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 May, 2014.

Gina M. Lawrence,	)	
	)	
Complainant,	)	
	)	
vs.	)	File No. EC-2014-0299
	)	
Ozark Electric Cooperative, Inc.	)	
	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT

Issue Date: May 21, 2014 Effective Date: May 21, 2014

The Missouri Public Service Commission is dismissing the complaint, on its own motion, for lack of jurisdiction.

The complaint[1] seeks an order requiring Ozark Electric Cooperative, Inc. ("Ozark") to replace her "smart, advanced or digital meter" with an "analog meter." The Commission cannot order that relief because the Commission's power over a cooperative is expressly limited by law:

> . . . nothing herein contained shall be construed as otherwise conferring upon such commission jurisdiction over the service . . . or management of any such cooperative. [2]

Replacement of a meter is a service matter within the cooperative's management, which places it outside the Commission's authority. The Commission has authority over safe operation of equipment, but the complaint does not seek safe operation of the meter, it

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[1] Electronic Filing and Information System No. 1, *Formal Complaint*, filed on April 21, 2014.

[2] Section 394.160.1, RSMo 2000.

seeks replacement of the meter with a different technology. That relief is not within the lawful power—the subject matter jurisdiction[3]—of the Commission.

When an agency lacks jurisdiction over a matter, it can only exercise its inherent power to dismiss matters outside its authority. [4] Also, when a complaint does not state a claim on which the Commission can grant relief, the Commission's regulations provide:

> The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted [.[5]]

The Commission issued an order to show cause why the Commission should not dismiss this action.[6] Ms. Lawrence did not file a response. Therefore, the Commission, on its own motion, will dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed.

2. This order is effective immediately upon issuance.

BY THE COMMISSION

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney, Hall, and Rupp, CC., concur.

Jordan, Senior Regulatory Law Judge

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[3] Missouri recognizes two types of jurisdiction: personal jurisdiction, which is not at issue, and subject matter jurisdiction, which is the authority to order relief on the matter that is the subject of the action. *J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 252-54 (Mo. banc 2009).

[4] *Oberreiter v. Fullbright Trucking*, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000) (citations omitted).

[5] 4 CSR 240-2.070(7).

[6] EFIS No. 2, *Order to Show Cause*, issued on April 23, 2014.