *Notice of Hearing and Order Setting Procedural Schedule*, as set forth in the body of this order.

3. This order is effective immediately upon issuance.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 26th day of November, 2013.