

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Ronald Kitchen,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2006-0066</u>
)	
Missouri Gas Energy,)	
)	
Respondent.)	

ORDER SETTING HEARING

Issue Date: December 27, 2005

Effective Date: December 27, 2005

Ronald Kitchen filed a complaint with the Missouri Public Service Commission against Missouri Gas Energy. In September of 2003, MGE disconnected Complainant's gas service for nonpayment of service at 10602 E. 20th Street. When a request for restoration of service was made, MGE informed Complainant that in addition to the arrearage owed by Complainant a debt to the company owed by Complainant's daughter, who at the time of disconnection and the request for reconnection was residing at 10602 E. 20th, needed to be paid. Although Complainant has already satisfied the debt, Complainant argues that he should not be responsible for the debt to MGE owed by his daughter.

The parties have filed various pleadings setting forth many undisputed facts. The Commission notes, however, that it is not clear where Complainant resided at the time Missouri Gas Energy disconnected the service at 10602 E. 20th. It is also unclear whether

Complainant resided at that address when the request for reconnection was made. Nonetheless, MGE requested that this matter be settled on the undisputed facts. After two orders directing Complainant to respond to MGE's request for a determination on the pleadings, Complainant requests a hearing.

Additionally, the Staff of the Commission noted in its memorandum that there are two provisions in the company's tariff that could apply to this situation: Section 3.02/Sheet No. R-19, which covers "Prior Indebtedness of Customer"; and Section 3.07/Sheet No. R-22, which covers "Discontinuance of Service." Although Staff points out that neither of these sections specifically address the facts of this case, Staff argues that the latter is most applicable to these facts and that the company should refund the disputed amount to Complainant. The company argues that Section 3.02 should apply; therefore, the company is in compliance with its tariff.

The Commission will set this matter for an evidentiary hearing. The parties should be prepared to discuss those facts that are not in dispute and to present evidence on those facts that may be in dispute. The parties should also be prepared to discuss the relevant law.

IT IS THEREFORE ORDERED:

1. That a hearing shall be held on March 8, 2006, beginning at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

2. That this order shall become effective on December 27, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of December, 2005.