

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

Candace Taylor,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. GC-2015-0143</u>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

STAFF REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Report and Recommendation* in this matter hereby states:

1. On December 5, 2014, Candace Taylor (“Complainant”) filed her formal complaint, stating that charges on her bill should not have been incurred, because she claims that the property was vacant when the usage occurred, and so Laclede Gas Company (“Laclede” or “Company”) should revise her bill to \$0.00.

2. Section 386.390.1, RSMo, authorizes the Commission to hear and determine complaints in writing, brought by any corporation or person, “setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission [.]”¹ Pursuant to its rulemaking authority at § 386.410.1, RSMo, the Commission has duly promulgated

¹ Excluding complaints as to the reasonableness of utility rates unless brought on the Commission’s own motion or by the Public Counsel, the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, or by not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of the utility service in question. § 386.390.1, RSMo.

its Rule 4 CSR 240-2.070, concerning complaints. That rule distinguishes formal complaints and small formal complaints, and sets out less cumbersome procedures for the latter. In the case of small formal complaints, the rule requires that, simultaneously with service of the complaint upon the respondent, “the regulatory law judge shall notify all parties that the complaint will proceed under the small formal complaint process.” Rule 4 CSR 240-2.070(15)(A). In the absence of the required notice, this matter necessarily is a formal complaint rather than a small formal complaint.²

3. On December 17, 2014, the Commission ordered Staff to file a report no later than January 31, 2015. Rule 4 CSR 240-2.070(11).

4. Staff’s report of its investigation (“*Report*”) is attached here as *Appendix A*. As explained in Staff’s *Report*, which is incorporated herein by reference, Staff investigated the complaint and has concluded that Laclede did not violate its tariff or any law or rule or order of the Commission in this matter. Staff recommends that the Commission determine the *Complaint* in favor of Laclede.

5. Staff’s *Report* explains that this matter concerns gas charges incurred at a rental property owned by Complainant. Part of the amount in dispute in this case concerns gas charges incurred by Complainant’s mother when she lived at the premises. When her mother died, Complainant asked Laclede to transfer the unpaid balance from her deceased mother’s account to her own. The rest of the amount in dispute relates to charges for gas consumed at the property while the account was in Complainant’s name, which Complainant disputes. Laclede disconnected gas service at the rental property, and transferred the total amount in dispute, \$1,074.71, from the

² Because the amount in controversy is less than \$3,000.00, this matter *could* have been designated as a small formal complaint.

rental property to Complainant's home account in August 2014. At Complainant's request, Laclede tested the meter that recorded the usage at the rental property. Staff confirmed that Laclede's test of the meter showed that the meter met the accuracy standards set forth in Commission Rule 4 CSR 240-10.030(18). In this case, Laclede properly transferred the unpaid balance from Complainant's mother to Complainant, as Complainant requested. Laclede's transfer of the balance from the rental property to Complainant's home account complies with Commission Rule 4 CSR 240-13.050(2)(B), which permits a utility to transfer unpaid balances to any other residential service account of the customer and to discontinue service for failure to pay the combined bill.

6. Therefore, Staff recommends the Commission determine the *Complaint* in favor of Laclede, because Staff's investigation did not find that Laclede violated any provision of its Commission-approved tariff, or any rule or statute or order of the Commission.

WHEREFORE, Staff recommends that the Commission set this matter for an evidentiary hearing; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Marcella L. Mueth

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 30th day of January, 2015.

/s/ Marcella L. Mueth