

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 4th day of
September, 2012.

Janet Parks,)	
)	
Complainant,)	
)	
v.)	File No. GC-2011-0232
)	
Southern Union Company,)	
d/b/a Missouri Gas Energy,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: September 4, 2012

Effective Date: October 4, 2012

On its own motion, the Missouri Public Service Commission is dismissing the complaint of Janet Parks, but Ms. Parks may start this action again when her health permits her to pursue it, and need not file status reports in the meantime.

The Commission's regulation 4 CSR 240-2.116(4) allows a disposition of an action without deciding who wins or loses ("dismissal"), as follows.

A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved.

Good cause means good faith and a reasonable outcome. ¹ The facts supporting a dismissal without prejudice are in the Commission's file, of which the Commission takes notice under Section 536.070(6), RSMo 2000, as follows.

¹ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

Ms. Parks commenced this action by filing her complaint on January 10, 2011, alleging billing errors and seeking re-connection of gas service. On February 22, 2011, Southern Union Company d/b/a Missouri Gas Energy filed its answer. On March 1, 2011, Staff filed its report on the complaint with an amendment on June 24, 2011. On July 12, 2012, the Commission convened a pre-hearing conference on the complaint. On July 13, 2011, the Commission ordered Ms. Parks to file monthly status reports stating whether her health permitted her to present her case at an evidentiary hearing. From July 13, 2011, through August 30, 2012, Ms. Parks substantially complied with that order but has not reported that her health permits her to present her case at an evidentiary hearing.

Based on those facts, the Commission concludes that Ms. Parks' continuing health matters, as described more fully in her filings, constitute good cause to relieve her of the duty to file any more status reports, or to deal with any other matter, in this action.

Therefore, the Commission will dismiss this action, but only "without prejudice." This means that, because the Commission has not decided who wins on the complaint, Ms. Parks may bring the complaint again when her health permits. All she need do is file a document referring to this file no. GC-2011-0232. The Commission may incorporate this file's content into a new case by reference. Therefore, on its own motion, the Commission will dismiss this action without prejudice to filing it again.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed without prejudice as described in the body of this order.

2. This order shall be effective on October 4, 2012.
3. The Commission's Data Center shall close this file on October 5, 2012.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written over a horizontal line.

Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Jordan, Senior Regulatory Law Judge