

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Evidentiary Hearing  
8 October 16, 2007  
9 Jefferson City, Missouri  
10 Volume 2  
11  
12 Marlyn Young )  
13 Complainant, )  
14 ) Case No.  
15 ) GC-2007-0211  
16 Laclede Gas Company )  
17 Respondent. )  
18 KENNARD L. JONES, Presiding,  
19 SENIOR REGULATORY LAW JUDGE  
20 ALSO PRESENT: COMMISSIONER LINWARD APPLING  
21 COMMISSIONER TERRY JARRETT  
22  
23 REPORTED BY:  
24 MINDY VISLAY, CCR  
25 MIDWEST LITIGATION SERVICES

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## A P P E A R A N C E S

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1 P R O C E E D I N G S

2 JUDGE JONES: This is Case No.

3 GC-2007-0211, Marlyn Young; Complainant versus Laclede

4 Gas Company; Respondent. My name is Kennard Jones,

5 I'm the Regulatory Law Judge assigned to this matter.

6 At this time, Mr. Young, will you go forward and

7 state your case?

8 MR. YOUNG: My case is that Laclede Gas, on

9 November -- on October 16, 2006, disconnected my gas

10 services for no just cause, and I will prove that -- I

11 will prove my case today.

12 JUDGE JONES: Okay. I'll go ahead and

13 start with questions.

14 Where were you living at the time, on

15 October 16th, 2006?

16 MR. YOUNG: My address was 2437 Wieck --

17 W-I-E-C-K -- Drive, St. Louis, Missouri 63136.

18 JUDGE JONES: Is that the address where

19 services were disconnected?

20 MR. YOUNG: Yes, it was.

21 JUDGE JONES: Did you receive any notices

22 of disconnection prior to the disconnection?

23 MR. YOUNG: No, I didn't.

24 JUDGE JONES: Did you receive any bills

25 prior to disconnection?

1 MR. YOUNG: I don't believe I did.

2 JUDGE JONES: Mr. Young, were you receiving  
3 gas service at this address prior to disconnection?

4 MR. YOUNG: Yes, I was.

5 JUDGE JONES: Were you paying for the gas  
6 service prior to the disconnection?

7 MR. YOUNG: Yes, I was.

8 JUDGE JONES: How were you able to know how  
9 much to pay for that gas service?

10 MR. YOUNG: Well, I would get a statement  
11 from the Respondent indicating what I should pay.

12 JUDGE JONES: So, you were receiving bills?

13 MR. YOUNG: Yes, but I -- for that month, I  
14 don't believe I had a bill as of the time that they  
15 disconnected my services. The bill may have been en  
16 route to me, but I had not gotten it yet. I had my  
17 last bill, which would be the September bill, which I  
18 believe I paid.

19 JUDGE JONES: Okay. I've neglected to do  
20 something here, I've forgotten to swear you in, Mr.  
21 Young. Could you please raise your right hand?

22 MR. YOUNG: Yes.

23 MARLYN YOUNG,

24 Of lawful age, being first duly sworn, testified  
25 as follows:

1 JUDGE JONES: Commissioner Jarrett, do you  
2 have any questions?

3 COMMISSIONER JARRETT: No.

4 JUDGE JONES: Commissioner Appling?

5 COMMISSIONER APPLING: No.

6 JUDGE JONES: Public Counsel -- I will tell  
7 you all -- is not present, I do not believe they are  
8 participating.

9 Mr. Thompson, do you have questions?

10 MR. THOMPSON: No, Your Honor.

11 JUDGE JONES: Mr. Zucker, do you have  
12 questions?

13 MR. ZUCKER: Yes, Your Honor.

14 JUDGE JONES: Go right ahead.

15 QUESTIONS BY MR. ZUCKER:

16 Q. Mr. Young, can you spell your name for me?

17 A. M-A-R-L-Y-N-E.

18 Q. L-Y-N-E?

19 A. M-A-R-L-Y-N.

20 Q. M-A-R-L-Y-N, and that's your first name,  
21 and your last name is spelled Y-O-U-N-G?

22 A. That is correct.

23 Q. Do you have a middle name?

24 A. No.

25 Q. You said no?

1           A.    No.

2           Q.    Do you use the middle name Brett?

3           A.    No.

4           Q.    Do you use the middle initial B?

5           A.    No.

6           Q.    Ever?

7           A.    No.

8           Q.    Okay.  And where were you born, Mr. Young?

9           A.    St. Louis, Missouri.

10          Q.    And can you give us just the first three

11   digits of your Social Security number?  I don't want

12   you to put the whole number on the record.

