

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Janet Parks,)	
)	
Complainant,)	
)	
v.)	File No. GC-2011-0232
)	
Missouri Gas Energy,)	
)	
Respondent.)	

ORDER DENYING REHEARING

Issue Date: October 4, 2012

Effective Date: October 4, 2012

The Missouri Public Service Commission is treating the statement filed on October 4¹ ("motion"), by Janet Parks, as an application for rehearing and denying the motion. The Commission is denying the motion because it is too late and does not show sufficient reason for the Commission to change its order. The motion asks the Commission to change its order of dismissal.

A. Time

The motion is too late because Ms. Parks did not file it before the dismissal's effective date. The Commission issued an order dismissing Janet Parks' complaint, without prejudice, on September 4. That order remained subject to rehearing:

1. After an order or decision has been made by the commission, . . . any . . . person or public utility interested therein shall have the right to apply for a rehearing in respect to any matter determined therein [²]

¹ All dates are in 2012.

² Section 386.510, RSMo 2000.

But the time for rehearing is limited:

2. [T]hat party shall have made, before the effective date of such order or decision, application to the commission for a rehearing. [³]

The effective date of the dismissal was October 4⁴ at 12:00 a.m.⁵ At 8:45 a.m. on October 4, Ms. Parks filed the motion. That filing was after the effective date, so it was too late.

B. Reason for Rehearing

Even if the motion were timely, the Commission would not grant it because the reasons that Ms. Parks offers are insufficient. The standard for the motion is that:

. . . the commission shall grant and hold such rehearing, if in its judgment sufficient reason therefor be made to appear [.]

Sufficient reason does not appear in the motion because the motion alleges the exact reason for dismissing the complaint: Ms. Parks remains unable to propose a date for an evidentiary hearing on her complaint. That has been so since July 13, 2011. To revive her claim, all Ms. Parks need do is file a new document referring to this file no. GC-2011-0232, and commit to a hearing date. Until Ms. Parks can commit to a date for an evidentiary hearing, the Commission can order no further relief for her, as explained in this Commission's earlier orders in this file.

C. Ruling

Therefore, the Commission will deny the motion.

THE COMMISSION ORDERS THAT:

1. The motion described in the body of this order is denied.

³ *Id.*

⁴ *Order Dismissing Complaint without Prejudice*, issued on September 4, 2012.

⁵ *Id.*; 4 CSR 240-2.050(2).

2. Ms. Parks' claim shall not be heard until she initiates a new action and commits to a date for an evidentiary hearing on the allegations she made in this file no. GC-2012-0232.

3. This order shall be effective immediately upon issuance.

4. This file shall close on October 5, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of October, 2012.