

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON
JAMES C. SWEARENGEN
WILLIAM R. ENGLAND, III
JOHNNY K. RICHARDSON
GARY W. DUFFY
PAUL A. BOUDREAU
SONDRA B. MORGAN
CHARLES E. SMARR

312 EAST CAPITOL AVENUE
P.O. BOX 456
JEFFERSON CITY, MISSOURI 65102-0456
TELEPHONE (573) 635-7166
FACSIMILE (573) 635-3847
E-Mail: dcooper@brydonlaw.com

DEAN L. COOPER
MARK G. ANDERSON
GREGORY C. MITCHELL
BRIAN T. MCCARTNEY
DIANA C. FARR
JANET E. WHEELER

OF COUNSEL
RICHARD T. CIOTTONE

March 29, 2004

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

RE: Missouri Gas Energy
Case No. GC-2003-0579

Dear Mr. Roberts:

Enclosed for filing are the original and eight (8) copies of Missouri Gas Energy's Response to Complainant's Issues List.

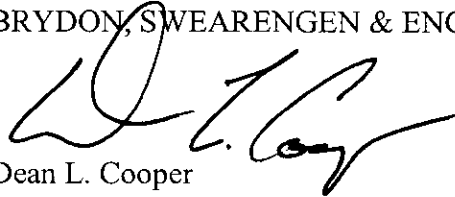
Thank you for your assistance in this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Dean L. Cooper



DLC/jar

Enclosures

cc: John Coffman
Dana K. Joyce
Michael E. McKinzy, Sr.

FILED²
MAR 29 2004
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 29 2004

Missouri Public
Service Commission

Michael E. McKinzy, Sr.,)
)
Complainant,)
)
v.)
)
Missouri Gas Energy,)
)
Respondent.)

Case No. GC-2003-0579

RESPONSE TO COMPLAINANT'S ISSUES LIST

COMES NOW Missouri Gas Energy, a division of Southern Union Company ("MGE"), by and through its counsel, and, in compliance with the Missouri Public Service Commission's ("Commission") Order Setting Evidentiary Hearing, respectfully states the following as its response to Complainant's Issue List:

1. On December 4, 2004, MGE filed its Motion for Summary Determination or, in the Alternative, for Dismissal of Complaint, along with its suggestions in support thereof. On January 23, 2004, Complainant filed with the Commission his Issues List.
2. On March 19, 2004, the Commission issued its Order Setting Evidentiary Hearing wherein the Commission set this matter for hearing and ordered MGE to file a response to Complainant's Issues List no later than March 29, 2004.
3. Complainant's identified issues and MGE's responses thereto are as follows:
 - A. Whether or not MGE violated its tariffs (Section 3.12 on Sheet No. R-30) by refusing to honor complainant's request for gas service on April 9, 2003, to transfer his gas service to his new residence at 8004 Overton, into his name and whether it restored complainant's gas service within the required limits.

MGE Response: MGE did not violate its tariff provisions. Under the circumstances, MGE could not transfer an account. What Complainant sought was the commencement of a new account.

- B. Whether or not MGE violated its tariffs (Section 3.08 on Sheet No. R-23) by discontinuing gas service to complainant's residence without giving complainant ten days written notice by first class mail prior to the date of proposed discontinuance.

MGE Response: MGE did not violate its tariff provisions. On June 18, 2003, the gas service was shut off at 8004 Overton Drive as per the property owners'/landlords' request. Prior to Complainant's lease of the property, the gas service was being provided under the homeowner's name, Gerald Lee. Mr. Lee contacted MGE and requested the gas to be disconnected. *See Answer, par. 5(d) and Staff Report, par. 4(d).*

- C. Whether or not MGE violated its tariffs (Section 3.09 (E) on Sheet No. R-26) by discontinuing gas service to complainant's residence without giving complainant twenty-four hours (24 hours) notice prior to the date of proposed discontinuance.

MGE Response: MGE did not violate its tariff provisions. See the response to issue B above.

- D. Whether of not MGE violated its tariffs (Section 3.02 on Sheet Nos. R-19 and R-20) by refusing to commence gas service to complainant based on the fact that complainant's wife, who was not a member of complainant's household on April 9, 2003, had a gas service account in arrears.

MGE Response: MGE did not violate its tariff provisions. Section 3.02 on Sheets Nos. R-19 and R-20 of MGE's General Terms and Conditions specifically states as follows:

3.02 PRIOR INDEBTEDNESS OF CUSTOMER: Company shall not be required to commence supplying gas service if at the time of application, the applicant, or any member of applicant's household (who has received benefit from previous gas service), is indebted to Company for such gas service previously supplied at the same premises or any former premises until payment of such indebtedness shall have been made. This provision cannot be avoided by substituting an application for service at the same or at a new location signed by some other member of the former customer's household or by any other person acting for or on behalf of such customer.

Also See Answer, par. 6 and Staff Report, par. 6.

- E. Whether or not MGE violated its tariffs (Section 3.03 on Sheet No. R-20) by charging complainant a twenty dollar (\$20.00) connection fee despite the fact that complainant was service applicant who was a continuing prior customer instead of the five dollar (\$5.00) transfer fee.

MGE Response: MGE did not violate its tariff provisions. Under the circumstances, MGE could not transfer an account. What Complainant sought was the commencement of a new account.

- F. Whether or not MGE violated its tariffs (Section 3.05 on Sheet No. R-20) by discontinuing gas service to complainant's residence from June 18, 2003 to September 10, 2003.

MGE Response: MGE did not violate its tariff provisions. See the response to issue B above.

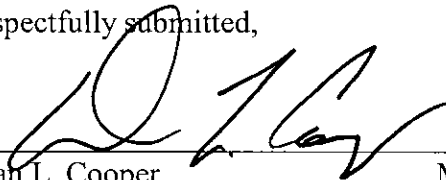
- G. Whether or not MGE violated its tariffs (Section 3.07(D) on Sheets Nos. R-22 and R-23) by discontinuing gas service to complainant's residence because complainant's failure to the bill of another customer when complainant did not receive substantial benefit and use of the service.

MGE Response: MGE did not violate its tariff provisions. See the response to issue B above.

MGE discontinued service at the direction of its customer, Gerald Lee.

WHEREFORE, Respondent, Missouri Gas Energy, respectfully requests that this Commission consider its Response to Complainant's Issues List.

Respectfully submitted,



Dean L. Cooper MBE#36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-3847 facsimile
dcooper@brydonlaw.com
ATTORNEYS FOR MISSOURI GAS ENERGY

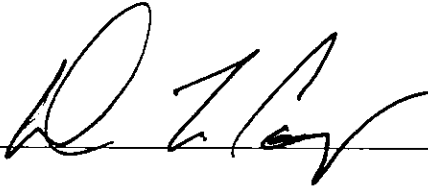
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by U.S. Mail, postage prepaid, on March 29th, 2004, to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101

Michael E. McKinzy, Sr.
8004 Overton Drive
Raytown, Missouri 64138

A handwritten signature in black ink, appearing to read "McKinzy", is written over a horizontal line.