

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Irene Dsouza,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0442</u>
)	
AmerenUE,)	
)	
Respondent.)	

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

Issue Date: August 9, 2007

Effective Date: August 9, 2007

Irene Dsouza filed a formal complaint against Union Electric Company d/b/a AmerenUE ("AmerenUE") on May 21, 2007. On May 24, 2007, the Commission notified AmerenUE 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 three weeks after AmerenUE filed its answer, which was due no later than June 25, 2007. AmerenUE filed its answer on June 25, 2007, and on July 16, 2007, Staff filed a verified report recommending that the Commission dismiss the complaint, as its inquiry revealed no evidence that AmerenUE had violated its tariff, any Commission rule, or statute in rendering its billing statements to Ms. Dsouza.

This matter is now at issue and a prehearing conference is appropriate to ensure its prompt resolution.¹ 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.² 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.

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.³ 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 9:00 a.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.”

¹ Contained within AmerenUE’s answer was also a Motion to Dismiss the complaint on the ground that it did not state a claim upon which relief could be granted by the Commission. Although AmerenUE is correct that the parties agree on most of the facts alleged in Ms. Dsouza’s complaint, the motion to dismiss is denied, as she clearly alleges that AmerenUE failed to promptly disconnect gas service at the subject rental property despite repeated requests, and that AmerenUE did not send the bills for gas service at the rental property to her home address as she asked when she first contacted AmerenUE to have the gas turned on at the rental property. Therefore, the Commission will schedule a hearing in this matter, as requested not only by Ms. Dsouza, but also by AmerenUE in the event its motion to dismiss was denied.

² See Commission Rule 4 CSR 240-2.090(6).

³ 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.

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 Wednesday, August 22, 2007, beginning at 9:00 a.m. The prehearing conference will be held in Room 315 at the Commission's offices in the Governor Office Building, 200 Madison Street, 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 16, 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 22, 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 16, 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 11, 2007.

5. This order shall become effective on August 9, 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 9th day of August, 2007.