

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Herman and)	
Constance Turner,)	
)	
Complainants,)	
)	
v.)	<u>Case No. GC-2007-0281</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

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

Issue Date: March 20, 2007

Effective Date: March 20, 2007

Herman and Constance Turner filed a formal complaint against Laclede Gas Company ("Laclede") on January 25, 2007. In their complaint, they alleged that Laclede's equipment was faulty, leading to unreliable meter readings and a series of estimated bills which significantly underestimated their gas usage. On January 31, 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 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of the Turners' formal complaint and to file a report concerning the results of its investigation no later than three days after Laclede filed its answer to the complaint.

Laclede filed its answer on February 28, 2007, in which it denied that its equipment was faulty and that its meter readings were inaccurate or unreliable, but offered the

Turners “any benefit due them as a result of the Stipulation and Agreement approved in Case No. GC-2006-0318,” which involved estimated usage procedures and billing adjustments. After Staff requested and was granted an extension of time to file its recommendation, Staff timely filed its Investigation Report on March 8, 2007, which recommended that, pursuant to the Stipulation and Agreement approved in Case No. GC-2006-0318, the Commission order Laclede “to apply a credit to [the Turners’] accounts, for a total between the two accounts of \$695.67.” Staff further concluded that “this case can be resolved with the issuance” of those credits. Laclede has not responded to Staff’s recommendation or the accompanying Investigation Report.

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.¹ 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 ten 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.² 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

¹ See Commission Rule 4 CSR 240-2.090(6).

² 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 backed up by other, independent evidence.

that appear. **Parties must arrive in person or appear by telephone at or before the scheduled starting time of 10:00 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."

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 April 3, 2007, beginning at 10:00 a.m. The prehearing conference will be held in Room 305 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 March 27, 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 April 3, 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 March 27, 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 April 13, 2007. The attorneys from the Commission's Staff and Laclede Gas Company are assigned primary responsibility for ensuring that this is accomplished.

5. This order shall become effective on March 20, 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 20th day of March, 2007.