

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

APR 15 2004

James Dudley,
Complainant,

Missouri Public
Service Commission

V.
Missouri Gas Energy
Respondent.

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)
)
) Case No. GC-2004-0216
)
)
)
)

DIRECT TESTIMONY OF JAMES DUDLEY

Complainant James Dudley, Bill Dudley, Tevin Eersery, Devin Eersery, Jennifer Eersery, Jermond Eersery are residents of Jackson County, State of Missouri.

1. Complainant resides at 4247 Agnes, Kansas City, MO 64130.
2. Complainant resides at 2014 Brighten, Kansas City MO 64127.
3. Respondent disconnected Complainant's gas service while a dispute was in action with Missouri Gas Energy (MGE) and the Public Service Commission.
4. (1.) General Terms and Conditions for gas service (Section 8) Claims and Complaints Settlements- Residential Only, (2) Disputes 4 CSR 240-13.045 and (3) Discontinuance of Service 4 CSR 420-13.050 was not followed in this case.
5. Alleges as follows: on or about June 24, 2002 Respondent transferred \$2,099.96 to Complainant's home billing account at 4231 Tracy.
6. On 9/26/00 to 4/05/01 Complainants had a rental property at 4024 Prospect in Kansas

City, Missouri 64130, Sarah Chappelow had a contract with the Respondent; and the (gas) billing account was in Sara Chappelow name.

7. From September 26, 2000, Complainants did not have a contract with Respondent for gas service at 4024 Prospect.

8. Complainants never told Respondent that Complainants would be responsible for anyone's billing account at 4024 Prospect for gas service that was acquired in a tenant name.

9. Complainants never had an agreement with Respondent that he would be responsible for anyone's billing account at 4024 Prospect That was acquired in a tenant name.

10. Ms. Chappelow's name was removed from the 4024 Prospect's gas bill account and was replaced with Complainant's name.

11. Respondent applied the \$2,099.96 from 4024 Prospect along with the \$305.00 that was the June Bill for 4231 Tracy on June 24 2002.

12. Complainants received a gas bill for \$2,510.00 at 4231 Tracy on July 10, 2002.

13. Complainants called Respondent on July 15, 2002 and disputed the gas bill with Mrs. Bussey whom worked for MGE for the property at 4231 Tracy.

14. Complainants wrote the Public Service Commission on July 18, 2002, disputing the (gas) billing account at 4231 Tracy. Exhibit 5, pg 4

15. Complainants called Respondent again on July 24, 2002 disputing the gas billing account at 4231 Tracy.

16. The Public Service Commission informed MGE to stop all collection proceedings on July 30, 2002 on the billing account at 4231 Tracy. Exhibit 5 pg 3

17. Respondent disconnects Complainant's home gas service on July 30, 2002.

18. Complainant's home gas service was disconnected from July to October of 2002.

19. Respondent did not follow their (MGE) policy, nor the policy of the (CSR) Code of State Regulations or the policy of (PSC) Public Service Commission in its procedures for handling a dispute that governs how MGE does business in the state of Missouri.

20. The rule of MPSC dispute- 4 CSR-240-13.045 (#1) A dispute must be registered with the utility at least twenty-four (24) hours prior the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules. Exhibit 1, pg 1

21. Complainants had registered with the gas utility within 24 hours. Complainants spoke with Respondent on July 15 and 24th of 2002. Complainant's gas service was disconnected on July 30, 2002. The same day the PSC told MGE to stop all collection. Exhibit 5, pg 3

22. Rule of MPSC 240-13.050 (#1-5) service should not have been discontinued during (#1) Service may be discontinued for any of the following reasons. A nonpayment of an undisputed delinquent charge (#5) A utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten days prior to the date of the discontinued. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045 (5) and (6) that is currently the subject of a dispute pending with the utility or complaint before the commission nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of the settlement agreement unless the utility inadvertently issues the notice in which case the utility shall take necessary steps to withdraw or cancel this notice. Exhibit 2 #1 & 5

23. Respondent failed to comply with General Terms and Conditions for gas service (Section 8) Claims and Complaints Settlements- Residential Only,

8.01 Complaint and Disputed Claims: When a customer advises the company prior to the date of proposed discontinuance of service that all or any part of any billing rendered is in dispute the company shall:

A dispute must be registered with the utility at least twenty-four (24) hours prior the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules. Exhibit 3, pg 1

24. Complainants has had registered with the gas utility within 24 hours. Complainants spoke with Respondent on July 12th and 24th of 2002. Complainant's gas service was disconnected on July 30, 2002.