13          A.    493.

14          Q.    Okay.  And are you married?

15          A.    No.

16          Q.    Have you ever been married?

17          A.    No.

18          Q.    Do you know Rosemary Jackson?

19          A.    Yes, I do.

20          Q.    And how do you know her?

21          A.    She's an associate.

22          Q.    What do you mean by associate?

23               MR. YOUNG:  I object to the question.

24               JUDGE JONES:  On what grounds?

25               MR. YOUNG:  It's not relevant to the case.

1 JUDGE JONES: Mr. Zucker, how is it  
2 relevant?

3 MR. ZUCKER: It is relevant because part of  
4 what we are assessing against Mr. Young is a bill from  
5 an address on Terrace Lane, and that bill is under the  
6 account name of Rosemary Jackson, but we are assessing  
7 it to Mr. Young under the Benefit of Service Rule  
8 stating that he actually lived there along with Ms.  
9 Jackson.

10 JUDGE JONES: So, the nature of their  
11 relationship is irrelevant to whether or not he lived  
12 there.

13 MR. ZUCKER: Well, I guess if someone said  
14 so and so is just a friend or a business partner you  
15 wouldn't expect them to live together, but if they  
16 were husband and wife you would expect them to live  
17 together.

18 JUDGE JONES: Seems like you need to  
19 restate your question in the affirmative.

20 MR. ZUCKER: Okay.

21 JUDGE JONES: Objection sustained.

22 QUESTIONS BY MR. ZUCKER:

23 Q. Have you ever been married to Rosemary  
24 Jackson?

25 A. It's irrelevant. No.

1 JUDGE JONES: Objection overruled.

2 MR. YOUNG: I've never been married to  
3 Rosemary Jackson.

4 QUESTIONS BY MR. ZUCKER:

5 Q. Have you ever been to Mobile, Alabama?

6 A. Yes, I have.

7 Q. Were you there in 1989?

8 MR. YOUNG: This has no bearing for the  
9 case; objection.

10 JUDGE JONES: Are you objecting because you  
11 feel it's irrelevant?

12 MR. YOUNG: It's irrelevant. Where are we  
13 going with this, on a fishing expedition?

14 MR. ZUCKER: Fair enough, Mr. Young.

15 QUESTIONS BY MR. ZUCKER:

16 Q. This is a document that I pulled off the  
17 internet that shows that you were married to  
18 Ms. Jackson on July 14, 1989 in Mobile, Alabama.

19 Is that accurate?

20 A. I won't attest to that because I don't know  
21 anything about what you are saying.

22 JUDGE JONES: You don't know anything about  
23 whether you were married to Rosemary Jackson? That's  
24 a simple question, Mr. Young. I'm not going to  
25 tolerate deceitfulness and lying on the record, it's



1 just that simple. You took an oath to tell the truth,  
2 you have the truth to tell, tell it.

3 Were you married to her or not?

4 MR. YOUNG: Yes, I was married to her.

5 JUDGE JONES: Why did you lie earlier?

6 MR. YOUNG: Because it has no bearing on  
7 the case.

8 JUDGE JONES: You've lied. You've taken an  
9 oath, and you have lied. Do you understand what that  
10 does to your credibility? And it's personally  
11 offensive to me.

12 So, the answer to that question is yes, Mr.  
13 Zucker, go forward with your questions.

14 QUESTIONS BY MR. ZUCKER:

15 Q. I'm going to show you what I will mark as  
16 Exhibit 1, and it is a letter from Morlyne Young to  
17 Laclede Gas Company dated November 26, 2004.

18 And I'm going to ask you if you recognize that  
19 letter?

20 A. No, I don't recognize the letter.

21 MR. ZUCKER: Were you able to hear that in  
22 Jefferson City?

23 JUDGE JONES: He said he doesn't recognize  
24 it.

25 Are you describing a letter that says "Attention:

1 Bankruptcy Department?"

2 MR. ZUCKER: Yes, sir. It's Page 1 of the  
3 PDF I sent earlier.

4 JUDGE JONES: Okay.

5 QUESTIONS BY MR. ZUCKER:

6 Q. So, you do not recognize this letter?

7 A. No, I don't.

8 Q. Did you write this letter?

9 A. No, I don't{sic}.

10 Q. Did you sign this letter?

11 A. This is a copy.

12 Q. Right. Did you sign the original, of which  
13 this is a copy?

14 A. No. My brother may have done that.

15 Q. Here's the original, Mr. Young.

16 A. Okay.

17 Q. Is that your signature?

18 A. I don't believe it is.

19 Q. Okay. Let's look at Page 2 of the PDF --  
20 and also Page 2 of Exhibit 1. This is a letter from  
21 Marlyn Young to Laclede Gas Company dated February 13,  
22 2006.

