

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Herman and Constance Turner,

Complainants,

v.

Laclede Gas Company,

Respondent.

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Case No. GC-2007-0281

STAFF'S INVESTIGATION REPORT

COMES NOW the Staff of the Missouri Public Service Commission and in Compliance with the Commission's Order Directing Staff to Investigate and File a Report, issued January 31, 2007, submits its Report in response to the Commission's order.

1. On January 25, 2007, William and Constance Turner (Complainants) filed a formal complaint against Laclede Gas Company (Laclede) stating that Laclede Gas had reported an inability to obtain an accurate reading from Complainants' meter. As a result, Complainants received several estimated bills, and an Automatic Meter Reading device (AMR) was installed on September 5, 2006.

2. On February 28, 2007, Laclede filed its Answer to the Complaint.

3. In response to Commission's order to Investigate and File a Report, Staff has reviewed all available data including: the informal complaint filed by Complainants on July 21,

2006; the formal complaint filed by Complainants; the Answer filed by Laclede on February 28, 2007; and billing details and statements of account from Laclede.

4. As result of the investigation, Staff found that for both of Complainants accounts with Laclede: bills had been estimated in excess of 3 consecutive months in violation of 4 CSR 240-13.020(2)(B); four bill adjustments were made over a period of six months; and based on the fact that the bill adjustments exceeded the 12 month consecutive months of estimated usage outlined in the Stipulation and Agreement approved by the Commission in GC-2006-0318.

5. For relief, Complainants request that all estimated charges be removed from their accounts.

6. Per the Stipulation and Agreement approved by the Commission in GC-2006-0318, the Complainants are entitled to a credit on both accounts based on the billing adjustment exceeding the 12 month consecutive months of estimated usage.

7. Staff therefore recommends the Commission order a credit to be applied to the Complainants' account Number 231904-09-2 of approximately \$45.88, and a credit of \$649.79 to the account Number 231905-012-1, for a total credit of \$695.67.

WHEREFORE Staff requests the Commission accept its Staff Report and order Staff's recommendation that the Commission order Laclede to apply a credit to Complainants' accounts, for a total between the two accounts of \$695.67.

Respectfully submitted,

/s/ Blane Baker

Blane Baker

Missouri Bar No. 58454

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Missouri Public Service Commission

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 8th day of March, 2007.

/s/ Blane Baker


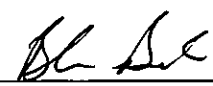
Blane Baker

REPORT OF THE STAFF

TO: Missouri Public Service Commission Official Case File
Case No. GC-2007-0281, Herman & Constance Turner vs.
Laclede Gas Company

FROM: /s/Marilyn Doerhoff, Consumer Services Coordinator

DATE: March 7, 2007

 3/7/07  3/8/07
Consumer Service Department/Date General Counsel's Office/Date

COMPLAINT

On January 25, 2007, Herman & Constance Turner filed a formal complaint case against Laclede Gas Company ("Laclede") stating in their complaint, "Laclede Gas said that they could not get an accurate gas reading for my residence since 9/02. On 5/20/06 they came in to read my meter – this resulted in an index of x9776. When I complained, Laclede's representative came back and obtained a reading of x8106, then a reading of x9806 was sent to us, this followed a reading of x9811 on 9/5/06. On 9/5/06 an AMR was installed but I continued to get estimated bills. I asked them to come out again – they returned on 12/2/06 changed the meter and sent me a bill for \$98.00 and I had not turn my gas on. I used electric heaters until this matter could be resolved."

On January 31, 2007, the Missouri Public Service Commission (Commission) issued an Order Directing Staff to Investigate and File a Report regarding Mr. & Mrs. Turner's formal complaint. Following are the findings of the Staff's investigation.

FINDINGS

On July 21, 2006, Mr. Turner filed an informal complaint with the Consumer Services Department by phone. Mr. Turner stated that he had two (2) accounts 23190520121 and 2319040092 and that he had received adjusted billings. He stated he had gone to Laclede's office and was told a device malfunctioned and that both accounts had been re-billed. Account number 23190520121 was re-billed \$1,200.00 for May 2005 to July 2006 and the other account was re-billed \$241.00 for the period of February 2005 to June 2006.

