

Staff concurs with Respondents, stating that OPC has failed to provide adequate support for its complaint. Staff further states that OPC has the burden to prove its complaint and that the Commission should not require Staff to make OPC's case for OPC.

The Commission is to construe complaints liberally, and the technical rules of pleading do not apply here.² As long as the complaint presents an issue which falls within the Commission's jurisdiction, the complaint is sufficient.³ OPC alleges Respondents are overearning, which is an issue that falls within the Commission's jurisdiction.⁴ Thus, the Commission will deny the motion to dismiss.

Further, OPC requested the Commission order Staff to investigate Respondents' earnings.⁵ Staff objected, stating that OPC should have to make its own case, and that Staff did not have the time or resources to investigate.⁶ OPC stated it can alone prosecute its case.⁷ While Staff is by no means excused from participating in this case, the Commission will deny OPC's request for Staff to investigate Respondents' earnings.

THE COMMISSION ORDERS THAT:

1. The motion to dismiss filed by Laclede Gas Company and Missouri Gas Energy is denied.
2. The Office of Public Counsel's request for the Staff of the Commission to investigate the earnings of Laclede Gas Company and Missouri Gas Energy is denied.

² *State ex. rel. Friendship Village v. PSC*, 907 S.W.2d 339, 345-46 (Mo. App. 1995).

³ *Id.*

⁴ Section 386.390.1 RSMo (2015).

⁵ Complaint, p. 10 (filed April 26, 2016).

⁶ Staff Response to Complaint, pp. 2-4 (filed May 20, 2016).

⁷ OPC Reply to Staff's Response to Respondents' May 31 Pleadings, p. 3 (filed June 17, 2016).

3. This order shall become effective on July 22, 2016.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge