

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 31st day of January, 2024.

Dana Winters,)
)
 Complainant,)
)
 v.)
)
 Spire Missouri, Inc. d/b/a Spire,)
)
 Respondent.)

File No. GC-2024-0113

ORDER DISMISSING COMPLAINT

Issue Date: January 31, 2024

Effective Date: March 1, 2024

On September 28, 2023, Dana Winters filed a formal complaint with the Commission against Spire Missouri, Inc. d/b/a Spire. On November 21, 2023, Spire filed its *Answer and Motion to Dismiss Complaint*. On December 6, 2022, the Staff of the Commission (Staff) filed its investigative *Staff Report*.

On December 19, 2023, the Commission issued an order setting a procedural conference for January 10, 2024, to be conducted via video and teleconference. The order specifically stated, "Failure to appear at the conference without being excused may result in dismissal of the complaint in accordance with Commission Rule 20 CSR 4240-2.090(5)." Mr. Winters did not appear for the January 10th procedural conference and did not contact the Commission to request a continuance of the conference.

On January 10, 2024, the Commission ordered Mr. Winters to file a pleading showing cause as to why his complaint should not be dismissed for failure to appear for

the procedural conference. Mr. Winters was ordered to respond by January 24, 2024. No response has been filed.

Three Commission rules address the failure of a party to appear for a prehearing conference. First, Commission Rule 20 CSR 4240-2.116(3) states:

A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

Second, Commission Rule 20 CSR 4240-2.090(5) states:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

Third, Commission Rule 20 CSR 4240-2.070(7) states:

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 or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations.

Mr. Winters failed to appear for the January 10th scheduled prehearing conference and failed to comply with a Commission order to show good cause for his failure to appear. Therefore, as provided by the Commission's rules, his complaint will be dismissed.

THE COMMISSION ORDERS THAT:

1. For all the reasons stated above, the complaint of Dana Winters against Spire is dismissed without prejudice.

2. This order shall become effective on March 1, 2024.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

Seyer, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 31st day of January 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 31, 2024

File/Case No. GC-2024-0113

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.