25. 8.06- Failure to Reach Agreement: If the company does not resolve the complaint to the satisfaction of the customer, the company representative shall advise the customer:

A. That each party has right to register an informal complaint with the Commission

B. The address and telephone number where the customer may file an informal complaint with the Commission.

26. Respondent failed to advise Complainants of their rights.

27. 8.08- Discontinuance Pending Decision: The company shall not discontinue residential service or issue a notice of discontinuance relative to the matter in dispute pending the decision of the hearing examiner or other Commission personal except pursuant to the terms of interim determination. Exhibit 3, pg 5

28. The Public Service Commission advised Respondent to stop collection on July 30, 2002 while they investigated the matter.

29. Complainants did dispute the billing account of \$2,510.00 at 4231 Tracy with Respondent on July 12th and 24th of 2002 and that was two times and the gas service was still disconnected on July 30, 2002- 6 days later.

30. The Respondent accepted Sara Chappelow's application for new gas service at 4024 Prospect.

31. The Respondent turned on gas service.

32. The Respondent placed Sara Chappelow on a level payment plan.

33. The Respondent accepted three payments from Sara Chappelow

34. The Respondent disconnected Ms. Chappelow's gas service.

35. The P SC Staff recommendation #6, page 3, clearly states that Complaint both by MGE tariff and the Commission rule is not the customer responsible for the gas service at 4024 Prospect.

36. The PSC Staff recommendation clearly states that Complainant cannot be held responsible for a debt he did not incur because he is a landlord.

37. The PSC Staff recommendation issued an order finding that Complainant past due debt of \$2,099.96 for gas service at 4024 Prospect is not owed by Complainant. Pg 4, # 1

38. The Staff report clearly shows that Ms. Chappelow paid \$12.00 on November 2, 2000.

39. Ms. Chappelow made a payment for \$66.00 on December 5, 2000.

40. Ms. Chappelow requested to be placed on an even pay bill plan on December 5, 2000 and MGE agreed and set the payments at \$81.00 per billing period.

41. Ms. Chappelow made a payment of \$80.34 on January 4, 2001.

James Dudley
4247 Agnes
Kansas City, MO 64130
(816) 682-1689

CERTIFICATE OF MAILING

I hereby certify on this 19 day of April 2004 that a copy of the foregoing was mailed or hand delivered to:

**ROB HACK
3420 BROADWAY KANSAS CITY MO 64111
ATTORNEY FOR MISSOURI GAS ENERGY
A DIVISION OF SOUTHERN UNION COMPANY.**

**THE SECRETARY OF THE COMMISSION
OF MISSOURI PUBLIC SERVICE COMMISSION
PO BOX 360
JEFFERSON CITY MO. 65102
(573) 751-3234
FAX (573) 751-1847**

**MISSOURI PUBLIC SERVICE COMMISSION
P.O. BOX 360
JEFFERSON CITY, MISSOURI 65102
OFFICE OF GENERAL COUNSEL**

**MISSOURI PUBLIC SERVICE COMMISSION
P.O. BOX 7800
JEFFERSON CITY, MISSOURI 65102
OFFICE OF PUBLIC COUNSEL**

A handwritten signature in cursive script, appearing to read "James Dudley", written over a horizontal line.

James Dudley

(J) The telephone number and address of a customer services office of the Missouri Public Service Commission, the commission's 800 telephone number, and the statement that the company is regulated by the Missouri Public Service Commission;

(K) The address and telephone number of the Office of Public Counsel and a statement of the function of that office; and

(L) If the utility is a gas distribution company, an explanation of the function of the phased gas adjustment clause.

At all of its public business offices, a utility shall make available for public inspection a copy of this chapter and the utility's tariffs. These offices, conspicuous signs shall be posted which indicate that this information is available for public inspection.

A utility shall maintain records on its customers for at least two (2) years which contain information concerning:

(1) The payment performance of each of its customers for each billing period;

The number and general description of complaints registered with the utility;

The number of settlement agreements entered into by the utility;

The actual number of discontinuances of service due to each of the following categories of reasons:

The customer's failure to keep a settlement agreement or cold weather rule payment agreement;

The customer's failure to make any required utility payment;

Unauthorized interference, diversion or interruption of utility service; and

All other reasons combined.

The actual number of reconnections; and

The fund of deposits.

