

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Gwenda Allen,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0007</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DIRECTING COMPLAINANT TO SHOW CAUSE WHY HER
COMPLAINT SHOULD NOT BE DISMISSED

Issue Date: November 7, 2006

Effective Date: November 7, 2006

On July 5, 2006,¹ Gwenda Allen filed a complaint with the Commission against Laclede Gas Company. On July 6, the Commission issued a Notice of Deficiency advising Ms. Allen's that her complaint was deficient for not having fully complied with Commission Regulations 4 CSR 240.070(5)(C), (D), and (E). Ms. Allen failed to state the nature of her complaint and the complainant's interest in the complaint in a clear and concise manner, the relief requested, and whether she has directly contacted the person, corporation or public utility about which complaint is being made. The Commission advised Ms. Allen that no action would be taken on this complaint until it was brought into compliance with all Commission regulatory requirements.

¹ All dates throughout this order refer to the year 2006 unless otherwise noted.

On August 31, the Commission issued notice to Ms. Allen stating that fifty-six days had passed since the Commission issued its Notice of Deficiency and that Ms. Allen had not yet brought her complaint into compliance with Commission rules. Ms. Allen was advised that Commission Rule 4 CSR 240-2.116(2) states: "Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time." The Commission cautioned Ms. Allen that failure to bring her complaint into compliance within the remaining thirty-four days, or failure to request a continuance, could result in the possible dismissal of her complaint on October 4.

On September 26, the Staff of the Missouri Public Service Commission requested that it be allowed to investigate this complaint and that Laclede be ordered to respond. Staff's based its motion on the fact that Ms. Allen attached documents to her complaint that Staff believes are sufficient "to alert the Commission that this matter involves a low-income ratepayer that is unable to obtain heating service, a matter of great public interest in view of the potential danger to the health and welfare of complainant and her family, if any, of a winter without heat." Staff argued that it would be contrary to the public interest and in derogation of Section 386.610 requiring liberal construction of Chapter 386 to apply a stringent application of the Commission's pleading rules to this *pro se* complainant.

On October 3, Laclede responded to Staff's motion. Laclede acknowledged that Staff "based its request on the fact that Ms. Allen appears to be a low-income customer who received a heating assistance grant pledge in the amount of \$329.21 from the Great Things Incorporated Foundation, and had a balance in 2003 of \$1574.70." However, Laclede noted that Ms. Allen had availed herself of adequate resources for assistance in

maintaining her gas service and that once the assistance was received her current balance would be in the \$400 range. Laclede also pointed out that the same sources of assistance would be available for Ms. Allen this winter, and she would be able to take advantage of the recently amended Cold Weather Rule. Laclede believes that Ms. Allen should be permitted to decide whether she wishes to further pursue her complaint. Laclede also called attention to the fact that Ms. Allen had recently changed her billing address.

On October 4, because Ms. Allen had changed her address, the Commission re-issued its notice of deficiency, instructing the Commission's data center to direct notice to both Ms. Allen's current address on record and her new billing address. Ms. Allen was given until November 6 to bring her complaint into compliance with Commission rules and was specifically directed to make clear to the Commission if she was still interested in further pursuing her complaint.

On November 6, the deadline for Ms. Allen's response passed and she failed to bring her complaint into compliance. She did not request a continuance, and did not file a pleading, as ordered, indicating any intention to further prosecute her complaint with the Commission.

As previously noted in this order, Commission Rule 4 CSR 240-2.116(2) provides that: "Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time." Additionally, Commission Rule 4 CSR 240-2.116(3) provides that any party may be dismissed from a case for failure to comply with a Commission order.


One hundred and twenty-five days have now elapsed since Ms. Allen filed her complaint and she has pursued no further action to prosecute her complaint. She has not

brought her complaint into compliance with Commission rules. She also failed to comply with the Commission's October 4 order by failing to inform the Commission if she wished to further prosecute her complaint. Therefore, Ms. Allen will be instructed to show cause as to why her complaint should not be dismissed. Staff will have ten days in which to renew its September 26 motion that it be allowed to investigate this complaint, or else the motion will be denied.

IT IS ORDERED THAT:

1. Gwenda Allen shall file a pleading, not later than November 17, 2006, showing cause why her complaint against Laclede Gas Company should not be dismissed.
2. No later than November 17, 2006, the Staff of the Missouri Public Service Commission shall file a pleading stating if it will renew its September 26, 2006 motion that it be allowed to investigate this complaint.
3. This order shall become effective on November 7, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 7th day of November, 2006.