Staff immediately began its informal investigation by requesting billing details and statements of account from Laclede. As a result of its informal investigation, Staff found the following:

Account Number 231904-009-2 (1st Floor)

- On August 8, 2006, Laclede reported that the last actual reading, index of x6274, for account number 231904-009-2 (1st Floor) was obtained on November 12, 2004. Subsequent bills were estimated in excess of three (3) consecutive months¹ to index of x6636 through May 17, 2006.
- Laclede obtained an actual meter reading, index x6867, on May 20, 2006, indicating the account had been under-estimated. Laclede reported that the date of discovery, inquiry or actual notification was May 20, 2006.
- A catch-up bill for undercharges was rendered on July 13, 2006 for service from February 15, 2005 to June 16, 2006². A total of 523 CCfs was actually used during this period but Laclede billed 457 CCfs and an allowance of 66 CCfs was given. The charge for gas service was \$768.59 and after credit for previous bills and payments made by Mr. Turner, the account balance was \$241.59.
- On August 15, 2006, Staff questioned the re-bill period of February 15, 2005 to June 16, 2006 since the period exceeded 12 months of the reported date of discovery of May 20, 2006. Laclede advised that an error was made on the initial resolution sent to the Commission. Laclede further stated that February 9, 2006, was the date of discovery for the purpose of a billing adjustment and that an estimated device notice was mailed on February 9, 2006 (Schedule 1).
- On September 19, 2006, Staff called Ms. Turner and explained Laclede's response and billing adjustment. Ms. Turner advised that she understands the re-bill and plans on paying the bill.

¹ Missouri Public Service Commission Rule 4 CSR 240-13.020 Billing and Payment Standards (2) (B) provides that: "A utility shall not render a bill based on estimated usage for more than three (3) consecutive billing periods or one (1) year, whichever is less, except under conditions described in subsection (2) (A) of this rule.

² Missouri Public Service Commission Rule 4 CSR 240-13.025 Billing Adjustments (1) B provides that: "In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods or four (4) quarterly billing periods, calculated from the date of discovery, inquiry or actual notification of the utility, whichever was first."

Account Number 231905-012-1 (2nd Floor)

- On August 8, 2006, Laclede reported that the last actual reading, index of x5398, for account number 231905-012-1 (2nd Floor) obtained by Laclede on September 17, 2002. Subsequent billings were estimated in excess of three (3) consecutive months¹ to index of x6785 through May 17, 2006.
- Laclede obtained an actual meter reading, index of x9776, on May 20, 2006, indicating that the account had been under-estimated. Laclede reported the date of discovery, inquiry or actual notification was May 20, 2006.
- A catch-up bill was rendered on July 13, 2006, for service from May 17, 2005, index of 6442, to June 16 2006, index of x9782. A total of 3,340 CCfs was actually used during this period but Laclede billed 1,096 CCfs and an allowance of 2,244 CCfs was given. The charge for gas service was \$1,570.77 and after credit for previous bills and payments made by Mr. Turner, the account balance was \$965.24.
- On August 1, 2006, Laclede obtained a reading of x8106 which indicated that the July 13, 2006, catch-up billing was in error. On September 5, 2006, the company rendered a corrected billing for service from December 16, 2003, index of x5871, to August 16, 2006², index of x8119, a total of 2,248 CCfs billed. The charge for gas service \$2,857.24 and after credit for previous bills and payments made by Mr. Turner, the account balance was \$1,431.78. The previous allowed usage of 2,244 CCfs was omitted in error. It was later discovered that the date had inadvertently been entered as a reading on the service ticket. A review of the service ticket indicated that the actual meter reading was index of x9806.
- On September 5, 2006, Laclede installed the Automated Meter Reading (AMR) device and obtained yet another meter reading index of x9811. This reading was in line with the May 2006 reading, indicating that the September 5, 2006 billing was in error; therefore, the third catch-up billing was rendered on September 20, 2006, for service from December 16, 2003, index of x5871 to September 14, 2006, index of x9819, 1,704 CCfs billed. The 2,244 CCfs were again allowed. The charge for gas service was \$2,432.33 and credit for the previous bills and payments, the account balance was \$961.87.

