

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Superior Bowen Asphalt Company, L.L.C.,)
)
Complainant,)
)
v.)
)
Southern Union Company,)
3420 Broadway)
Kansas City, Missouri 64111)
CERTIFIED MAIL)
)
Respondent.)

File No. GC-2011-0101

NOTICE OF CONTESTED CASE

Issue Date: October 21, 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,¹ so that filing instituted a contested case.²

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,³ including by stipulation and agreement.⁴ Provisions governing discovery are at the Commission's regulation 4 CSR 240-2.090. The Commission's regulations⁵ require the filing of an answer not later than November 22, 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

¹ 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).

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

³ Sections 536.060, RSMo 2000.

⁴ *Id.* and 4 CSR 240-2.115.

⁵ 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

(S E A L)

A handwritten signature in black ink, appearing to read 'S. C. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

Dated at Jefferson City, Missouri,
on this 21st day of October, 2010.

Jordan, Senior Regulatory Law Judge