

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 8th day of  
September, 2010.

In the Matter of the Application of Harold and     )  
Debbie Meyer for Change of Electric Supplier.     )     **File No. EO-2010-0051**

**ORDER DISMISSING APPLICATION WITHOUT PREJUDICE**

Issue Date: September 8, 2010

Effective Date: September 18, 2010

On August 4, 2009, Harold and Debbie Meyer filed an application to change the electric supplier for their residence at 902 South Fairview Drive, Marceline, Missouri, from the City of Marceline, Missouri, to Macon Electric Cooperative. The Applicants stated that the Cooperative is willing to provide service but that the City of Marceline has refused to allow the change of supplier.

The City filed its response on September 11, 2009, requesting that the Commission deny the application. The Staff of the Commission filed a recommendation on September 25, 2009, in which it recommended that the application be denied.

The Commission issued an order on October 29, 2009, setting the matter for a prehearing conference and establishing a date for filing of a proposed procedural schedule. The prehearing was rescheduled twice, once at the request of the City and once at Staff's request, and was ultimately held on January 12, 2010. A toll-free conference line was reserved so that parties could participate by telephone. The Applicants did not appear and the Regulatory Law Judge was unable to reach the Applicants through their contact numbers.

On January 19, 2010, the Staff of the Commission filed a motion to stay the filing of a procedural schedule. Staff stated that it had attempted to contact the Applicants since the prehearing, without success. Staff requested that the Commission stay the procedural schedule until the Applicants had indicated to the Commission whether they wished to continue with their application.

On February 15, 2010, Debbie Meyer left a voice mail message for Staff Counsel Jennifer Hernandez, who forwarded it to Deputy Regulatory Law Judge Nancy Dippell. In the message Ms. Meyer stated that she wanted to continue with the request to change electric suppliers.

On February 22, 2010, the Commission issued an order directing the parties to file a proposed procedural schedule or other pleading. The Commission stated that if the Applicants wished to prosecute this case, they must appear at scheduled proceedings in person or by telephone, and that failure to appear could result in the dismissal of the application or a default in favor of the City of Marceline.<sup>1</sup>

In response to the Commission's order, Staff filed a joint motion on behalf of itself, Harold and Debbie Meyer, and counsel for the City of Marceline to convene a second prehearing conference. The Commission rescheduled the prehearing conference on April 29, 2010. However, this prehearing was continued at the request of counsel for the City for medical reasons.

The City filed a status report on June 25, 2010, advising the Commission that counsel was again able to participate in a prehearing and providing a list of suggested dates.

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<sup>1</sup> 4 CSR 240-2.116(3).

On August 4, 2010, Staff filed a status report. Staff related that since the City's status report, it has attempted several times, without success, to contact the Applicants by telephone, and also sent the Applicants a letter on July 21, 2010, to which it has not received a response.

On August 9, 2010, the Commission issued an order directing the Applicants to respond in writing, no later than August 20, 2010, notifying the Commission whether they wish to pursue their application and if so, stating on which dates (among those suggested by the City) they would be available to participate in a prehearing conference, either in person or by telephone. The Commission put the Applicants on notice that if they failed to respond, their application might be dismissed. The Applicants have not responded, and more than ten days have elapsed following the established filing deadline.

Commission rule 4 CSR 240-2.116(4) states that a case may be dismissed for good cause found by the Commission after a minimum of ten days notice to all parties involved. The Commission's order of August 9, 2010, was served on all parties to the case. More than ten days have elapsed and no party has responded. Because Harold and Debbie Meyer have not responded to the Commission's order, and did not previously participate in the scheduled prehearing conference, the Commission finds good cause to dismiss this application.

**THE COMMISSION ORDERS THAT:**

1. Harold and Debbie Meyer's Application for Change of Electric Service Provider, filed on August 4, 2009, is dismissed without prejudice.

2. This order shall become effective on September 18, 2010.
3. This case may be closed on September 19, 2010.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

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

Dippell, Deputy Chief Regulatory Law Judge