

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by telephone
and internet audio conference
on the 6th day of May, 2020.

Dora Michelle Middleton,)	
)	
Complainant,)	
)	
v.)	
)	
Union Electric Company d/b/a Ameren)	
Missouri,)	
)	
Respondent.		

File No. EC-2020-0083

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: May 6, 2020

Effective Date: June 5, 2020

Dora Michelle Middleton filed a complaint against Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) on September 19, 2019. Ameren Missouri filed its answer on October 17, 2019. The Commission's Staff filed a report on November 4, 2019, following an investigation into the allegations of the complaint.

A telephonic prehearing conference was scheduled for April 15, 2020, beginning at noon. All parties were given notice and directed to appear by telephone at the prehearing conference. Ameren Missouri and the Commission's Staff appeared by their counsel. Ms. Middleton did not appear by telephone, and she did not contact the Commission prior to the prehearing conference to request a continuance.

During the hearing, Ameren Missouri moved to dismiss Ms. Middleton's complaint pursuant to Commission rule 20 CSR 4240-2.116, citing grounds under subsections 2, 3, and 4:

- 1) Ms. Middleton's failure to prosecute this case;
- 2) Ms. Middleton's failure to appear at the April 15, 2020, prehearing conference; and
- 3) for good cause.

On April 16, 2020, the Commission issued an order that directed Ms. Middleton to respond to Ameren Missouri's motion to dismiss. The deadline for Ms. Middleton to respond was May 1, 2020. No response has been filed.

Because the motion to dismiss is unopposed, the Commission finds that Ms. Middleton's complaint will be dismissed due to her failure to appear at the April 15, 2020, prehearing conference.

Ameren Missouri requested the complaint be dismissed with prejudice. A dismissal with prejudice bars the assertion of the same cause of action or claim against the same party.¹

Parties have a right to judicial review once they have exhausted all administrative remedies and a final decision in a contested case has been given.² That final decision, by definition, must be accompanied by findings of fact and conclusions of law.³ There is no evidentiary record on which the Commission could make findings of fact or conclusions of law.

As there can be no findings of fact or conclusions of law without evidence, this Order is not a final decision which exhausts all administrative remedies. Dismissing this case with

¹ Missouri Supreme Court Rule 67.01.

² Section 536.100, RSMo (2016).

³ Section 536.090, RSMo (2016).

prejudice would be a final decision in a contested case without the statutorily required findings of fact or conclusions of law. Therefore, the Commission will deny Ameren Missouri's request that the complaint be dismissed with prejudice. The dismissal will be without prejudice, which allows Ms. Middleton the opportunity to refile her complaint.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's motion to dismiss is granted.
2. This complaint is dismissed without prejudice.
3. This order shall become effective on June 5, 2020.
4. This file shall be closed on June 6, 2020.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Hatcher, 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 6th day of May 2020.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 6, 2020

File/Case No. EC-2020-0083

**Missouri Public Service
Commission**

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

Sincerely,



**Morris L. Woodruff
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.