

Findings of Fact

1. On June 11, 2010, to facilitate the processing of the complaint, the Commission sent Mr. Howard a reply form and a letter asking Mr. Howard to file the reply no later than June 25, 2010.
2. On July 9, 2010, the Commission sent Mr. Howard a letter asking Mr. Howard to file the reply form no later than July 23, 2010.
3. On July 29, 2010, the Commission ordered Mr. Howard to show cause why the Commission should not dismiss the complaint.
4. On August 11, 2010, at Mr. Howard's request, the Commission extended the time for responding to the Commission's show-cause order to August 26, 2010.
5. As of the date of this order, Mr. Howard has not responded to the Commission's show-cause order and has not filed the reply form.

Conclusions of Law

The Commission may dismiss a complaint for failure to comply with an order of the Commission. The Commission's regulations provide:

The commission, on its own motion . . . , may after notice dismiss a complaint for . . . failure to comply with . . . an order of the commission [;³]

and:

A party may be dismissed from a case for failure to comply with any order issued by the commission [.⁴]

Those regulations apply to Mr. Howard because Mr. Howard failed to comply with the Commission's order.

The Commission's regulations also provide:

A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved. [⁵]

That regulation also applies because failure to comply with the Commission's order is good cause for dismissal.

For those reasons, the Commission will dismiss the complaint without prejudice.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice.
2. This order shall be effective on September 13, 2010.
3. The Commission's Data Center shall close this file on September 14, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn
and Kenney, CC., concur.

Jordan, Regulatory Law Judge

³ 4 CSR 240-2.070(6).

⁴ 4 CSR 240-2.116(3).

⁵ 4 CSR 240-2.116(4).