

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

William Rapp,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. GC-2007-0164</u>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

ORDER SETTING PREHEARING CONFERENCE

Issue Date: March 19, 2007

Effective Date: March 19, 2007

William Rapp filed a formal complaint against Laclede Gas Company ("Laclede") on October 24, 2006. On October 25, 2006, the Commission notified Laclede of the complaint and allowed it thirty days in which to answer as provided by Commission Rule 4 CSR 240-2.070(7). Laclede filed its answer to Mr. Rapp's complaint on November 24, 2006, and also moved, in the same pleading, for dismissal of the complaint on the ground that Mr. Rapp had already received all of the requested relief to which he was entitled.

On November 28, 2006, pursuant to Commission Rule 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of Mr. Rapp's formal complaint against Laclede and file a report concerning the results of its investigation on or before January 31, 2007. After Staff performed an investigation, it filed its report on January 30, 2007, in which it recommended that Mr. Rapp's complaint be dismissed since: (1) Mr. Rapp had already received some of the relief he requested in his complaint; (2) some

of the relief requested by Mr. Rapp was beyond the Commission's power to grant; and (3) Laclede did not violate applicable Commission Rules or its approved tariff in making appropriate billing adjustments to Mr. Rapp's account, including a refund. Nevertheless, Staff also recommended, on the basis of its investigation, that the Commission "direct Laclede to act more promptly on bill adjustments and refunds," explaining:

Staff sympathizes with the frustration experienced by Mr. Rapp regarding the overestimated bills, loss of time, the lack of billing and multiple statements of correction, incorrect information provided regarding [a] refund check and the manner in which the billing dispute was handled, and agrees that Laclede's service in this case was poor. Multiple bill adjustments should not have occurred. It also should not have taken Laclede approximately three weeks to deliver a refund check once requested.

Laclede subsequently filed its response to Staff's recommendation on February 2, 2007, in which it disagreed with Staff "that it failed either in promptly effecting billing adjustments or in issuing a refund."

On February 14, 2007, Mr. Rapp filed his "Response to Laclede Gas Company's Retort to PSC Staff Recommendation Reply." In that pleading, he complained about Laclede's failure to offer him an "official" apology, which, in his opinion, had resulted in a protracted, wasteful, and litigious dialogue between the parties. On March 1, 2007, Mr. Rapp also filed a "Motion to Continue Filing" in which he reiterated his concern that he was facing "an adversarial legal department whos[e] goal is seemingly to intimidate it's [sic] customer[s], rather than expressing a simple appology [sic]."

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, the Commission believes that a prehearing conference offers the parties a valuable opportunity to resolve their differences or agree to voluntary mediation of their dispute.

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 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 the opposing party. This is why the Commission issues advance notice of all hearings and conferences and extends various

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.

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 2, 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 26, 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 2, 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 26, 2007, and shall also be served on every other party to this complaint by the party requesting the continuance.

4. This order shall become effective on March 19, 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 19th day of March, 2007.