

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

CHRISTY and MICHAEL SCRIVNER,)	
)	
Complainant,)	
)	
v.)	Case No. SC-2008-0409
)	
HOUSE SPRINGS)	
SEWER COMPANY, INC.,)	
)	
Respondent.)	

ORDER

Denying Motion to Dismiss, Soliciting Conflict Dates, and Setting Filing Dates

Issue Date: December 4, 2008

Effective Date: December 4, 2008

The Missouri Public Service Commission denies the motion to dismiss, solicits conflict dates, and sets filing deadlines as follows.

On November 24, 2008, the Commission convened a hearing on the complaint. The complainants Christy and Michael Scrivner ("the Scrivners") did not appear. Based on the Scrivners' failure to appear, House Springs Sewer Company made a motion to dismiss the complaint as the Commission's regulations provide:

Failure to appear at a hearing without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.^[1]

Good cause, in this context, means a reasonable explanation.

On November 24, 2008, the Commission issued an order to show cause why the Commission should not dismiss the complaint. On December 4, 2008, Michael Scrivner

filed a response. The response states that Michael Scrivner appeared at the time scheduled at the Commission's offices but waited outside the wrong hearing room due, in part, to a desire not to disrupt proceedings in that room. He also cites a confusion with an earlier notice and inadequate signage within the building. Further, Michael Scrivner expressly asks for another opportunity to present his case.

That explanation is reasonable, because it shows an attempt to conform to the Commission's procedure thwarted only by an understandable confusion, and constitutes good cause for failure to appear. Therefore, the Commission denies the motion to dismiss and will re-schedule the hearing. To re-schedule the hearing, the Commission will solicit dates on which the parties cannot attend a hearing ("conflict dates").

The Commission is mindful that the parties and witnesses have already appeared once for a hearing on the complaint. The Commission is also mindful that such appearances cost the parties and witnesses time and money. To alleviate such expenses, the Commission will consider motions for telephone testimony.

THE COMMISSION ORDERS THAT:

1. The motion to dismiss is denied.
2. No later than December 11, 2008, the parties shall file conflict dates for January 2009.
3. The Commission will consider any motion for telephone testimony filed no later than December 11, 2008.
4. The Commission will consider any objection to a motion for telephone testimony filed no later than December 18, 2008.

¹ 4 CSR 240-2.110(2)(B).

5. This order shall become effective immediately on issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of December, 2008.