- On December 2, 2006, Laclede conducted a Dead Meter (DR) investigation due to the sporadic occurrences. As a result of this process, Laclede replaced the meter; however, the meter appeared to be working normally. At the time of the visit, the only gas appliance on was the water heater. The furnace was off; however, it was noted that the thermostat setting was 86 degrees. The remove index obtained was x9828 and the new meter was set with an index of x0000.
- Prior to the meter change information being updated in Laclede's system, Mr. Turner was billed to an estimated index of x9900 as of December 14, 2006.
- On December 20, 2006, a corrected bill was rendered for service from November 14, 2006, index of 9824, to December 14, 2006, index of x9828, 4 CCfs billed. The charge for gas service was \$17.52, prior balance of \$938.33 and a late fee of \$14.07 was billed on the prior balance; for an account balance of \$969.92.
- On December 28, 2006, the late fee of \$14.07 was allowed out or removed, leaving an account balance due \$955.85.

Herman and Constance Turner requested the following relief:

"1. Remove all charges of estimation from the property at 2158 Allen since Laclede bills were always paid on time. "

Staff sympathizes with the frustration experienced by Mr. and Mrs. Turner regarding the estimated bills, the lack of corrected billing, the multiple statements of correction and the manner in which the billing issues were handled by Laclede and agrees that Laclede's service in this case was poor. Multiple bill adjustments should not have occurred. It also should not have take Laclede four (4) bill adjustments over the course of six (6) months from July 2006 to the end of December 2006 to get Mr. and Mrs. Turner the correct bill amount for gas used.

Staff recognizes that Laclede provided the Turner's an usage allowance of 2,244 GCfs which would equate to approximately \$2,323 unbilled gas cost, however, Laclede's procedures to issue a correct account balance and the allowance amount removed from the Turner's account took four (4) re-adjusted bills and six (6) months.

In addition, Staff previously investigated Laclede's lack of compliance with Commission Rule 4 CSR 240-13.020 Billing and Payment Standards and Commission Rule 4 CSR 240-13.025 Billing Adjustments in complaint case GC-2006-0318. Staff points out that in a Stipulation and Agreement approved by the Commission in GC-2006-0318, effective December 31, 2006, that it appears that the Turners are entitled to a credit on both

accounts based on the adjustment exceeding the 12 month consecutive months of estimated usage as outlined in the Stipulation and Agreement (1) under Estimated Bill Issues (Schedule 2).

"2. They apparently have faulty equipment which has resulted in their claim that I have used over \$3,000 in unpaid gas since 2002. Please see letter attached from Laclede indicating such!"

Number 6 of Laclede Gas Company's Answer to Complaint filed on February 28, 2007, denies that its equipment is faulty. Initially Laclede passed the corrosion inspection in May 2006, however, a follow-up inspection in December 2006 found rust on some of the Company's piping and an order was issued to rectify this condition. This event represents normal maintenance by Laclede as part of its corrosion inspection program, and has no effect on measurement and billing for gas used by the customers.

STAFF CONCLUSION

Staff would point out that there are other similar complaints pending before the Commission involving Laclede's billing adjustment procedures and lack of timely management.

Staff's investigation indicates Laclede failed to obtain an actual meter reading for three (3) consecutive billing periods. Laclede also re-billed the customer beyond the 12-month limit contained in Missouri Public Service Commission Rule 4 CSR 240-13.025; therefore, in accordance with the Stipulation and Agreement issued in complaint case GC-2006-0318, Mr. and Mrs. Turner are entitled to a credit. Staff would estimate the adjustment to be approximately \$45.88 on Account Number 231904-09-2 and \$649.79 on Account Number 231905-012-1 for a total of \$695.67 and would recommend that Laclede provide such credit in accordance to the Stipulation and Agreement.

Staff concludes that this case can be resolved with the issuance of the credit due as a result of the Stipulation and Agreement in GC-2006-0318.

