

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

James Dudley
Pro Se

v.

Missouri Gas Energy
Respondent

Case No. GC-2004-0216

FILED

OCT 28 2004

Complaint Motion for Rehearing

Missouri Public
Service Commission

Comes Now James Dudley complainant pursuant to RSMo. # 386.500 and CSR 240-2.160, respectfully asks that the Commission grant a rehearing with respect to it. Report and Order issued in the above case.

For the reasons stated herein the Report and Order is unjust, unreasonable, and unsupported by competent evidence upon MGE facts. For the following reasons and in the following respects:

1. Mr. Dudley produced documents after documents showing that MGE and MGE Attorneys, MGE staff Wanda Bussey that stated that Mr. Dudley refused to pay the total amount that his gas service was disconnected on July 30, 2002 not on July 24, 2002.
2. MGE may have provided evidence showing that Mr. Dudley was notified from May-June of 2002, but not one of those documents that MGE showed the Commission that a notice was sent out to Mr. Dudley in May, June, July, for the amount of \$305.00. There is not one past due notice that the Commission looked at for the month of June in the amount of \$305 which is what MGE's issue is about.(schedule # 13a-b) Complaint's

issue is the dispute of \$2,500 and the discontinuance of service, while the dispute is pending, 8.01 4CSR 240-13.045, Ex #1-3.

3. MGE never showed one document to verify that a message was ever sent or received from any of MGE's staff.

Mr. Dudley strongly objects to the Commission not using any of his exhibit or schedules documents in their decision in this matter.

4. The Commission never ruled on 8.01 or 4CSR -240-13.45 dispute issues Ex#1-3.

5. The Commission considered only Ms. Shirley Bolden's Rebuttal when she admitted that she did not become involved in this case until July 30, 2002.

6. The Commission never considered Mrs. Wanda Bussey, MGE's attorneys, Martine Montemore, Robert Hack nor the courts documents that was sent to the Circuit Court or PSC.

7. The Commission was extremely bias in there order.

8. The Commission considered PSC Staff whom never even read the many documents that was sent to them.

DISCONTINUE OF SERVICE, FOR PAST DUE AMOUNT

Complainant feels that the Commission erred in their ruling on the disconnection issues for the amount of \$305.00 and the issues of dispute.

On the issue of a past due amount of \$305.00 and the disconnection of the service at 4231 Tracy on July 30, 2002.

1. Previous in this matter does not mean past due.

2. Previous in this matter means before another amount was added to Mr. Dudley's charge of \$305.00 which was added to the transfer amount of \$2,204.00. (Schedule #1-13b)
3. Mr. Dudley was bill on 6/10/02 for \$266 which was past due form may of 2002 and on 6/10/02 was charge \$38 for the month of June 2002 and also bill on 6/25/2002 for \$2204 that was an transferred bill.(schedule 1, 13B)
4. Mr. Dudley was never past due for the \$305.00 charge in April, May, June or July of 2002. (Schedule 13, B, C)
5. Mr. Dudley's account went like this
 - 1.In May of 2002 Mr. Dudley was past due for \$266.00.
 - 2.On June 10, 2002 MGE transferred the \$266.00 to Mr. Dudley's June bill.
 - 3.On June 10, 2002 MGE billed Mr. Dudley \$38.00 and added the \$38.00 to the \$266.00 which made the bill \$305.00. (Schedule 13, B)
6. In June of 2002 if MGE had not transferred the \$2,204.00 to Mr. Dudley's bill in July of 2002 the bill would have been \$305.00 for the month of July 2002.
7. From the records the bill should have read like this, Previous bill \$266.00 and current bill \$38.00 and pay this amount \$305.00 by July 22, 2002.(schedule#1-#13b-c)
8. That was not the case because \$2,204.00 was transferred and added to the \$305.00 which made Mr. Dudley's bill \$2.2510.00.(schedule#1-13 b-c)
9. In this case the previous bill of \$305.00 was the first amount on June 10, 2002 then June 25, 2002 MGE added the transferred amount of \$2,204.00, which in this case previous before the transfer bill of \$2,204.00.