A utility shall submit to the commission, on request, a written summary of the information required by section (5) of this

4 CSR 240-13.045 Disputes

PURPOSE: This rule establishes reasonable and uniform standards for handling disputes between customers and utilities.

(1) A customer shall advise a utility that all or part of a charge is in dispute by written notice, in person or by a telephone message directed to the utility during normal business hours. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules.

(2) When a customer advises a utility that all or part of a charge is in dispute, the utility shall record the date, time and place the contact is made; investigate the contact promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

(3) Failure of a customer to participate with the utility in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service and the utility, not less than five (5) days after provision of the notification required by section (9), may proceed to discontinue service unless the customer files an informal complaint with the commission within the five (5)-day period.

(4) Customers presenting frivolous disputes shall have no right to continued service. A utility, before proceeding to discontinue the service of a customer presenting a dispute it deems frivolous, shall advise the consumer services department of the commission of the circumstances. The consumer services department shall attempt to contact the customer by telephone and ascertain the basis of the dispute. If telephone contact cannot be made, the consumer services department shall send the customer a notice by first class mail stating that service may be discontinued by the utility unless the customer contacts the consumer services department within twenty-four (24) hours. If it appears to the consumer services department that the dispute is frivolous or if contact with the customer cannot be made within seventy-two (72) hours following the utility's report, the utility shall be advised that it may proceed to discontinue service. If it appears that the dispute is not frivolous, service shall not be discontinued

until ten (10) days after the notice required by 4 CSR 240-13.050(5) has been sent to the customer by the utility. The customer shall retain the right to make an informal complaint to the commission.

(5) If a customer disputes a charge, s/he shall pay to the utility an amount equal to that part of the charge not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute and any other pertinent factors in determining the amount not in dispute.

(6) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the utility, at the utility's option, an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.

(7) Failure of the customer to pay to the utility the amount not in dispute within four (4) working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later, shall constitute a waiver of the customer's right to continuance of service and the utility may then proceed to discontinue service as provided in this rule.

(8) If the dispute is ultimately resolved in favor of the customer in whole or in part, any excess moneys paid by the customer shall be refunded promptly.

(9) If the utility does not resolve the dispute to the satisfaction of the customer, the utility representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission. If a customer files an informal complaint with the commission prior to advising the company that all or a portion of a bill is in dispute, the commission shall notify the customer of the payment required by sections (5) or (6) of this rule.

(10) A utility may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and is not required to comply with these rules more than once prior to discontinuance of service.

*History: sections 386.250(6), RSMo 91 and 393.140(11), RSMo 1986. * rule filed Dec. 19, 1975, effective 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and : Filed Sept. 22, 1993, effective 1994.*

History: 386.250(6), RSMo 1939, amended 1977, 1980, 1987, 1988, 1991 and RSMo 1939, amended 1949, 1967.

AUTHORITY: sections 386.250(6), RSMo Supp. 1991 and 393.140(II), RSMo 1986.* Original rule filed Sept. 22, 1993, effective July 10, 1994.

*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(II), RSMo 1939, amended 1949, 1967.

4 CSR 240-13.050 Discontinuance of Service

PURPOSE: This rule prescribes the conditions under which service to a customer may be discontinued and procedures to be followed by utilities and customers regarding these matters so that reasonable and uniform standards exist for the discontinuance of service.

(1) Service may be discontinued for any of the following reasons:

(A) Nonpayment of an undisputed delinquent charge;

(B) Failure to post a required deposit or guarantee;

(C) Unauthorized interference, diversion or use of the utility service situated or delivered on or about the customer's premises;

(D) Failure to comply with terms of a settlement agreement;

(E) Refusal after reasonable notice to permit inspection, maintenance, replacement or meter reading of utility equipment. If the utility has a reasonable belief that health or safety is at risk, notice at the time inspection is attempted is reasonable;

(F) Misrepresentation of identity in obtaining utility service;

(G) Violation of any other rules of the utility approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's system; or

(H) As provided by state or federal law.