Meter Reading Notice

Our records indicate that the meter reading device currently installed on your gas meter is not providing consistent monthly meter readings. As a result, it has been necessary to estimate your gas usage for billing purposes. We are pleased to let you know that we are in the process of implementing new meter reading technology to replace the device currently installed on your meter. The deployment of this new technology will take some time however, and we are working on a replacement schedule that has not yet been completed. There will be no charge to you when we replace the meter reading device and your gas service will not be disrupted. However, until we are able to make this replacement, it is important that we verify the readings used for billing by obtaining an actual meter reading. We ask your assistance as follows in order to ensure that you are billed accurately:

- Please complete the enclosed **postage-paid** card and return it to Laclede;
 1. *Enter the Laclede meter number located on the front of the gas meter in the area provided,*
 2. *Mark the exact position of the hands on the meter dials provided, and*
 3. *Fill in the date and your daytime telephone number.*
- You may also, at your option, order a supply of customer reading cards to allow you to read your meter each month and provide us with a reading to be used for your bill until you receive a new device. To order customer read cards, simply complete the enclosed card, as described above, mark the box entitled "Customer Read Cards" and return the postage-paid card to Laclede.

We appreciate your cooperation in responding to this request and apologize for the inconvenience.



Laclede Gas

314-621-6960

Inside Meter Reading Notice

MAIL THIS CARD

Please follow the steps below to report your meter reading and then mail this card.

1. Enter the Laclede meter number located on the front of your gas meter:

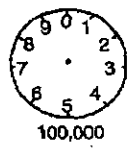
--	--	--	--	--	--	--	--

2. Mark your meter reading.

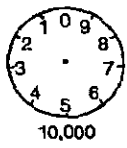
- Please mark the **exact** position of the hands on the dials provided here:



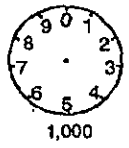
1,000,000



100,000



10,000



1,000

3. Fill in the date and your daytime phone number.

Date of meter reading _____

Daytime phone number _____

4. Customer read Cards:

- ☐ Check the box if you would like a supply of Customer Read Cards.

PLEASE DETACH
BEFORE MAILING

Thank you for your cooperation



Laclede Gas

314-621-6960

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day of
December, 2006.

Staff of the Public Service Commission of Missouri,)
)
Complainant,)
)
v.)
)
Laclede Gas Company,)
)
Respondent.)

Case No. GC-2006-0318

The Office of the Public Counsel,)
)
Complainant,)
)
v.)
)
Laclede Gas Company,)
)
Respondent.)

Case No. GC-2006-0431

ORDER APPROVING STIPULATION AND AGREEMENT

Issue Date: December 21, 2006

Effective Date: December 31, 2006

This case is a consolidation of two separate complaints filed against Laclede Gas Company. The first case, Case No. GC-2006-0318, is a complaint brought by the Commission's Staff, containing two counts. The first count alleges that Laclede has violated Commission regulations regarding notification to customers concerning the issuance of estimated bills. In particular, Staff alleges:

Laclede failed to provide in a timely manner the required notification that estimated bills may not reflect actual usage and that the customer may read and report usage on a regular basis. Laclede has also failed to attempt to secure an actual reading at least annually.

The second count of Staff's complaint alleges that Laclede has not acted quickly enough to investigate and correct situations where it has shut off gas service at a meter or curb, but usage has continued to register on the meter. In other words, gas has continued to flow into the building under unknown conditions.

For both counts, Staff asks the Commission to require Laclede to take corrective actions. In addition, Staff asks leave to proceed to Circuit Court to seek statutory penalties against Laclede for the alleged violations of the Commission's regulations.

The second complaint, Case No. GC-2006-0431, is brought by the Office of the Public Counsel. It alleges that Laclede has violated Commission regulations by billing customers for estimated gas usage for more than twelve months without obtaining an actual meter reading. Public Counsel asks the Commission to require Laclede to take corrective action, and seeks penalties for the violations.

Both complaints were set for hearing beginning on November 8, 2006. On November 7, Public Counsel, Laclede, and USW Local 11-6¹ filed a Stipulation and Agreement that purports to resolve Public Counsel's complaint against Laclede, as well as Count 2 of Staff's complaint. Staff did not sign the Stipulation and Agreement.