23 Do you recognize this letter?

24 A. Yes, I do.

25 Q. Did you write this letter?

1           A.    Yes, I did.

2           Q.    Is that your signature at the bottom?

3           A.    Yes, it is.

4           Q.    And is it your testimony then that that is

5   your signature at the bottom of this letter by Marlyn

6   Young, but this is not your signature --

7           A.    I don't believe that's my signature --

8           Q.    -- by Morlyne Young?

9           A.    -- on the letter dated November 26, 2004.

10          Q.    Do you know Morlyne Young?

11          A.    Yes, I do.

12          Q.    And how do you know him?

13          A.    He's a relative.

14          Q.    How is he related to you?

15          A.    He's a brother.

16          Q.    He is your brother?

17          A.    Yes, he is.

18          Q.    And is he your older brother or younger

19   brother?

20          A.    No, he's younger.

21          Q.    He's younger, okay.  And where was he born?

22          A.    In St. Louis, Missouri.

23          Q.    Okay.  And where did he grow up?

24          A.    He grew up out east.

25          Q.    Out east?

1           A.    In the State of New York.

2           Q.    Grew up in New York, okay.  And where does  
3 he live now?

4           A.    I don't know.  I don't have a recollection  
5 of it other than he lives back out east.

6           Q.    He lives east now?

7           A.    He lives in upstate New York now.

8           Q.    Okay.  And how long has he lived there?

9           A.    2005.

10          Q.    2005?

11          A.    Yes.

12          Q.    Okay.  And where did he live in -- well,  
13 where did he live before 2005?

14          A.    He lived in St. Louis.

15          Q.    Okay.  So, did he live in St. Louis from  
16 the time he was born here until he moved to New York?

17          A.    No.  No.

18          Q.    Where has he been --

19          A.    Well, he left when he was very young to the  
20 State of New York.  We divided; he went one way, I  
21 stayed here.

22          Q.    Okay.  And then, when did he come back to  
23 St. Louis?

24          A.    In 2000, somewhere around there, 2000.

25          Q.    How much younger is he than you?

1 A. Four or five years younger.

2 Q. Can you give me your date of birth?

3 A. 2/24/1940.

4 Q. 1940? So, are you saying that you are

5 67-years-old?

6 A. Yes, I am.

7 Q. You look fabulous.

8 JUDGE JONES: No flirting on the record,

9 please.

10 MR. YOUNG: Let the record show that I am

11 showing the Respondent my driver's license.

12 QUESTIONS BY MR. ZUCKER:

13 Q. This is his driver's license that I am

14 looking at. It appears to be a picture of Mr. Young,

15 and the birthday listed is February 24, 1940.

16 When did you get this? I guess it expires in

17 2010, and driver's licenses last about seven years; is

18 that correct?

19 A. I don't know. I guess so.

20 Q. Can you tell me for the record what address

21 is listed on this license?