(2) None of the following shall constitute sufficient cause for a utility to discontinue service:

(A) The failure of a customer to pay for merchandise, appliances or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) The failure of the customer to pay for service received at a separate metering point, residence or location. In the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these rules, a

utility may transfer and bill any unpaid balance to any other residential service account of the customer and may discontinue service after twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule;

(C) The failure of the customer to pay for a different class of service received at the same or different location. The placing of more than one (1) meter at the same location for the purpose of billing the usage of specific devices under optional rate schedules or provisions is not construed as a different class of service for the purpose of this rule;

(D) The failure to pay the bill of another customer, unless the customer whose service is sought to be discontinued received substantial benefit and use of the service;

(E) The failure of a previous owner or occupant of the premises to pay an unpaid or delinquent bill except where the previous occupant remains an occupant or user; or

(F) The failure to pay a bill correcting a previous underbilling, whenever the customer claims an inability to pay the corrected amount, unless a utility has offered the customer a payment arrangement equal to the period of underbilling.

(3) On the date specified on the notice of discontinuance or within eleven (11) business days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the eleven (11) business day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a settlement agreement if the claim is for a charge not in dis-

pute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

(5) A utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement, except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

(6) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in

P.S.C. MO. No. 1
Canceling P.S.C. MO. No. 1

Second Revised
First Revised

SHEET No. R-53
SHEET No. R-53

Missouri Gas Energy,
a Division of Southern Union Company

Missouri Public
For: All Missouri Service Areas

REC'D JUL 16 2001

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

Service Commission

8. CLAIMS AND COMPLAINTS SETTLEMENTS - RESIDENTIAL ONLY

8.01 COMPLAINTS AND DISPUTED CLAIMS: When a customer advises the Company prior to the date of the proposed discontinuance of service that all or any part of any billing as rendered is in dispute, the Company shall:

- (A) Immediately record the date, time and place the complaint is made.
- (B) Investigate the dispute promptly and completely.
- (C) Attempt to resolve the dispute informally in a manner mutually satisfactory to both parties.

A customer may advise the Company that a claim is in dispute in any reasonable manner such as by written notice, in person or by a telephone call directed to the appropriate personnel of the Company. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these General Terms and Conditions for Gas Service.

The Company, in attempting to resolve the dispute in a mutually satisfactory manner, may employ telephone communication, personal meetings, on-site visits or any other technique reasonably conducive to settlement of the dispute.

The failure of a customer who has lodged a dispute to cooperate in the investigation of that dispute, to respond to the Company's offer to negotiate, or to participate with the company in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service and the Company may, not less than five days after provision of the notice required by Rule 8.06, proceed to discontinue service unless the customer files an informal complaint with the Commission within the five-day period.

Missouri Public

DATE OF ISSUE July 16, 2001
month day year

FILED AUG 06 2001
DATE EFFECTIVE August 13, 2001
01 - 292 month day year

ISSUED BY Robert J. Hack

Service Commission AUG 06 2001
Vice President, Pricing and Regulatory Affairs
Missouri Gas Energy, Kansas City, MO. 64111

EXHIBIT 3

P.S.C. MO. No. 1
Canceling P.S.C. MO. No. 1

First Revised
Original

SHEET No. R-54
SHEET No. R-54

Missouri Gas Energy,
a Division of Southern Union Company

For

All Missouri Service Areas

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GENERAL TERMS AND CONDITIONS FOR GAS SERVICE OCT 7 1994

MISSOURI

Public Service Commission

8.02 PAYMENT OF AMOUNT NOT IN DISPUTE: If a customer makes a complaint on a disputed charge, he shall pay to the Company an amount equal to that part of the charge not in dispute.

The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute and any other pertinent factors in determining the amount not in dispute.

If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the Company, at the Company's option, an amount not to exceed fifty percent (50%) of the charge in dispute on an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.

Failure of the customer to pay the Company the amount not in dispute within four working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later shall be grounds for dismissal of an informal or formal complaint and constitute a waiver of the customer's right to continuance of service and the Company may then proceed to discontinue service as provided in Rules 3.06, 3.07 and 3.08.

Customers presenting frivolous disputes shall have no right to continue service. The Company, before proceeding to discontinue the service of a customer presenting a dispute it deems frivolous, shall advise the Consumer Services Division of the Commission of the circumstances. The Consumer Services Division shall attempt to contact the customer by telephone and ascertain the basis of the dispute. If telephone contact cannot be made, the Consumer Services Division shall send the customer a notice by first class mail stating that service may be discontinued by the Company unless the customer contacts the

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DATE OF ISSUE October 8 1994
month day year

DATE EFFECTIVE December 10, 1994
month day year

ISSUED BY

John M. Fernald
John M. Fernald

Director, Rates and Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

P.S.C. MO. No. 1
Canceling P.S.C. MO. No. 1

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SHEET No. R-55
SHEET No. R-55

Missouri Gas Energy,
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For

All Missouri ~~Public Service~~ **RECEIVED**

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

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Consumer Services Department within twenty-four hours. If it appears to the Consumer Services Department that the dispute is frivolous or if contact with the customer cannot be made within seventy two (72) hours following the Company's report, the Company shall be advised that it may proceed to discontinue service. If it appears that the dispute is not frivolous, service shall not be discontinued until ten days after the notice required by Rule 3.08 has been sent the customer by the Company. The customer shall retain the right to lodge an informal complaint with the Commission.

