

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 4th day of
February, 2009

ROBERT B. HECTOR,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2009-0112
)	
AMERENUE,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issued: February 4, 2009

Effective: February 14, 2009

The Missouri Public Service Commission dismisses the complaint of Robert B. Hector ("Mr. Hector") because Mr. Hector has not complied with a Commission order.

Procedure

Mr. Hector filed the complaint on September 24, 2008, seeking adjustments to his electric bill. On November 3, 2008, AmerenUE filed its answer. The Commission's staff ("Staff") filed its recommendation against the complaint on December 3, 2008.

Findings of Fact

1. By letter mailed December 5, 2008, the Commission solicited Mr. Hector's input on the processing of the complaint and asked Mr. Hector to reply no later than December 19, 2008.

2. On December 22, 2008, Mr. Hector contacted the Commission and stated that he had received the letter and accompanying materials in damaged and partially illegible condition. In response, also on December 22, 2008, the Commission sent Mr. Hector the letter and accompanying materials, and extended his time for a reply until January 13, 2009. Nevertheless, as of the date of this order, Mr. Hector has not replied.

3. On January 21, 2009, Staff filed a motion asking that the Commission issue an order to show cause. The Commission granted that motion by order dated January 21, 2009. That order required Mr. Hector to show cause why the Commission should not dismiss the complaint and state whether Mr. Hector intended to pursue the complaint. The order required Mr. Hector to respond no later than January 28, 2009. As of the date of this order, Mr. Hector has not responded to that order.

Conclusions of Law

1. 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[;¹]

and:

A party may be dismissed from a case for failure to comply with any order issued by the commission [.²]

Those regulations apply to Mr. Hector because he failed to comply with the Commission's order dated January 21, 2009.

¹ 4 CSR 240-2.070(6).

² 4 CSR 240-2.116(3).

2. 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. [³]

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

3. For those reasons, the Commission will dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice.
2. This order shall be effective on February 14, 2009.
3. This case shall close this case on February 15, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Jordan, Regulatory Law Judge

³ 4 CSR 240-2.116(4).