22 A. 2629 Terrace Lane.

23 Q. Okay.

24 JUDGE JONES: Is that Paris?

25 MR. YOUNG: T-E-R-R-A-C-E Lane.

1 QUESTIONS BY MR. ZUCKER:

2 Q. And so, if you are 67, that would make  
3 Mr. Morlyne Young, your brother, about 62 or 63?

4 A. Yes.

5 Q. That was a yes?

6 A. Yes.

7 Q. Thank you. And so, he was gone for many  
8 years then, in New York, is your testimony; correct?

9 A. Yes, but we weren't that close now.

10 Q. And then he came back to St. Louis in the  
11 year 2000?

12 A. Or thereabouts, I believe, yes.

13 Q. And then he returned to New York in 2005?

14 A. I believe he returned to New York in 2005,  
15 that's what I was told.

16 Q. That's what you were told?

17 A. Yes.

18 Q. Okay. So, you don't have independent  
19 knowledge of that?

20 A. No, I don't.

21 Q. When is the last time you spoke to  
22 Mr. Morlyne Young?

23 A. In 2003, in January, New Year's Eve.

24 Q. Do you know where he's living now in New  
25 York?

1           A.    No.

2           Q.    Do you know his phone number?

3           A.    No.

4           Q.    Have you ever gone by the name Brett Young?

5           A.    That's his name.  No.

6           Q.    I'm sorry?

7           A.    No.

8           Q.    Okay.  The issue in this case is whether or  
9   not you received substantial benefit and use of  
10   service from the account that Laclede had -- or  
11   actually Rosemary Jackson had in her name between  
12   January 2000 and February 2004; do you understand  
13   that?

14          A.    Yes.

15          Q.    Okay.  And so, did you live at 2629 Terrace  
16   between those dates, at any time between the dates  
17   January 2000 and February 2004?

18          A.    No.

19          Q.    You didn't live at 2629 Terrace at any  
20   time?

21          A.    Yes, I did live there, but I didn't live  
22   there on or about February 2004.

23          Q.    Okay.  Tell me when you believe you first  
24   moved into 2629 Terrace.

25          A.    It was in 1999.

1 Q. 1999?

2 A. November of 1999.

3 Q. Okay. So, you were there in January of  
4 2000 when the Laclede account was opened by Ms.  
5 Jackson; is that correct?

6 A. Yes, I was.

7 Q. And tell me when you left 2629 Terrace.

8 A. I believe it was -- if my recollection  
9 serves me correctly, I think it was November 2003.

10 Q. Okay. So, you were there not until  
11 February 2004 but until November 2003?

12 A. Yes, thereabouts, yes.

13 Q. All right. And since you've moved out of  
14 2629 Terrace you did not live there again after  
15 November 2003; is that correct?

16 A. No.

17 Q. No, meaning you did?

18 A. I did not live there.

19 Q. You did not live there, okay. And when you  
20 left 2629 Terrace, in or about November 2003, where  
21 did you move to?

22 A. I believe I stayed a little while with my  
23 other brother here, and then I bought -- about  
24 60 days, or thereabouts, I lived with my brother for a  
25 while, and from there I bought a property on May, 8831



1 May.

2 Q. Okay.

3 A. St. Louis, Missouri.

4 Q. All right. And so, you started living on  
5 May sometime around the beginning of 2004; is that  
6 your testimony?

7 A. I would have to check that. There's a deed  
8 that I'd like to review and it will give me the time.

9 Q. Okay.

10 A. Yeah, that's about right. Around  
11 November 2003 I moved from Terrace Lane -- temporarily  
12 with my brother -- and from there, somewhere around,  
13 say, April of 2004, is when I acquired the property on  
14 May, I believe.

15 Q. Okay. Let me show you a document that is  
16 from a transcript, of a hearing in which you  
17 testified, in the case of Marlyn Young versus Union  
18 Electric Company d/b/a Ameren UE, Case No.  
19 EC-2006-0283 on August 16, 2006.

20 Do you recall testifying in that case on that day?

21 A. Yes.

22 Q. Okay.

23 MR. ZUCKER: And for those on the phone,  
24 this is several pages in. I don't recall exactly what  
25 page it is on the exhibit I sent.

1 JUDGE JONES: We have it.

2 MR. ZUCKER: Okay.

3 QUESTIONS BY MR. ZUCKER:

4 Q. On Page 21 of this document, on Line 13,  
5 you say, "It was added up" -- referring to, I guess, a  
6 bill or a balance -- and then you add, "Because I  
7 moved in October of 2003 to 8831 May."

8 I'm showing that to you here on Line 14. Does  
9 that refresh your recollection as to when you moved to  
10 8831 May?

11 A. No, it says when I acquired it. When I  
12 acquired the property, it was at that time. Because  
13 you couldn't live in the property because it had to be  
14 re-habbed.

15 Q. Okay. So, what those words say is;  
16 "Because I moved in October of 2003 to 8831 May."

17 Did I read that correctly?

18 A. Yes, you read it correctly, but the  
19 property wasn't habitable at that time and it had to  
20 be re-habbed. You couldn't live in it.