If the dispute is ultimately resolved in favor of the customer in whole or in part, any excess monies paid by the customer shall be refunded promptly.

Prior to filing an informal or formal complaint, the customer shall pursue remedies directly with the company as provided in this rule. The commission specifically reserves the right to waive this requirement when circumstances require.

If a customer files an informal complaint with the commission prior to advising the company that all or a portion of a bill is in dispute, the commission shall notify the customer of the payment required by this rule.

8.03 SETTLEMENT AGREEMENT: If the Company and the customer arrive at a mutually satisfactory settlement of any dispute or the customer does not dispute liability to the Company but claims inability to pay the outstanding bill in full, the Company and the customer may enter into a settlement agreement. A settlement agreement which extends beyond sixty (60) days shall be in writing and mailed or otherwise delivered to the customer.

Every settlement agreement resulting from the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

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DEC 1994

DATE OF ISSUE October 8 1994
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DATE EFFECTIVE December 10, 1994
month day year

ISSUED BY

John M. Fernald
John M. Fernald

Director, Rates and Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

P.S.C. MO. No. 1
Canceling P.S.C. MO. No. 1

First Revised
Original

SHEET No. R-56
SHEET No. R-56

Missouri Gas Energy,
a Division of Southern Union Company

For

All Missouri Service Areas

OCT 7 1994

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

MISSOURI

Public Service Commission

For purposes of determining reasonableness under these General Terms and Conditions for Gas Service, the parties shall consider the following:

- (A) Size of the delinquent account.
- (B) Customer's ability to pay.
- (C) Customer's payment history.
- (D) Time that the debt has been outstanding.
- (E) Reasons why debt has been outstanding.
- (F) Any other relevant factors relating to the customer's service.

8.04 DEFAULT OF SETTLEMENT AGREEMENT: If a customer fails to comply with the terms and conditions of a settlement agreement, the Company may discontinue service after notifying the customer in writing by personal service or first class mail in accordance with Rule 3.08:

- (A) That the customer is in default of the settlement agreement.
- (B) The nature of the default.
- (C) That unless full payment of all balances due is made within ten (10) days from the date of mailing, the Company will discontinue service.

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DATE OF ISSUE October 8 1994
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DATE EFFECTIVE December 10, 1994
month day year

ISSUED BY

John M. Fernald

Director, Rates and Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

P.S.C. MO. No. 1
Cancelling P.S.C. MO. No. 1

First Revised
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SHEET No. R-57
SHEET No. R-57

Missouri Gas Energy,
a Division of Southern Union Company

For:

All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

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Public Service Commission

- (D) The date upon or after which service will be discontinued.
- 8.05 RES JUDICATA: The Company may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already adjudged and is not required to comply with these General Terms and Conditions for Gas Service more than once prior to discontinuance of service.
- 8.06 FAILURE TO REACH AGREEMENT: If the Company does not resolve the complaint to the satisfaction of the customer, the Company representative shall advise the customer:
- (A) That each party has a right to register an informal complaint with the Commission; and,
- (B) Of the address and telephone number where the customer may file an informal complaint with the Commission.
- 8.07 OTHER REMEDIES: Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time prior to or after the issuance of any informal Commission staff opinion.
- 8.08 DISCONTINUANCE PENDING DECISION: The Company shall not discontinue residential service or issue a notice of discontinuance relative to the matter in dispute pending the decision of the hearing examiner or other Commission personnel except pursuant to the terms of an interim determination.
- 8.09 RECORD KEEPING: The Company shall maintain records on its customers for at least two (2) years which is to contain information concerning:
- (A) The payment performance of each of its customers for each billing period,
- (B) The number and general description of complaints registered with the Company,

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John M. Fernald

Director, Rates and Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

P.S.C. MO. No. 1

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Missouri Gas Energy,
a Division of Southern Union Company

For

All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

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Utility Service Commission

- (C) The number of settlement agreements made by the Company;
- (D) The actual number of discontinuances of service due to each of the following categories of reasons:
- (1) The customer's failure to keep a settlement agreement or cold weather rule payment agreement;
 - (2) The customer's failure to make any other required utility payment;
 - (3) Unauthorized interference, diversion or use of utility service; and
 - (4) All other reasons combined.
- (E) Actual number of reconnections; and
- (F) Refund of deposits.