The Commission convened the hearing at the scheduled starting time on November 8. At that time, the parties that signed the Stipulation and Agreement presented it to the Commission for approval. Staff indicated that it neither supported, nor opposed,

¹ USW Local 11-6 is the labor union that represents some of Laclede's workers. The Commission allowed Local 11-6 to intervene in the consolidated complaint case.

the Stipulation and Agreement.² Staff, however, indicated that it does support the portion of the Stipulation and Agreement that concerns Count 2 of Staff's complaint relating to locked meter consumption. Staff states that it does not accept the Stipulation and Agreement as a resolution of Count 1 of its complaint and indicates that it seeks guidance from the Commission as to whether it should further pursue that portion of its complaint, either through Case No. GC-2006-0318, or by filing a new complaint.³ Laclede is aware of Staff's position, but believes that the submitted Stipulation and Agreement provides a reasonable remedy for the problems identified in Staff's complaint as well as those identified in Public Counsel's complaint.⁴ Similarly, Public Counsel indicates that the Stipulation and Agreement represents a reasonable settlement of its concerns. Despite Staff's position, the signatory parties continued to ask the Commission to approve their Stipulation and Agreement.⁵

On November 28, after the Commission initially discussed this Stipulation and Agreement at an agenda meeting, Staff filed additional comments in which it asked the Commission to impose certain requirements on Laclede to allow Staff to better monitor Laclede's customer service performance if the Commission chooses to approve the Stipulation and Agreement. On November 30, in response to Staff's additional comments, Laclede indicated that it would accept the monitoring requirements requested by Staff because it intended to fully comply with the Stipulation and Agreement. Laclede denied

² Transcript pages 22-23.

³ Transcript pages 25-26.

⁴ Transcript page 34.

⁵ Transcript page 41.

any wrong doing and opposed any suggestion that the Commission should impose additional penalties for past actions.

Staff did not sign the Stipulation and Agreement and therefore it is nonunanimous. However, Commission Rule 4 CSR 240-2.115 provides that if no party objects to a nonunanimous stipulation and agreement it may be treated as a unanimous agreement. Since no party objects to the Stipulation and Agreement, it will be treated as a unanimous agreement, as it relates to Public Counsel's complaint and Count 2 of Staff's complaint.

The Stipulation and Agreement resolves Public Counsel's complaint by requiring Laclede to provide at least \$500,000 in bill credits to residential customers who received a catch-up bill on or after November 1, 2004, for a period exceeding 12 consecutive months of estimated usage. The credit is to be made within 60 days of the approval of the Stipulation and Agreement. The amount of the credit is to be equal to the amount of the catch-up bill that relates to under-billings for usage prior to the 12 consecutive months of estimated bills. The cost of such credits will be borne by Laclede's shareholders and will not be passed on to ratepayers.

Laclede also agrees that in the future it will, in most situations, limit any residential billing of an undercharge to no more than 12 months from the date it obtains an actual meter reading. In addition, except in cases of diversion or fraudulent receipt of service, Laclede agrees to provide written notice to customers who receive a catch-up bill of \$100 or more, advising those customers of their right to pay the catch-up amounts in equal installments over a time period equal to the period over which the under-billing occurred. The Stipulation and Agreement also requires Laclede to take other specified steps to improve its service to its customers.

With regard to Count 2 of Staff's complaint, the Stipulation and Agreement requires Laclede to begin sending a notification letter to the affected location within five business days of discovering the unauthorized gas consumption. If the occupant of the affected location does not promptly contact Laclede to begin legitimate service, Laclede is to disconnect the flow of gas to the affected location no less than 10 business days and no more than 15 business days after the unauthorized flow of gas is detected. That disconnection may be performed regardless of the outside temperature.

Staff filed a separate complaint from that filed by Public Counsel. In particular, Staff contends that Laclede failed to secure actual meter readings at least annually and failed to provide timely notification to customers that estimated bills may not reflect actual usage and that those customers may read and report their own meters. Staff suggests that further penalties could be imposed on Laclede for alleged violations of the Commission's regulations regarding customer billings, and asks the Commission's guidance on how to proceed.

After reviewing the Stipulation and Agreement, the Commission finds that the steps that Laclede has agreed to take in this Stipulation and Agreement significantly benefit Laclede's customers, particularly those customers who were most affected by Laclede's billing practices. The customers who will receive bill credits if the Stipulation and Agreement is approved are those who received catch-up bills based on more than 12 months of estimated bills. Although those customers may have been harmed by receiving an unexpectedly large catch-up bill after Laclede obtained an actual meter reading, the Stipulation and Agreement will require Laclede to give them a bill credit for gas that they actually used to compensate them for hardship they may have suffered.

