

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
February, 2008.

Norman Harrold,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0311</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: February 5, 2008

Effective Date: February 15, 2008

On February 22, 2007, Norman Harrold filed a formal complaint against Laclede Gas Company ("Laclede"). By order dated January 3, 2008, the Commission set the complaint for an evidentiary hearing in Room 305 of the Governor Office Building on Wednesday, January 23, 2008, beginning at 8:30 a.m. No continuance was secured by any party beforehand, and the hearing was convened at 8:40 a.m. While Laclede and the Commission's Staff appeared for the hearing by their counsel, Mr. Harrold did not appear, either in person or by telephone, despite the fact that the hearing was delayed for ten minutes to accommodate any party that was not present at the scheduled start time of 8:30 a.m.

On January 23, 2008, the Commission issued an Order Directing Filing which stated, in relevant part:

Commission Rule 4 CSR 240-2.110(2)(B) states: "Failure to appear at a hearing 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." Since Mr. Harrold failed to appear at the January 23, 2008 evidentiary hearing without previously having secured a continuance, under the plain terms of this Rule, his complaint against Laclede is subject to dismissal unless he shows "good cause for [his] failure to appear" at the evidentiary hearing on the merits of his complaint. Accordingly, Mr. Harrold will be granted one week to file a pleading showing good cause for his failure to appear at the evidentiary hearing.

The seven-day period expired on January 30, 2008, but Mr. Harrold has not filed anything in response to the Commission's show cause order. Therefore, his complaint will be dismissed without prejudice pursuant to Commission Rule 4 CSR 240-2.110(2)(B).¹

IT IS ORDERED THAT:

1. Norman Harrold's February 22, 2007 formal complaint against Laclede Gas Company is dismissed without prejudice.
2. This order shall become effective on February 15, 2008.
3. This case may be closed on February 16, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Appling,
and Jarrett, CC., concur

Lane, Regulatory Law Judge

¹ For this reason, the Commission need not address Laclede's motion of January 22, 2008, in which the company requested that Mr. Harrold's complaint be dismissed on other grounds.