

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

In the matter of Ronald Kitchen,)	
)	
Complainant,)	
)	
v.)	
)	Case No. GC-2006-0066
Missouri Gas Energy,)	
)	
Respondent.)	

**STAFF RESPONSE TO QUESTIONS
IN THE COMMISSION'S NOVEMBER 2, 2005
ORDER DIRECTING FILING**

COMES NOW the Staff in Response to the Commission's November 2, 2005 Order Directing Filing. In that Order the Commission posed several questions and, for Staff's response, Staff states:

Staff bases its answers on: responses to questions asked of Mr. Ronald Kitchen, responses from Missouri Gas Energy (MGE or Company), and publicly available information from both the Missouri Department of Revenue and Lexis/Nexis public records files.

1. What interest did Ronald Kitchen have in the property at 10602 E. 20th St. at the time Missouri Gas Energy discontinued service to that address?

Staff spoke with Mr. Ronald Kitchen, who indicates that he is in the process of buying the house at 10602 E. 20th Street, Independence, Mo. A search of public records files in Lexis/Nexis indicates that Mr. Kitchen is the buyer at this address. The property transfer record for Jackson County in Lexis public records, while not an official document, indicates that Ronald R. and Sylvia J. Kitchen purchased the 20th Street property on April 30, 1996. The property transfer records for the 9822 Westport Road, Independence, Mo. location also show both Ronald and

Sylvia Kitchen as buyers of that property, on June 19, 1998.

2. Who, Ronald Kitchen or Jennifer Kitchen, requested that service to 10602 E. 20th St. be restored?

In conversation with Staff, Mr. Kitchen indicated that his daughter Jennifer initially contacted MGE to re-connect service at 10602 E 20th St., at his request. However, MGE apparently told Jennifer that she could not have the service restored because the service was in Ron Kitchen's name. MGE instructed Jennifer to have her father call customer service so that the proper party could authorize reconnection. Based on this information from Mr. Kitchen, Staff has concluded that it was Ron Kitchen who requested that service be restored.

3. Who resided at 10602 E. 20th St. at the time service to that address was disconnected?

Staff's information from conversations with Mr. Kitchen indicate that only Ron Kitchen and Jennifer Kitchen lived at the address in question. He disputes that another daughter, Kamie Kitchen, lived there at the time of the events that resulted in this complaint. Further Mr. Kitchen indicated that Sylvia Kitchen, who is shown as a buyer on the Lexis property transfer records for this address, does not reside at this address, but, instead, is living at the Westport Rd. address.

4. In the Staff of the Commission's Memorandum, Staff states that "after a period of the bill being delinquent . . . service was disconnected." Who resided at 10602 E. 20th St. during the period of disconnection?

MGE contends that Ron Kitchen lived at 9822 Westport Road, not the 10602 E. 20th St. address, however Staff's investigation does not support that assertion. As noted above, according to Mr. Kitchen's statements, only he and Jennifer Kitchen lived at the 20th Street address when the service was disconnected for non payment. This differs from MGE's assertion that Tammy (Kamie Kitchen, Mr. Kitchen's other daughter) was also living there. Mr. Kitchen also maintains

that Sylvia Kitchen was not at the 20th Street address during this time, but was instead at the Westport Road home.

In a further attempt to confirm Mr. Kitchen's statements concerning his residence, Staff obtained a copy of an accident report, dated November 2000, from the Missouri Department of Revenue – Motor Vehicle Report. This report shows that in November of 2000, Mr. Kitchen lived at the 10602 E. 20th St. address, not at the 9822 Westport Road address. The limited driver's license information available in Lexis/Nexis also shows Mr. Kitchen living at the 20th Street address.

Staff issued a DR (#18) to MGE - seeking what proof MGE has to support its repeated assertion that Ron Kitchen lived at 9822 Westport Road address, but has not yet received a response containing any records or documents.

5. Did Jennifer Kitchen reside at 10602 E. 20th St. before or after service to that address was discontinued?

According to conversations with Mr. Kitchen, Jennifer resided at the 10602 E. 20th St address both before and after disconnection. Staff has not discovered any information that would contradict that statement.

In addition to responding to the questions posed, Staff offers the following comments concerning the applicability of various sections of MGE's tariff to facts of this complaint. The Complainant, Ronald Kitchen, addresses a point that is at the heart of this complaint when he states the following in his October 19, 2005 response: "I was not applying for service. I have had gas service at 10602 for at least seven years if not longer."

One of the primary issues in this Complaint is whether the Complainant was an "applicant" or a "customer" when his service was terminated for just cause and then reconnected. MGE's tariff has a section 3.02 that, although it has been reworded since the time of the

complaint, is similar to the tariff in place at the time of the complaint. Section 3.02 DENIAL OF SERVICE is applicable to the transfer of debt when a person is an “applicant” that allows MGE to transfer debt. There is a different section in MGE’s tariff, Section 3.07, that prohibits the transfer of debt in circumstances more similar to the facts of this Complaint. Section 3.02 of MGE’s tariff is the section that addresses circumstances “at the time of application,” and Section 3.07 becomes controlling after the applicant becomes a customer. Since Section 3.02 states debt can be transferred to “applicant” while Section 3.07 specifically uses the term “customer,” there is no question as to which clause is more applicable in this Complaint. Staff concludes, therefore, that since Section 3.07 is the tariff closest to the situation that resulted in this complaint. Jennifer Kitchen’s debt was improperly transferred to Mr. Kitchen because it was done at a time when he was a current customer seeking reconnection and not an applicant seeking commencement of service. It is customers, not applicants who pay reconnection fees.

Additionally, there is no evidence supporting the notion that Mr. Kitchen benefited from service at the location from which the debt was transferred. Staff supports MGE’s efforts to collect debt from customers who owe the debt, however, in this case, the Staff has determined that the debt was improperly transferred to Mr. Kitchen.

WHEREFORE Staff requests that the Commission accept its Memorandum in satisfaction of the Commission’s September 12 Order Directing Filing of Staff Investigation and grant the relief that Staff recommends as a result of its investigation, which is that MGE be ordered to refund the debt amount that it improperly transferred to Mr. Kitchen.

Respectfully submitted,

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/s/ Lera L. Shemwell

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 22nd day of November 2005.

/s/ Lera L. Shemwell