

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Lynn Piowarczyk,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2007-0422</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**ORDER SETTING PREHEARING CONFERENCE AND DIRECTING**  
**FILING OF A PROPOSED PROCEDURAL SCHEDULE**

Issue Date: August 13, 2007

Effective Date: August 13, 2007

Lynn Piowarczyk filed a formal complaint against Laclede Gas Company ("Laclede") on April 30, 2007. On May 2, 2007, the Commission notified Laclede of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to Commission Rule 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation and file a report concerning the results of that investigation no later than two weeks after Laclede filed its answer, which was due no later than June 1, 2007. Laclede filed its answer on June 1, 2007, and on June 15, 2007, Staff filed its verified report.

According to Staff's report, Laclede installed an automated meter reading (AMR) module on the gas meter outside Ms. Piowarczyk's home on November 7, 2005. Because it malfunctioned sometime shortly thereafter and was not correctly registering her actual residential gas usage (which was not zero or near zero, as reported by the AMR unit), Ms. Piowarczyk was billed only the nominal minimum monthly customer charge for

several winter months despite consuming an estimated amount of over \$1,500.00 worth of gas during that time. On March 27, 2006, Laclede reprogrammed the AMR module, and Ms. Piwowarczyk's bills immediately began reflecting her actual gas consumption once again.

Since Ms. Piwowarczyk had been underbilled during this time, Staff's report indicates that Laclede issued her an adjusted bill which assessed charges for her estimated unmetered residential gas consumption of 1107 CCfs from October 18, 2005 to March 27, 2006 based on her gas usage during the two previous winters and the number of heating degree days involved. Staff recommended that the Commission dismiss the complaint, as its inquiry revealed no evidence that Laclede had violated its tariff, any Commission rule, or statute in rendering that adjusted billing statement to Ms. Piwowarczyk. However, because she had evidently also taken several voluntary gas conservation measures during and after the period of unmetered usage, Staff also recommended that Laclede work with Ms. Piwowarczyk to determine a revised adjusted bill for the unmetered usage that reflects her decreased actual gas usage during the 2006-2007 winter heating season, rather than relying exclusively on her usage in prior winters.

This matter is now at issue and a prehearing conference is appropriate to ensure its prompt resolution. In part, a prehearing conference is designed to permit the parties to pursue settlement discussions and to identify all remaining procedural or substantive matters of concern prior to the formal disposition of the issues in the case.<sup>1</sup> In addition, a prehearing conference offers the parties a valuable opportunity to attempt to resolve their differences by agreeing to voluntary mediation of their dispute. The parties shall jointly file a proposed procedural schedule within twenty days after the prehearing conference.

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<sup>1</sup> See Commission Rule 4 CSR 240-2.090(6).

The Commission reminds the parties that this prehearing conference is *not an evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference.<sup>2</sup> However, all parties are required to be present for the prehearing conference, and a court reporter will be present to make a record of the parties that appear. **Parties must arrive in person or appear by telephone at or before the scheduled starting time of 2:00 p.m. in order to participate.** Pursuant to Commission Rule 4 CSR 240-2.090(5), "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."

The Commission further advises the parties that arriving late to a prehearing conference is the equivalent of failing to appear. Parties are expected to appear at scheduled hearings on time, or to advise the Commission of their need to appear late or to timely request a continuance. If a party fails to meet those obligations, that party may be dismissed and the Commission may rule in favor of an opposing party. This is why the Commission issues advance notice of all hearings and conferences and extends various opportunities prior to any scheduled event for the parties to appear by phone or request a continuance.

**IT IS ORDERED THAT:**

1. The parties shall appear at a prehearing conference to be held on Thursday, August 30, 2007, beginning at 2:00 p.m. The prehearing conference will be held in Room 305 at the Commission's offices in the Governor Office Building, 200 Madison Street,

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<sup>2</sup> Also, under Commission Rule 4 CSR 240-2.090(7), any facts the parties may discuss during the conference, including any settlement offers or discussions, are privileged and cannot be used against any participating party unless the parties agree to disclose them or they are fully supported by other, independent evidence.

Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-751-7485 no later than August 20, 2007.

3. Any party wishing to request a continuance shall file a pleading with the Commission stating why they are unable to attend the scheduled prehearing conference on August 30, 2007, either in person or by phone, and shall provide the Commission with a list of dates when that party is available to appear. Any such pleading shall be filed no later than August 23, 2007, and shall also be served on every other party to this complaint by the party requesting the continuance.

4. The parties shall jointly prepare and file a proposed procedural schedule no later than September 19, 2007.

5. This order shall become effective on August 13, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory Law  
Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 13th day of August, 2007.