

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Timothy M. Woodbury,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0198</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DIRECTING FILING

Issue Date: February 1, 2007

Effective Date: February 1, 2007

Timothy M. Woodbury's formal complaint against Laclede Gas Company ("Laclede") requests the removal of an "extra unexpected charge" from his account stemming from an adjusted "back bill" Laclede issued him after the remote meter reading device attached to the gas meter located inside his home failed and he let Laclede representatives into his home to read the meter.

Laclede's answer indicates that after the remote meter reading device failed, it sent Mr. Woodbury a notice in September 2005 which sought access to the home to obtain an actual meter reading. Laclede further answered that it was able to access to the interior of Mr. Woodbury's home and obtain an actual meter reading on February 24, 2006, at which time it installed an automated meter reading module featuring newer technology. Shortly thereafter, says Laclede's answer, Laclede sent Mr. Woodbury an adjusted bill reflecting

his actual gas usage for the twelve-month period from March 1, 2005 to March 1, 2006, which Laclede had underestimated by approximately \$213.00.

Laclede's answer also states that this billing adjustment procedure was consistent with the Stipulation and Agreement approved for Laclede in Case No. GC-2006-0318; that Laclede would afford Mr. Woodbury the benefits of that Stipulation and Agreement by offering him the opportunity to spread payment of the \$213 or so in undercharges over a period of twelve months; and that Laclede had spoken with Mr. Woodbury and was working with him concerning payment arrangements as to certain unrelated but unpaid and undisputed billings for the months of May, June, August, and October 2006.

After Staff performed an investigation, it filed a report recommending that Mr. Woodbury's complaint be dismissed since there was no basis, in law or in fact, for granting the relief sought in the complaint inasmuch as Laclede did not violate Commission Rule 4 CSR 240-13.025, which governs the issuance of billing adjustments by a utility in the event of an undercharge.

The Commission subsequently issued an Order Directing Filing which summarized all of the pleadings and allegations in the case and gave Mr. Woodbury until February 1, 2007 to file a pleading in which he addressed the contents of Laclede's answer and Staff's report and set forth the legal or factual reasons why he thought the Commission should not accept the recommendation of its Staff that his complaint be dismissed.

On January 19, 2007, Mr. Woodbury filed a request for voluntary mediation of the issues presented in his complaint. Four days after that, the Commission ordered Laclede to file a responsive pleading either agreeing or refusing to attempt to resolve the issues raised in Mr. Woodbury's formal complaint against Laclede by means of a voluntary mediation process involving Mr. Woodbury, a representative of Laclede, and a neutral third-

party mediator. On January 26, 2007, Laclede filed its Response to Request for Mediation, which stated, among other things, that before Laclede would consider mediating Mr. Woodbury's complaint (which, as noted above, concerned an "extra unexpected charge" stemming from an adjusted "back bill" Laclede issued him after the remote meter reading device attached to the gas meter located inside his home failed), Mr. Woodbury would *first* have to negotiate an agreement with Laclede in which he either paid or entered into a good faith agreement to pay the undisputed (and totally unrelated) portion of his bill, which totaled nearly \$800.00.

In order to determine whether he consents to mediation under the conditions specified by Laclede, the Commission will order Mr. Woodbury to respond to Laclede's January 26, 2007 pleading by no later than Tuesday, February 13, 2007. Furthermore, since Mr. Woodbury may reasonably have believed that the February 1, 2007 deadline referred to above was tolled or otherwise extended by virtue of his request for voluntary mediation, he shall also have until February 13, 2007 to file a pleading in which he addresses the contents of Laclede's answer and Staff's report and sets forth the legal or factual reasons why he thinks the Commission should not accept the recommendation of its Staff that his complaint be dismissed.


IT IS ORDERED THAT:

1. By no later than Tuesday, February 13, 2007, Timothy M. Woodbury shall file with the Commission a response to Laclede Gas Company's pleading of January 26, 2007. At a minimum, the response shall specify whether, under the conditions specified by Laclede, Mr. Woodbury consents to voluntary mediation of the issues raised in his formal complaint.

2. By no later than Tuesday, February 13, 2007, Timothy M. Woodbury shall file with the Commission a pleading in which he addresses the contents of Laclede's answer and Staff's report and sets forth the legal or factual reasons why he thinks the Commission should not accept the recommendation of its Staff that his complaint be dismissed.

3. This order shall become effective on February 1, 2007.

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)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of February, 2007.