21 Q. So, you are saying you did not move in  
22 October 2003 to 8831 May?

23 A. Yes -- well, I became the owner of record  
24 for this property.

25 Q. All right. And --

1           A.    But you couldn't live there, you had to  
2    rehab it. I had to rehab it.

3           Q.    Okay. Did you establish gas service there  
4    in November 2003?

5           A.    No, I believe Rosemary did that, because  
6    that's when she became owner of record -- I believe --  
7    in that year, on or about November 2003. And a deed,  
8    I think, reflects that she became the owner of record  
9    at that time.

10          Well, it says October 24th -- so that's about  
11    right -- 2003 she became the owner of record.

12          Q.    Okay. And then, in November of 2004, did  
13    you pay a debt owed on 8831 May to Laclede Gas Company  
14    so you could reconnect service?

15          A.    No, I didn't. That I don't -- I don't  
16    recollect doing that, no.

17          Q.    And did you request service at that time,  
18    in November 2004, from Laclede Gas Company at 8831  
19    May?

20          A.    No, I don't believe I did, no.

21          Q.    And so, I'm going to show you now a sheet  
22    from Laclede's remarks.

23                MR. ZUCKER: And this is way down toward  
24    the end, gentlemen, around Page -- maybe -- 23, 24.  
25    It looks like -- it's a sheet with some dotted lines

1 across it, and it says "remarks information." Do you  
2 see it?

3 JUDGE JONES: Not yet.

4 QUESTIONS BY MR. ZUCKER:

5 Q. I'm going to show this to Mr. Young.

6 And have you take a moment to read that.

7 A. I don't even know what this is saying.

8 "Set up budget, paid \$766."

9 This don't prove that that was me.

10 Q. Okay, good point. Let me explain it to you  
11 so you can understand, some of it is kind of in code.

12 It says, on November 12, 2004 at 3:51 p.m., you  
13 called and said that you wanted a turn on -- TONN is  
14 turn on -- and to set up a budget. And you said you'd  
15 paid \$701.66 at a place called Currency Exchange, and  
16 you gave Receipt No. 24665.

17 Does that sound familiar to you?

18 A. No, it don't.

19 Q. Are you saying that that never happened?

20 A. I'm not saying it never happened, I don't  
21 recall paying a bill at the Exchange for that amount.  
22 And I definitely don't remember calling Laclede Gas  
23 about turning on services. Why would services be off  
24 in the first place?

25 Q. Okay, well, I'll ask the questions.

1           So, then it goes on to say that the rep told you  
2   that -- the rep explained to you that the number you  
3   gave was not a valid number. And then it says you got  
4   upset and said you were going to call your wife to  
5   verify the number.

6           And then it seems to get interrupted there and  
7   says, I guess, in effect, you got on the phone and the  
8   call was disconnected, no order was scheduled at that  
9   time. Do you recall that?

10          A.    No.

11          Q.    So, you don't recall any of that phone call  
12   that I just described?

13          A.    I don't even know what you are talking  
14   about nor what that piece of paper is talking about.

15          Q.    Well, I explained it to you. Does that  
16   sound familiar to you?

17          A.    It does not sound familiar.

18          Q.    Okay. And so, then, on November 13th -- at  
19   the top of the page -- at 8:13 a.m., it says you  
20   called back and gave a number. It says you paid and  
21   you gave a receipt number there, and then it says you  
22   were scheduling reconnection.

23          Do you agree that that happened?

24          A.    I don't understand what you are saying.

25   Where are we going with this? I don't understand what

1     you are talking about.

2             Q.     Well, we established an account in your  
3     name at 8831 May Avenue in November 2004, and I just  
4     want to establish that -- and according to this  
5     company document, you called and requested that  
6     service, and I want to establish that that's correct.

7             A.     Okay. But I can't call whoever this person  
8     is. You just handed me a piece of paper and said this  
9     person, an employee, said that I said it.

10            Q.     I'm just asking if you did?

11            A.     No. I don't know what you are talking  
12     about.

13            Q.     You never made these calls on November 12th  
14     and November 13?

15            A.     I don't know if I did or not. I don't  
16     remember talking to no rep about turning on services.  
17     Why would he, the services would be already on. Why  
18     would I call about services that are off?

19            Q.     Well, in order to pay the debt owed and get  
20     them turned back on.

21            A.     But I don't see anywhere where services  
22     were off at that time. What are you talking about?  
23     It don't say anything about services are off.

24            Q.     I'm just asking if you recognize --

25            A.     I don't have any recollection of that

1 conversation.

