

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 17th day of
April, 2013.

Craig Mershon,)	
	Complainant,)	
v.)	<u>File No. EC-2012-0365</u>
)	
Ameren Missouri,)	
	Respondent)	

**ORDER DISMISSING COMPLAINT
FOR FAILURE TO ACT**

Issue Date: April 17, 2013

Effective Date: May 17, 2013

On May 7, 2012, Craig Mershon filed a complaint against Ameren Missouri. Ameren Missouri filed an answer and on June 26, the Commission set a prehearing conference to be held on July 9. However, at Complainant's request, the Staff of the Commission filed a motion to continue the prehearing conference. The Commission granted the request and set a prehearing conference to be held on August 9; a date suggested by Complainant.

On August 8, Complainant informed the Judge that he wished to cancel the prehearing conference to afford time to secure counsel. The Commission cancelled the prehearing conference and the Judge requested that Complainant contact the Judge when Complainant secured counsel. More than 90 days passed without word from Complainant. Accordingly, on November 14, the Commission issued an order directing Complainant to file a statement of his intent to proceed. On December 4, Complainant requested that the

matter be stayed for 30 days. More than 90 days have expired and Complainant has not taken any action.

Commission rule 4 CSR 240-2.116(2) states that a case may be dismissed if there has been no action in the matter for 90 days and no party has requested a continuance.

The first prehearing conference was rescheduled for a date specified by Complainant. Because he wanted to secure counsel, the rescheduled prehearing conference was cancelled at Complainant's request. More than 90 days expired and no counsel entered an appearance for Complainant. Complainant was then directed to file a statement of his intent to proceed and in response he requested a 30-day continuance. Since that time, a second period of 90 days has expired.

The Commission has made no conclusions as to the substance of this complaint. However, because two prehearing conferences have been cancelled and two 90-day periods have expired without Complainant effectively participating in this process, the Commission will dismiss this complaint under the aforementioned rule.

This order does not preclude Complainant from refiling this complaint if he wishes to do so. Such filing will be assigned a different file number and the complaint process will begin anew.

THE COMMISSION ORDERS THAT:

1. Under Commission rule 4 CSR 240-2.116(2), this complaint is dismissed.

2. This order shall become effective on May 17, 2013.
3. This file shall be closed on May 18, 2013.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Joshua Harden".

Joshua Harden
Secretary

R. Kenney, Chm., Jarrett, Stoll,
and W. Kenney, CC., concur.

Jones, Senior Regulatory Law Judge