

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

Renee Anderson,)	
)	
Complainant,)	
v.)	
)	Case No. GC-2008-0176
Laclede Gas Company,)	
)	
Respondent .)	

ISSUES LIST, POSITION STATEMENTS, AND

ORDER OF WITNESSES AND CROSS-EXAMINATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and on behalf of Complainant, Renee Anderson (Ms. Anderson or the Customer), and Laclede Gas Company (Laclede), but not the Office of the Public Counsel, and files this Issues List, Position Statements, and Order of Witnesses and Cross-Examination, respectfully stating as follows:

Issue 1

Did Laclede violate any law, or Commission rule, order or decision when it refused to commence service to Ms. Anderson at 5438 Gilmore Avenue in St. Louis, Missouri in September 2007?

Issue 2

Did Laclede violate any law, or Commission rule, order or decision when it refused to hold the customer of record solely responsible when Laclede Gas became aware of the customer of record's address?

Position Statements

Ms. Anderson - Yes. Laclede Gas violated Commission rules when improperly transferring the debt of the customer of record and wrongfully refused to establish service at the Gilmore residence between September 2007 and January 2008.

Yes. Laclede Gas knows the address of the customer of record, has a collection agent and by not holding Kevin Jackson solely responsible as the customer of record, Laclede gas violates Commission rule 4 CSR 240-13.035.

Laclede – No. As clearly established by both Laclede and Complainant, Ms. Anderson lived at 4946 Geraldine during nearly the entire time from 2005 to 2007 that a bill of more than \$3,000 was incurred there. Although the gas bill for 4946 Geraldine was in the name of Kevin Jackson, Ms. Anderson clearly benefitted from the service provided there by Laclede. The bill from 4946 Geraldine was outstanding and undisputed, and Laclede had attempted to collect the unpaid bill from the customer of record, Mr. Jackson. Therefore, pursuant to Commission Rule 4 CSR 240-13.035(2)(B), Laclede was legally entitled to deny Ms. Anderson's September 2007 application to commence new service at 5438 Gilmore.

Staff – Staff's investigation is based on its analysis of 4 CSR 240-13.035, the Benefit of Service Rule. This rule provides that "a utility may not refuse to commence service to an applicant for the failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer." The rule places the burden of proof on the company to show the applicant had received substantial benefit. Ms. Anderson agrees that she lived at the residence for which

Laclede is holding her responsible. Staff did not find any tariff or rule violations by Laclede in its attempts to collect this bill.

Order of Witnesses

Ms. Anderson, Complainant
John Lair, Jr., Laclede
Rita McIntosh, Laclede
Marilyn Doerhoff, Staff

Order of Cross

OPC, Staff, Laclede
Staff, OPC, Ms. Anderson
Staff, OPC, Ms. Anderson
Laclede, OPC, Ms. Anderson

WHEREFORE, Staff respectfully requests the Commission accept the Issues List, Position Statements, and Order of Witnesses and Cross-Examination in this case and permit the Office of the Public Counsel to supplement this filing if necessary.

Respectfully submitted,

/s/ Lera L. Shemwell

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served on all parties to this case on this 2nd day of May, 2008, by United States mail, hand-delivery, electronic mail, or facsimile.

/s/ Lera L. Shemwell