

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

In the matter of the Complaint of Dr.	)	
Michael and Sharon Maples,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. GC-2007-0350
	)	
Union electric Company d/b/a AmerenUE,	)	
	)	
Respondent.	)	

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Commission and in Response to the Commission's March 27, 2007 Notice of Complaint and Order Directing Staff Investigation hereby files its Recommendation:

1. On March 23, 2007, Dr. Michael and Sharon Maples (Complainants), formerly of 403 E 10<sup>th</sup> ST, Rolla, Missouri, now of 10600 Bennish LN, Rolla, Missouri, filed a complaint against Union Electric Company d/b/a AmerenUE (Ameren or Company).
2. The Complainants allege an overcharge for natural gas spanning a period from on or about June 28, 2001 through April 13, 2006, due to a faulty meter.
3. As Ordered, Staff investigated this complaint. Staff submitted Data Requests (DRs) and the Company timely replied to those DRs. The full scope of Staff's investigation is described in the attached Recommendation.
4. According to the Complainants and to meter test documentation received from the Company, the meter at 410 E 10<sup>th</sup> Street was removed for testing on February 9, 2006, and

was tested by the Company on April 20, 2006. The Company's test results showed the meter to read properly.

5. On April 26, 2007, the Company filed its Answer to the instant complaint. The Company asks the Commission to find that Ameren acted appropriately, that the complaint is unfounded, and that the Complainants owe Ameren \$1,970.73. With the exception referenced below, Staff agrees with Ameren and recommends that this Complaint may be dismissed.

6. During the review of this complaint, Staff did note that the Company did not provide any evidence that it notified the Complainant "of the time and place of the test so that s/he may be present to witness the test should s/he so desire," as required by 4 CSR 240-10.030(20). Therefore, Staff requests permission to file a complaint against Ameren to seek penalties for not providing the Complainants an opportunity to witness the testing of their meter.

WHEREFORE Staff recommends that the Complaint may be dismissed and requests Commission authorization to pursue penalties against Ameren failing to comply with Commission rule 4 CSR 240-10.030(20).

Respectfully submitted,

**/s/ Lera Shemwell**  
Lera Shemwell  
Deputy General Counsel  
Missouri Bar No. 43798

Attorney for the Staff of the  
Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 17<sup>th</sup> day of May, 2007.

/s/ Lera Shemwell\_\_\_\_\_

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File,  
Case No. GC-2007-0350, Union Electric Company

FROM: Tom Solt, Energy Department – Tariffs/Rate Design

/s/ Thomas Imhoff      05/17/07  
Energy Department/Date

/s/ Lera Shemwell      05/17/07  
General Counsel's Office/Date

SUBJECT: Staff Recommendation in Dr. Michael and Sharon Maples vs. Union Electric  
Company d/b/a AmerenUE

DATE: May 17, 2007

On March 23, 2007, Dr. Michael and Sharon Maples (Complainants), formerly of 403 E 10<sup>th</sup> ST, Rolla, Missouri, now of 10600 Bennish LN, Rolla, Missouri, filed a complaint against Union Electric Company d/b/a AmerenUE (Ameren or Company). The Complainants allege an overcharge for natural gas spanning a period from on or about June 28, 2001 through April 13, 2006, due to a faulty meter.

The Complainants state that throughout nearly all of the period during which service was received (from Aquila from 2001 to March 29, 2004, and from Ameren for the remainder of 2004 through just prior to termination of service in 2006), they had what they believed were high gas bills. The Complainants further state that they had inquired into their perceived high gas bills, and were told that they had a big, old house, and the bills were not inconsistent with that fact. However, during the winter of 2005-2006, the Complainants spoke to someone with a similar house whose gas bills were half of the Complainants'. The Complainants then spoke to Company personnel, and inquired as to whether their meter may have been faulty.