The Commission finds that Laclede's customers, and the public, will be better served by the prompt resolution of these complaints that will be afforded by the approval of the Stipulation and Agreement. Therefore, the Commission will approve the Stipulation and Agreement as a final resolution of Public Counsel's complaint, and as a resolution of Count 2 of Staff's complaint.

Staff did not, however, sign the Stipulation and Agreement and is not bound by its terms. Therefore, the Stipulation and Agreement cannot finally resolve Count 1 of Staff's complaint. The Commission has not yet heard evidence about Staff's complaint and for that reason is unable to make any finding about that count. The Commission believes that the resolution of Public Counsel's complaint that is embodied in the Stipulation and Agreement provides relief for the customers allegedly harmed by Laclede's actions. For that reason, the Commission will direct its Staff not to seek additional penalties at this time.

To ensure that Laclede's billing practices improve as a result of the measures it is required to take by this Stipulation and Agreement, the Commission will hold Count 1 of Staff's complaint in abeyance and order Staff to monitor those billing practices for a period of three years. If Staff finds that Laclede does not comply with the terms of the Stipulation and Agreement, as well as the monitoring conditions requested by Staff, Staff may again ask the Commission for authority to seek penalties against Laclede.⁶

Since all aspects of Public Counsel's complaint are resolved by the Stipulation and Agreement, that case will be severed from the consolidated case and closed. Staff's

⁶ The running of the two-year statute of limitation on the filing of a penalty action established by Section 516.390, RSMo 2000, is tolled while Staff's complaint is pending before the Commission. See De Paul Hosp. v. Southwestern Bell Tel. Co. 539 S.W.2d 542 (Mo App. E.D. 1976); State ex rel. Sure-Way Transp., Inc. 836 S.W. 2d 23 (Mo App. W.D. (1992).

complaint in Case No. GC-2006-0318 will remain open and pending before the Commission.

IT IS ORDERED THAT:

1. The Stipulation and Agreement filed on November 7, 2006, is approved as a resolution of the Office of the Public Counsel's complaint in Case No. GC-2006-0431 and of Count 2 of Staff's complaint in Case No. GC-2006-0318, and the signatory parties are ordered to comply with its terms.

2. Case No. GC-2006-0431 is severed from this consolidated case and shall be closed on January 1, 2007.

3. The Commission's Staff is directed not to pursue the imposition of penalties against Laclede Gas Company for the violations alleged by Staff in Count 1 of its complaint in Case No. GC-2006-0318, unless Laclede fails to comply with the terms of the Stipulation and Agreement and the requirements of this order. If, within the next three years, Staff determines that Laclede Gas Company has failed to comply, it may again ask the Commission for authority to seek penalties against Laclede Gas Company.

4. Laclede Gas Company shall comply with the following monitoring conditions:

a. Laclede Gas Company shall provide consumer complaint responses in more timely fashion, as follows:

(1) Laclede shall provide responses on disconnect and denial of service complaints within one business day;

(2) Laclede shall provide responses on all other consumer complaints within five business days;

(3) Laclede shall provide on all complaint responses the Statement of Account with the resolution form.

b. Laclede Gas Company shall provide to Staff and the Office of the Public Counsel a monthly status report on its AMR installation project;

c. Laclede Gas Company shall provide to Staff and the Office of the Public Counsel, on a monthly basis, the number of estimated bills issued, broken down by increments of 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 consecutive months of estimated billing;

d. Laclede Gas Company shall provide on a monthly basis, all call center performance reports currently being submitted on a quarterly basis.

e. Laclede Gas Company shall provide quarterly internal strategies and objectives for improving call center performance and customer service

5. Case No. GC-2006-0318 shall remain open for three years from the date of this order.

6. This order shall become effective on December 31, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(SEAL)

Davis, Chm., and Appling, CC., concur
Murray, Gaw and Clayton, CC., concur,
concurrences to follow

Woodruff, Deputy Chief Regulatory Law Judge