10. Still the \$305.00 was not past due until 21 days from rendition, MGE Tariff 1.08 delinquent charge.
11. Past due does not mean previous.
12. Previous does not mean past due.
13. Current does not mean past due or previous, they mean what they say.
14. Again previous mean before something was added.
15. Past due mean late or delinquent on a charge.
16. The \$305.00 charge was on the July 10th bill, not for the May bill.
17. And again Schedule 2, page 2 MGE told the PSC staff Tracy Leonberger that they would accept \$1,000 to restore the gas service, MGE did not say they would accept \$305.00 to restore the gas service.
18. You can't be past due for \$305.00, if you never received a bill. The first disconnect notice I received was for \$2,510.00, the second gas disconnect notice \$2,528.00 not \$305.00. (schedule 1)

DISPUTE ISSUE

19. Mr. Dudley disputed his gas bill of \$2510 with Mrs. Wanda Bussey whom works for MGE; Mr. Dudley called MGE on the 15th and the 24th of July 2002. MGE tariffs states in section 8 # **8.01 Dispute and Discontinuance Pending Decision** while MGE failed to adhere to their own tariff.(Ex1#1-3#8.01-8.02)
20. MGE was never supposed to disconnect Mr. Dudley's gas service in July of 2002. Additionally because there was no evidence that MGE had attempted to remove the transferred bill nor make any agreement with Mr. Dudley about his gas bill for the

amount of \$2,510 or the \$305 as required by MGE's tariffs **8.01-8.08 and MPSC 4CSR 240-13.045.(Ex1#1-3#8.01-8.02)**

21. Mr. Dudley did receive a gas bill for the amount of \$2510 on July 10, 2002, which showed it as a previous bill for \$305 and the transferred amount of \$2,209.(schedule#1)

22. Ms. Bolden did not become involved in this case until July 30, 2002 and she has never spoken with Mr. Dudley at all about this matter.

23. Mr. Dudley talked with MGE's staff Mrs. Wanda Bussey on July 24, 2002 and she did not mention anything about a message being left on Mr. Dudley's home. Schedule 14, July 24, 2002.

24. Mr. Dudley talked with MGE staff Mrs. Wanda Bussey on July 24, 2002 and there was no mention of Mr. Dudley's gas service being disconnected at that time. Schedule 14

25. When Mr. Dudley called MGE on July 12 he stated to Mrs. Wanda Bussey that the \$2510 was not his bill that made it a dispute.(Ex1#1-3#8.01)

PREPONDERANCE OF THE EVIDENCE

1. MGE failed to show any evidence that Mr. Dudley received a bill for \$305 before July10, 2002.
2. MGE failed to show any evidence that the gas service at Mr. Dudley's home at 4231 Tracy was not disconnected for any other reason than the transferred bill of Ms. Sarah Chappelow's gas bill at 4024 Prospect.
3. MGE failed to show any evidence that Mr. Dudley did not dispute the gas bill he received from MGE in the amount of \$2510.

4. MGE only evidence was Ms. Shirley Bolden's uncorroborated testimony as to these facts. Who only became apart of this case on July 30, 2002 when the PSC staff faxed MGE about not disconnecting Mr. Dudley's gas service. Mr. Dudley's gas service was already disconnected by then.
5. Further MGE failed to provide any records indicating that Mr. Dudley was **PAST DUE FOR \$305** and that MGE did fail to follow MGE tariffs 8.01-8.09.

In light of this as well as additional evidence considered by the Commission the Commissions decision is unsupported by competent and substantial evidence.
6. Mr. Dudley's gas service at 4231 Tracy was disconnected on July 30, 2002, not on July 24, 2002. Complaint's schedule 10, page 3 #
7. Mr. Dudley was not past due for \$305.
8. Mr. Dudley was never notified of having to make any kind of payment for the amount of \$305 from Mrs. Bussey nor Ms. Bolden.

