

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

| | | |
|-----------------|---|-------------------------------------|
| Jon Livingston, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. SC-2008-0357</u> |
| |) | |
| Gene Smith, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF COMPLAINT AND
ORDER DIRECTING STAFF INVESTIGATION

Issue Date: May 7, 2008

Effective Date: May 7, 2008

Gene Smith
4230 North Creasy Springs Road
Columbia, Missouri 65202
CERTIFIED MAIL

On May 1, 2008, Jon Livingston filed a complaint with the Missouri Public Service Commission against Gene Smith, a copy of which is enclosed. Pursuant to 4 CSR 240-2.070, Respondent Gene Smith shall have 30 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer

is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

A copy shall be served upon the Complainant at the Complainant's address as listed within the enclosed complaint. A copy of this notice has been mailed to the Complainant.

Further, the Commission will direct the Staff of the Commission to investigate the facts in this case and to file a report. Under Commission rule 4 CSR 240-2.070(10), after a formal complaint has been filed, the Commission may request an analysis by its Staff for the reasons underlying the complaint. The Staff must then file its findings with the Commission and serve copies on the other parties.

The Commission views its Staff as an unbiased third party in this complaint case and will direct the Staff to investigate the contested issues set out in the pleadings and to file a report of its findings with the Commission. Staff also has the discretion to report its findings as to any other contested issue in this case, which issue may appear during its investigation.

IT IS ORDERED THAT:

1. Gene Smith shall, no later than June 6, 2008, file a response to this complaint.
2. The Staff of the Commission shall, no later than June 11, 2008, file a report of its investigation in this matter.
3. This order shall become effective on May 7, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, circular official seal.

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of May, 2008.