2 Q. Okay. If I were to tell you I had a tape  
3 of that conversation or could get a hold of one, and  
4 you were to listen to it, might that prompt your  
5 recall?

6 A. Okay, let me say this for the record;  
7 whether you have nine tapes, 15 tapes, or whatever,  
8 where are we going with this?

9 Q. I want to establish that you established  
10 gas service.

11 A. But we've already established --

12 JUDGE JONES: Mr. Young, you all need to  
13 quit arguing.

14 Mr. Zucker?

15 MR. ZUCKER: Yes?

16 JUDGE JONES: He has no recollection of  
17 this conversation.

18 MR. ZUCKER: Okay. I'll move on.

19 QUESTIONS BY MR. ZUCKER:

20 Q. All right. So, how long did you then live  
21 at 8831 May?

22 A. Well, I wasn't actually living at 8831 May.  
23 I was living with my brother on occasions, so I wasn't  
24 actually living there because I was having -- for not  
25 having a better word -- we weren't getting along at

1     that time.

2             Q.     Who is "we?"

3             A.     Rosemary Jackson and I.    So, I was between  
4     my brother's house and that house, meaning 8831 May.

5             Q.     Okay.   And so, did you continue living  
6     there on and off until you moved to Wieck?

7             A.     No, I was living at my brother's at that  
8     time.   I really was.

9             Q.     Well, you just said you lived there some,  
10    on and off?

11            A.     Okay.   I lived there some on and off, and  
12    if we're specifically talking about -- 2004 or 2003,  
13    which one?   Let me get clarification on that.

14            Q.     We're talking about the period  
15    November 2004 until summer of 2005.

16            A.     Part of November 2004, yes.   But Christmas  
17    and New Year's of 2004 I was with my brother up until  
18    the time I purchased a new home, which was in, I  
19    believe, June of 2005.

20            Q.     Okay.   And what home did you purchase?

21            A.     Wieck, 2437 Wieck.

22            Q.     And when did you purchase that?

23            A.     I believe I went to contract -- oh, boy --  
24    some time in May of 2005, I believe, or thereabouts,  
25    and finalized everything, I believe, possibly in



1 August -- sounds like a good month -- August 2005.

2 Q. Okay. And you established gas service at  
3 Wieck in July of 2005?

4 A. Yes, that is correct.

5 Q. That is correct, okay. And are you still  
6 the owner, today, of the Wieck property?

7 A. No, I'm not.

8 Q. Who owns Wieck now?

9 A. Tri-City. I guess Tri-City, if they ain't  
10 sold it again.

11 Q. Did you sell it to them?

12 A. No, I had to -- I sold it, and I had to  
13 de-appraise{sic} some of the cost that I had when I  
14 had to move, which means the City of Jennings -- they  
15 have an ordinance that you can't live in a property if  
16 it doesn't have life support, so I had to leave. And  
17 I was living in temporary housing during that time,  
18 and I was paying two payments. I was paying a house  
19 payment plus I was also paying the payment for  
20 temporary housing. I fell way, way, way behind and  
21 these people came in and helped me out.

22 Q. What people was that?

23 A. Tri-City, I just told you.

24 Q. I got it. I'm sorry.

25 Okay. I'm going to show you a St. Louis County

1 real estate record for 2437 Wieck, can you tell me who  
2 it shows as the owner of that property?

3 A. It shows me as the owner of record. But  
4 when was this done, 10/16/2007? That don't mean  
5 anything, they could hold the deed in their pocket.  
6 That don't really mean anything.

7 Q. Let me tell you who it shows as the owner,  
8 and it shows the owner as Morlyne B. Young, spelled  
9 M-O-R-L-Y-N-E, middle initial B, last name Young.

10 A. Okay.

11 Q. Now, you said you own this property, or you  
12 bought it, so how could you buy it but your brother in  
13 New York shows as the owner?

14 A. Easy.

15 Q. Tell me about it.

16 A. It don't have no bearing on this.

17 JUDGE JONES: Let me interrupt you all for  
18 a moment. We need to get on the same page as you all  
19 are on.

20 MR. ZUCKER: This page didn't come. So, if  
21 you are on the internet you can look up 2430 --

22 JUDGE JONES: I'm not on the internet, I'm  
23 in the hearing room.

24 MR. ZUCKER: I will mark this -- let me  
25 mark some of these documents here. We have Exhibit 1

1 marked already.