The Company shall submit to the commission, upon request, a written summary of the information required by this Rule.

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OCT 10 1994

DATE OF ISSUE October 8 1994
month day year

DATE EFFECTIVE December 10 1994
month day year

ISSUED BY

John M. Fernald
John M. Fernald

Director, Rates and Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

**** PLEASE RETURN THIS PORTION WITH YOUR PAYMENT ** THANK YOU! ****

NOTICE DATE: MAY 16, 2002

JAMES E DUDLEY
4024 PROSPECT AVE
KANSAS CITY, MO 64138-1321

MAIL PAYMENTS TO: MISSOURI GAS ENERGY
PO BOX 219255
KANSAS CITY, MO 64121-9255

66651865380002204590002204590002204591

08/09057/07/A
ACCOUNT NBR:
6665186538

AMOUNT DUE
NON-REDEEMABLE
\$ 2,204.59
AMOUNT ENCLOSED
\$ _____

IN PUBLIC SERVICE UNIT

04-00-0002 13-00

POST OFFICE

7



Commissioners
KEVIN L. SIMMONS
Chair

CONNIE MURRAY

SHEILA LUMPE

STEVE GAW

BRYAN FORBIS

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Toll Number)
<http://www.psc.state.mo.us>

ROBERT L. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary, Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

August 23, 2002

Mr. James Dudley
4231 Tracy Ave.
Kansas City, MO 64110

Dear Mr. Dudley:

This is a follow-up letter in response to our phone conversation of August 14, 2002. You indicated in your complaint against Missouri Gas Energy (Company) that the Company has transferred a bill to your current account at 4231 Tracy that you do not owe.

I forwarded your complaint to MGE and received the following information: On May 1, 2001 they have requested proof that you were not living at this address during the following dates. They are holding you responsible because credit checks link your name to the address. I understand that you own the property and that you claim that all your paperwork was stolen, but it would be your responsibility to provide proof the Company to dispute this bill.

According to a Company representative, the following amounts have been transferred to your account from 4024 Prospect:

9/25/00 to 4/27/01, amount \$2,099.96

7/16/01 to 4/17/02, amount \$ 104.63

Amount due: \$2,204.59

Mr. James Dudley

August 23, 2002

Page 2

August 17, 2002

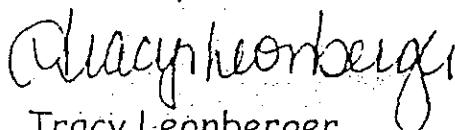
Page 2

The Company representative stated that in order to turn on service at this location they would accept a \$1,000 initial payment with an agreement to pay the remaining balance.

The Company will not remove the transfer amounts from your current account unless you provide sufficient proof that you did not benefit from gas service at this location during the dates listed above. The Company tariffs on file and approved by the Commission have a Prior Indebtedness section, which would apply to your case. I have enclosed a copy for your file.

Unfortunately, I will be unable to aid you further in this matter. If you are unable to pay on your account, you may want to seek assistance. I have enclosed an energy assistance flyer for your review.

Sincerely,



Tracy Leonberger

Consumer Services Specialist

/tfl

Enclosures

Tracy F. Leonberger
Governor Office Building
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360
(573) 526-5568, Dept. FAX (573) 526-1500
Personal E-FAX (443) 227-2262 or
E-mail address: tleonber@mail.state.mo.us

State of Missouri
Public Service Commission
Consumer Services

Fax transmittal

To: Shirley Bolden @ MGE

Fax: (816) 360-5764

From: Tracy Leonberger,

Date: Tuesday, July 30, 2002

Consumer Services Specialist

Re: Dudley, James

Pages: 11 including cover sheet

CC: None

☒ Urgent

☐ For Review

☐ Please Comment

☒ Please Reply

☐ Please
Recycle

Note: New complaint. Please contact the customer and provide me with a company response. Thank you for your assistance in this matter.

