

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Superior Bowen Asphalt Company, L.L.C., )  
)  
Complainant, )  
)  
v. )  
)  
Southern Union Company, )  
221 W. Sixth Street, Ste. 1950 )  
Austin, TX 78701 )  
CERTIFIED MAIL )  
)  
Respondent. )

**File No. GC-2011-0101**

## NOTICE OF CONTESTED CASE

Issue Date: October 8, 2010

The Commission is giving notice of the commencement of a contested case. On October 7, 2010, the complainant filed the complaint, a copy of which accompanies this notice. Such filing vested the right to a pre-decision evidentiary hearing in the respondent,<sup>1</sup> so that filing instituted a contested case.<sup>2</sup>

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,<sup>3</sup> including by stipulation and agreement.<sup>4</sup> Provisions governing discovery are at the Commission's regulation 4 CSR 240-2.090. The Commission's regulations<sup>5</sup> require the filing of an answer not later than November 8, 2010.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the

<sup>1</sup> Section 386.390.5, RSMo 2000; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

<sup>2</sup> Sections 536.063(1), RSMo 2000; Section 536.010(4), RSMo Supp. 2009.

<sup>3</sup> Sections 536.060, RSMo 2000.

<sup>4</sup> *Id.* and 4 CSR 240-2.115.

<sup>5</sup> 4 CSR 240-2.070(7) and (8).

parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the filing date set forth in this order.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 8<sup>th</sup> day of October, 2010.

Jordan, Senior Regulatory Law Judge