2 JUDGE JONES: Actually, Mr. Zucker, we  
3 don't have any exhibits marked.

4 MR. ZUCKER: Well, I have them marked. So,  
5 Pages 1 and 2 of what I sent you will be Exhibit 1.

6 JUDGE JONES: Okay. That is the letter of  
7 November 26th and the letter of February 13th?

8 MR. ZUCKER: Right.

9 JUDGE JONES: One signed by Morlyne Young  
10 the other signed by Marlyn Young?

11 MR. ZUCKER: Yes.

12 JUDGE JONES: You want both of those to be  
13 Exhibit 1?

14 MR. ZUCKER: Yes. And I would move for  
15 Exhibit 1 to be admitted.

16 JUDGE JONES: Mr. Young?

17 MR. YOUNG: I object.

18 JUDGE JONES: On what grounds?

19 MR. YOUNG: It don't have any bearing on  
20 what we are taking about. We're talking about tariffs  
21 that were overcharged. When did who owns the property  
22 or who don't own the property have any bearing on  
23 tariffs?

24 JUDGE JONES: Whether or not you lived at a  
25 certain place is relevant to whether or not you were

1 charged properly. Do you agree with that?

2 MR. YOUNG: Yes. But it was established  
3 that I lived there. They have all kinds of records  
4 indicating that I lived there.

5 JUDGE JONES: These two documents go to,  
6 one; whether or not there even is a Morlyne Young in  
7 existence.

8 MR. YOUNG: Okay then.

9 JUDGE JONES: And two -- let's see, the  
10 first letter talks about the bankruptcy and how  
11 Laclede shouldn't have charged you. The other one  
12 talks about bankruptcy also.

13 In some sense this should be a simple case,  
14 Mr. Young, but it seems to be very complicated.  
15 Complicated primarily by your ownership of various  
16 properties and where you reside at different times  
17 over the course of this history.

18 MR. YOUNG: I agree.

19 JUDGE JONES: Now, I agree with you that  
20 this Exhibit does not directly go to whether or not  
21 Laclede violated its tariffs, but it goes to other  
22 issues that I think are relevant to whether or not  
23 Laclede violated its tariff. Do you follow me?

24 MR. YOUNG: Yes. The issue is the  
25 credibility, but what I'm --

1 JUDGE JONES: Credibility is certainly an  
2 issue in this case, more so than any case I've ever  
3 been at in the Public Service Commission since I've  
4 been here. I need to share that with you so you  
5 understand how serious credibility is. You said it  
6 yourself that these exhibits go to credibility. Do  
7 you think credibility is relevant?

8 MR. YOUNG: No, absolutely not.

9 JUDGE JONES: Okay. I disagree with you,  
10 and Exhibit 1 is admitted into the record.

11 MR. YOUNG: Okay then.

12 (Respondent's Exhibit 1 was then entered  
13 into evidence.)

14 MR. ZUCKER: I have marked Exhibit 2, a  
15 document that you don't have, gentlemen. It is the  
16 internet printout that I made citing the marriage of  
17 Morlyne Brett Young and Rosemary Belinda Jackson.

18 MR. THOMPSON: Judge, I'm going to have to  
19 object to the use of documents we don't have.

20 JUDGE JONES: Mr. Zucker, Mr. Thompson has  
21 objected to the offering of documents that we don't  
22 have.

23 MR. ZUCKER: I can understand that.

24 MR. THOMPSON: Could Mr. Zucker perhaps fax  
25 that? Is there a fax machine on this floor?

1                   MR. ZUCKER: What number would you like it  
2 faxed to?

3                   JUDGE JONES: Fax it to 573-526-6010.

4                   MR. ZUCKER: Is that 573-526-6010?

5                   JUDGE JONES: Yes.

6                   MR. ZUCKER: Okay.

7                   MR. THOMPSON: I'll withdraw my objection,  
8 Your Honor, if copies of those documents are provided  
9 to us by fax.

10                  JUDGE JONES: Okay.

11                  MR. ZUCKER: So, that will be on its way  
12 here shortly. Shall we continue?

13                  JUDGE JONES: Move on to your Exhibit 3.

14                  MR. ZUCKER: Exhibit 3 is, again, a  
15 document that you don't have, but I've also given it  
16 to my witness to fax to you, and that is the St. Louis  
17 County record showing Morlyne B. Young as the owner of  
18 the property that Mr. Marlyn Young says he owned.