BASIS FOR DISCONTINUANCE

COMPLAINANT SCHEDULES

- #1 SHOWS THE \$2,510 NOT \$305.
- #2 PSC response letter august 23, 2002, shows \$104 pg 2 line 1, 2, 3 and it shows MGE asking for \$1,000 not \$305
- # 5 Shows that MGE was asking for \$ 2,586 not \$305 in August, 2002
- # 6 Shows that MGE was asking for \$ 2,895 not 305 in 8/15/2003
- # 7 Shows that MGE was asking for \$ 2,895 not 305 in 9/5/2003
- # 8 Shows that MGE was asking for \$ 2,256 not 305 in 11/11/2002
- # 9 Statement shows that MGE was asking for \$ 2,797 not 305 in Nov 6, 2002

#10 MGE Motion for Summary Judgment Uncontroverted Facts, Page 3 #7, 8, 9, 10. Not July 24th, but on July 30, 2002.

In November 6, 2002, Affidavit of Wand Bussey not Ms. Bolden, Page 5 #15, 16,17,18 not on July 24, but on July 30, 2002 and no mention of \$305 being the reason for the disconnection of 4231 Tracy.

#11 Motion for Summary Judgment-page 1 #7, 8,9,10 still on July 30, 2002 not July 24, 2002.

Page 3 #3, 4, 5, 6, still on July 30, 2002 not on July 24, 2002 and after refusal to pay the total amount, not the past due of \$305 but the total amount.

#12 Suggestions in Opposition, Page 1 #5,6,7,8,9,10,11,12 not for the amount of \$305 but total amount.

Page 6 1,2,3,4,5,6,7,8,9,10,11,12 not for the amount of \$305 and not on July 24, as Ms. Bolden stated, but on July 30, 2002.

#13B 6-10-02 \$266

6-10-02 +\$38

6-10-03 =\$305

6-25-02 \$2,204 not \$104

6-25-02 \$2,510 not \$305

7-10-02 \$2,510 not \$305

#14 Mr. Dudley called MGE on July 24, 2002 at 12:30pm and 12:41pm

#15 MGE answer to the PSC page 4, #6, 7

#17 Mr. Dudley and MGE's attorneys came to agreement on September 25, 2002 which was part of the Discovery. Schedule 17

MGE never introduced one Exhibit that showed Mr. Dudley was past due for \$305 nor that a notice letter was ever sent in that amount.

WHEREFORE: James Dudley, Complainant respectfully requests the Commission to grant a rehearing and upon reconsideration of the issue a new order setting aside its Order and Report with a new Order that is consistent with the evidence as more fully set forth above in this pleading.

Respectfully Submitted

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

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

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September 25, 2002

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OF COUNSEL:
LEWIS A. DYSART
PHILIP A. KLAUERN

Mr. James Dudley
4231 Tracy
Kansas City, MO 64110

Re: MGE Past Due Amount

Dear James:

As per our telephone discussion of yesterday, I told you that Missouri Gas Energy had the following amounts as past due:

3514 Bales	\$250.20
4231 Tracy	\$305.54
3312 Moulton	\$324.15
TOTAL	\$879.89

158.09
29.

503.0

These accounts are all in your own name, and you told me that you do not dispute that the balances are past due. You also told me that you do not dispute the amount of each account. You stated that you would call MGE and make arrangements for payment so that service can be returned to 4231 Tracy.

69

Please let me know as soon as you get a satisfactory arrangement with MGE to pay these past due balances.

879.89

290.00

589.89

Very truly yours,

DYSART TAYLOR LAY
COTTER & McMONIGLE, P.C.

Martin M. Montemore
Martin M. Montemore

MMM:jmd

c: Herman A. Loepp, Esq.

250.00 month

Schedule 17

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

CERTIFICATE OF MAILING

I hereby certify on this 25 day of Oct 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
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A handwritten signature in cursive script, appearing to read "James Dudley", written in dark ink.

James Dudley