

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 23rd day of January, 2025.

Stan and Brenda Wilken,)	
)	
Complainants,)	
)	
v.)	<u>File No. EC-2025-0069</u>
)	
The Empire District Electric Company d/b/a)	
Liberty,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: January 23, 2025

Effective Date: February 22, 2025

On August 29, 2024,¹ Stan and Brenda Wilken (Complainants) filed a formal complaint with the Commission against The Empire District Electric Company d/b/a Liberty. On September 30, Liberty filed its *Response to Complaint*. On November 27, the Staff of the Commission (Staff) filed its investigative *Staff Report and Recommendation*.

On December 2, the Commission issued an order setting a prehearing conference for December 18, to be conducted via WebEx video and teleconference. Complainants did not appear for the December 18th prehearing conference and did not contact the Commission to request a continuance of the conference. On December 18, the Commission ordered Complainants to file a pleading showing cause as to why their

¹ All date references are to the year 2024, unless otherwise noted.

complaint should not be dismissed for failure to appear for the prehearing conference. The order noted that failure by a party to appear at a prehearing conference without securing a continuance constitutes grounds for dismissal of a party's complaint unless good cause for the failure to appear is shown. Complainants were ordered to respond by January 3, 2025. 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.

Complainants failed to appear for the December 18th scheduled prehearing conference and failed to comply with a Commission order to show good cause for their failure to appear. Therefore, as provided by the Commission's rules, their complaint will be dismissed.

Under Commission Rule 20 CSR 4240-2.070(14), the regulatory law judge shall cause the parties to be notified that the Commission's decision will be final unless an

application for rehearing is filed. The application for rehearing must be filed with the Commission before the effective date of this order, which is February 22, 2025.² If the Commission denies the application for rehearing, the parties then have 30 days after the denial is issued to file an appeal with the court of appeals.³ If the Commission grants the application for rehearing, then the Commission will order appropriate actions at that time.

THE COMMISSION ORDERS THAT:

1. For all the reasons stated above, the complaint of Stan and Brenda Wilken against Liberty is dismissed without prejudice.
2. If any party wishes to request a rehearing by the Commission, such request must be filed no later than February 21, 2025.
3. This order shall become effective on February 22, 2025.
4. This file shall be closed on February 23, 2025.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
Kolkmeier, and Mitchell CC., concur.

Fewell, Regulatory Law Judge

² Sections 386.500 and 386.515, RSMo (Supp. 2023).

³ Section 386.510, RSMo (Supp. 2023).

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 23rd day of January 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 23, 2025

File/Case No. EC-2025-0069

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Liberty (Empire)

Diana Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
diana.carter@libertyutilities.com

MO PSC Staff

Eric Vandergriff
200 Madison Street
Jefferson City, MO 65101
eric.vandergriff@psc.mo.gov

Stan and Brenda Wilken

Brenda Wilken
4555 Lawrence 2180
Pierce City, MO 65723
wilkenbk11@gmail.com

Stan and Brenda Wilken

Stan Wilken
4555 Lawrence 2180
Pierce City, MO 65723

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.