Important Notice to all our regulatory contacts:

The Missouri Public Service Commission Staff has noticed a decline in the quality of the information being reported to the Commission by Utilities. In order to address this problem, please include a minimum of at least the following information on all complaints:

1. Explain the problem
2. Explain the cause of the problem
3. What was done to correct the problem
4. Please state the date the customer was contacted by the company and a brief summary describing the contact. If the complaint was handled via letter, please provide Staff with a copy of the letter.
5. If the complaint involves an allegation of an unauthorized carrier change (slamming), a copy of the LOA (and/or verification tape) must be included.

We will no longer accept any reports containing less than the above-stated items, so please include the information in your report to avoid Staff having to re-contact the Utility. Thank you for your cooperation.

CONFIDENTIAL

Exhibit 5

Missouri Public Service Commission
Consumer Complaint Inquiry

Complaint New
Complaint/Inquiry No. C200301228
Mode of Receipt Mail
Service Type Residential
Utility Type Gas
Utility Company Name Southern Union Company
Priority Immediate Response Needed
Complaint Issue Billing
Complaint Sub Issue Disputed Bill
Consumer's Account No. 4827397879
Additional Name N/A

Account Name

First Name James
Middle Initial N/A
Last Name Dudley
Street Address 4231 Tracy
Mailing Address N/A
City Kansas City
State Missouri
Zip 64110
County Jackson
Home Phone 816-682-1889
Work Phone N/A
Cellular/Pager N/A
Fax N/A
E-Mail N/A

Reporting Party

First Name N/A
Middle Initial N/A
Last Name N/A
Street Address N/A
Mailing Address N/A
City N/A
State Missouri
Zip N/A
County N/A
Contact Phone N/A

Preferred Contact Time From 8:00 AM To 5:00 PM **Contact Place** Home

Preferred Contact Method Phone

Complaint/Inquiry Description 7/30/02 (mail/Cecilia) sdID# 3687496/MGE put bill from tenant at 4024 Prospect (KC MO) onto his--her name was Dalne (Diane?)/also put Sara Chapp's bill onto his/total amount not his is \$2,204.59/

Date Filed 07/29/2002

Task List Details - Consumer Complaint/Inquiry

Page 1 of 1

* Required Fields

Task No. 2 Date 07/30/2002 12:19:28 PM
Type of Doc Complaint Routed From Barr Cecilia

Account Name Dudley James

Complaint/Inquiry No. C200301228 Edit

* Utility Type

Gas

* Utility Company

Southern Union Company

* Complaint Issue

Billing

* Complaint Sub Issue

Disputed Bill

* Priority

Response within 7 days

Follow Up Date

08/09/2002

* Path

☒ Fast Track ☐ Complex Track

Route To

Select

Send Notification To

Select

Ambrose Candy
Anderson Melissa
Barr Cecilia

Comments

(Allows only 250 characters)

Complaint History

Sl.No. Attachment(s)

1 COMPLAINT-INQUIRY
2 Informal complaint-Dudley



Sl.No	Received Date	User	Route to	Status	Comments
1	07/29/2002	Barr Cecilia	Leonberger Tracy	Waiting For Process	7/30/02 (mail/Cecilia) sldID# 3887496/MGE put bill from tenant at 4024 Prospect (KC MO) onto his—her name was Daine (Diane?)/also put Sara Chapp's bill onto his/total amount not his is \$2,204.59/
2	07/30/2002 12:48:33 PM	Leonberger Tracy		Saved	7/30/02 Faxed complaint to the company. In order for Mr. Dudley to prove these bills are not his, he would need the dates of service, location and how his name was associated with these addresses. Let me know. I will respond to the customer by letter

3 Please stop collection proceedings while this is being investigated.
• Send note to the customer that I have his complaint.

SHEILA LUMPE, CHURMAN.
PUBLIC SERVICE COM.
P.O. BOX 360
JEFFERSON CITY, MO 65102
~~Better Business Bureau~~

7/18/02

~~800 Ward Pkwy~~
~~KE MO 6444~~

Subject:

MO. Gas Company

To whom it may concern:

My names is James Dudley I live
at 4231 Tracy KC. Mo.

I am writing you in regard to a
gas bill for 2,204.59 that dont be
long to me.

I rented a house at 4024 Prospect
to a lady at the time who turn
out to be a fraudulent person.

I think her name was Daine, I am not
sure because it's been a while ago
and I told them that I didnt remeber
at that time.

I was not aware of the contact
with the gas company untill they
bill me for her.

They were requesting a lease agreement, which I am unable to produce to them, due to my automobile being stolen, along with my ~~lease~~ lease paper in my case.