According to the Complainants and to meter test documentation received from the Company, the meter at 410 E 10<sup>th</sup> ST was removed for testing on February 9, 2006, and was tested on April 20, 2006. The Company's test results showed the meter to read 99.5 percent of the gas at the check flow rate (20 percent of the meter's rated nameplate capacity), and 99.3 percent of the gas at the open flow rate (80 percent of the meter's rated nameplate capacity), for an average of 99.4 percent.

On July 18, 1997, the Company sought a variance from the Missouri Public Service Commission's (Commission) rule 4 CSR 240-10.030(19) to do sample testing, rather than testing every meter at least every 120 months, which was granted October 30, 1997. The approved variance specifies that that meter's average must be within 2 percent of 100 percent accuracy (as does the Company's tariff Sheet 54), and the results of the test of the Complainants' meter was within 0.6 percent of 100 percent accuracy, well within those standards.

Ameren sent several “form letters” to the Complainants regarding the meter testing. The form letters were in one case wrong, when it referred to the Complainants electric meter (the location was not served by Union Electric for electric service), and perhaps not as clear as they could be, referring to testing “the . . . meter at your location,” when the meter is, in fact, tested at the meter shop. The Complainants are concerned that the lack of correctness and clarity of the form letters, which the Company states are filled out by a clerk, show a lack of quality control at Ameren, and are concerned that whether it was actually the meter removed from the Complainants’ former residence that was, indeed, tested.

Staff submitted Data Requests (DRs) and the Company timely replied to those DRs. Staff reviewed the information in the DR responses and analyzed the Complainants’ zero heating degree day (HDD) usage along with the usage when there were HDDs. Staff ran regressions on the Ccf gas usage per HDD, and developed a formula to estimate usage for a given number of HDDs. Staff graphed the expected results produced by the formula and Complainants’ actual usage during the period in question, and the formula tracks the usage fairly well. That graph is included as Chart 1. However, after the meter was changed, there were only two more bills. The last two bills do show less gas used than predicted by the formula, but the decrease in usage could have been caused by factors other than an accurately reading meter being placed in service following an inaccurate one.

The Company states that a neighbor told its service man that the property may not have been occupied all of February and March. Gas appliance settings may have been set or used differently after the meter change than before (i.e. the furnace thermostat setting reduced, water heater temperature setting reduced, a setback thermostat installed, or various other changes made). The Complainants state that all appliances were on and the property was fully occupied. There is no way for Staff to determine conclusively whether the house was vacant for any period during February or March of 2006, or whether any other changes were made after the meter change. There has been no further usage since the property was vacated by the Complainants.

The Staff feels that two data points are not sufficient information to say that the old meter was inaccurate, especially given the meter shop test results. Staff is not aware of any problems or Commission actions directed at Ameren’s meter shop or meter testing or procedures.

Staff reviewed two years worth (1998 and 1999) of Ameren meter sample testing results, to get an idea of the range of inaccuracies noted. The maximum amount a failed meter read over 100 percent was 122.2, and the next highest was only 1.04 percent over. There were no meter tests that revealed failures with readings of over 100 percent.

On April 26, 2007, the Company filed its Answer to the instant complaint. The Company asks the Commission to find that Ameren acted appropriately, that the complaint is unfounded, and that the

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OFFICIAL CASE FILE MEMORANDUM  
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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Dr. Michael and Sharon Maples

vs.

Union Electric Company d/b/a  
AmerenUE

Case No. GC-2007-0350

**AFFIDAVIT OF THOMAS A. SOLT**

STATE OF MISSOURI

COUNTY OF COLE

)  
)  
) ss  
)

Thomas A. Solt, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Report and Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Report and Investigation was given by him; that he has knowledge of the matters set forth in such Staff Report and Investigation; and that such matters are true to the best of his knowledge and belief.

  
Thomas A. Solt

Subscribed and sworn to before me this 17 day of May, 2007.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
Notary Public

My commission expires 9-21-10