They are putting this lady Sara Chapp Bill on my Bill, which is #2, 204.59 From some one elses Bill.

I have talk to a lot of people down there and to the Credit department as well and no help.

They would not take it off even though they know that I don't or didn't live there at that time or now.

They are billing me for gas usages I never used, because, I am unable to locate the person who never payed them, that person owes me to for one month rent.

I even told them that they
should have made ~~sure~~ sure who
they were turning the gas on for
and not try to make me pay for
what they did. They know I need
gas for my home, they are trying to
force me to pay and that's not right.
I have gas in my name in
for houses and I don't need
to put gas in any one else's
name. I don't use other people
name for my bills.
They have put it on me at
1024 Prospect and now they are
putting it on 1231 Tracy now.
Without this matter being
resolved through the gas company
I have no choice, but to seek
help through the Better Business
Bureau, I hope that you will be

Please help me to resolve
this matter I am at a dead
end trying to get them to remove
this from under my name.

Please response back as soon as
possible concerning this matter.

Thank you very much

James Dudley
anytime 682-1689

4231 Tracy KC mo 64110

Enclosed is copies
of the Bills they are
holding me accountable
for.

8

**** PLEASE RETURN THIS PORTION WITH YOUR PAYMENT ** THANK YOU! ****

NOTICE DATE: MAY 16, 2002

JAMES E DUDLEY
4024 PROSPECT AVE
KANSAS CITY, MO 64138-1321

MAIL PAYMENTS TO: MISSOURI GAS ENERGY
PO BOX 219255
KANSAS CITY, MO 64121-9255

66651865380002204590002204590002204591

18/00057/07/A
ACCOUNT NBR:
6665186538

AMOUNT DUE
FROM RECEIPT
\$ 2,204.59
AMOUNT ENCLOSED
\$ _____

P.03
010 000 1000
010 000 010

710 PUBLIC SERVICE UNIT

JUL-00-2002 13:20

6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339

MASTERCARD		VISA
CARD NUMBER	AMOUNT	
SIGNATURE	EXP. DATE	

RETURN SERVICE REQUESTED

DATE: 11/11/2002
TELEPHONE: 913-362-3950

CREDITOR- MISSOURI GAS ENERGY
AMOUNT DUE 2,256.42
ACCOUNT NUMBER 1359574
REF # 0401 4827397879
ASSIGNED COLLECTOR NUMBER 17

1359574 17

DUDLEY JAMES E
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

CREDIT WORLD SERVICES, INC
6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339

|||||

|||||

***** NOTICE OF CREDIT BUREAU REPORTING *****

THIS LETTER IS TO NOTIFY YOU THAT THE ABOVE ACCOUNT WILL BE REPORTED TO A CREDIT BUREAU IF YOUR ACCOUNT IS NOT RESOLVED WITHIN THIS MONTH.

A SIGNIFICANT PAYMENT AND POSITIVE ARRANGEMENTS MUST BE MADE WITHIN THIS MONTH TO STOP THIS CREDIT BUREAU REPORTING. PLEASE CALL TOLL FREE 1-800-844-4084 FOR DETAILS.

TO ASSIST YOU IN MEETING YOUR FINANCIAL OBLIGATION WE WILL ACCEPT A POSTDATED CHECK DATED NO LATER THAN 30 DAYS FROM THE DATE OF THIS NOTICE. THE POSTDATED CHECK MUST REACH OUR OFFICE BY THE LAST DAY OF THIS MONTH TO STOP THIS CREDIT BUREAU REPORTING. PLEASE CALL TOLL FREE 1-800-844-4084 FOR FURTHER EXPLANATION.

****IN ACCORDANCE WITH FEDERAL LAW, WE WILL NOTIFY YOU IN WRITING, PRIOR TO DEPOSITING YOUR POSTDATED CHECK****

VISA AND MASTERCARD WILL BE ACCEPTED AND CHECK BY PHONE.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**** TOLL FREE NUMBER CAN NOT BE ACCESSED FROM 816 OR 913 AREA CODES ****

SINCERELY
CREDIT WORLD SERVICES, INC.
A FULL SERVICE DEBT COLLECTION AGENCY

YOU HAVE ADDITIONAL ACCOUNTS.
2,830.77 IS THE TOTAL ACCOUNTS AT OUR OFFICE.
THIS INCLUDES THE CREDITOR ABOVE.

Exhibit 6