19 QUESTIONS BY MR. ZUCKER:

20                  Q. Mr. Young, you said that you spent some  
21 time during 2004/2005 with your other brother; is that  
22 correct?

23                  A. Correct.

24                  Q. And what is his name?

25                  A. His name is David Young.

1 Q. And is he older or younger than you?

2 A. He's younger.

3 Q. Do you just have a personal relationship  
4 with him, or do you also have a business relationship  
5 with him?

6 MR. YOUNG: Objection. Where are we going  
7 with this? Irrelevant, doesn't have no bearing.

8 MR. ZUCKER: I'll withdraw the question,  
9 thank you.

10 QUESTIONS BY MR. ZUCKER:

11 Q. Mr. Young, where are you living now?

12 JUDGE JONES: Mr. Young?

13 MR. YOUNG: 211 Coburg Drive, 63137.

14 QUESTIONS BY MR. ZUCKER:

15 Q. Okay. And is there gas service at that  
16 address?

17 A. Yes, there is, and it's in somebody else's  
18 name.

19 Q. Okay. Do you know who's name it is in?

20 A. Yes, it is. Yes, I do.

21 Q. And who's name is it?

22 A. I don't want to tell you at this time.

23 JUDGE JONES: Mr. Young?

24 MR. YOUNG: So you can go out and turn it  
25 off, no.

1 JUDGE JONES: Mr. Young --

2 MR. YOUNG: You can have in me in contempt  
3 of court, you can do anything you want, because all  
4 this is a rouse to turn off the gas at a place that I  
5 live at.

6 MR. ZUCKER: I have no interest in turning  
7 off the gas.

8 MR. YOUNG: Even though the gas is paid  
9 for.

10 MR. ZUCKER: If the gas is paid for I have  
11 no interest in turning it off.

12 MR. YOUNG: Gus Thrasher.

13 JUDGE JONES: Mr. Young? Mr. Young, can  
14 you hear me?

15 MR. YOUNG: Yes, I can.

16 JUDGE JONES: Why do I have to keep saying  
17 your name? I feel like I'm talking to my  
18 three-year-old. Over and over and over; Mr. Young,  
19 Mr. Young.

20 If I address Mr. Zucker, he stops immediately and  
21 responds, and I expect you to do the same. There's a  
22 reason for me interrupting, I have to keep an order to  
23 things and keep things moving along at a reasonable  
24 pace. Do you understand?

25 MR. YOUNG: Yes, sir. I understand, sir.



1 JUDGE JONES: Now, it's not relevant who  
2 owns and is paying gas now at that property. You do  
3 reside there now; right?

4 MR. YOUNG: Yes, I do.

5 JUDGE JONES: Can you spell that street for  
6 me?

7 MR. YOUNG: C-O-B-U-R-G -- as in golf --  
8 Drive.

9 QUESTIONS BY MR. ZUCKER:

10 Q. Do you own that property, Mr. Young?

11 A. No, I don't.

12 Q. Do you know who does?

13 A. No, I don't.

14 Q. In July of 2007, Mr. Young, you filed a  
15 document in this case called Subject Matter of  
16 Complainant Settlement Hearing; do you recall filing  
17 that document?

18 A. Yes, I do.

19 Q. In fact, you intend to use that document as  
20 an exhibit; is that correct? You had given me that  
21 document as one of your exhibits, we marked it No. 1.

22 A. Yes, I have it here.

23 Q. Would you turn to Paragraph 10 of that  
24 document and read that into the record?

25 A. "Complainant was residing at 2629 Terrace

1     Lane, St. Louis, Missouri, between July and  
2     June 2005."

3             Q.     July what?

4             A.     1999.

5             Q.     And June 2005?

6             A.     Yes.

7             Q.     And is that your signature on the next page  
8     of that document?

9             A.     Well, mine's not signed.  Yes, I guess it  
10    is.

11            Q.     Let me show you.

12            A.     Yes.

13            Q.     Did you file this document?

14            A.     I believe I did.

15            Q.     Okay.  Would you like to amend that  
16    statement in Paragraph 10 given what you have  
17    testified to today?

18            A.     Not -- part of it.

19            Q.     Okay.  Which part?

20            A.     The latter part.

21            Q.     Meaning the June 2005 part?

22            A.     Yes.

23            Q.     And you would amend that to -- I guess you  
24    testified earlier something around November of 2003 is  
25    when you left Terrace Lane?

1           A.    That's when I left Terrace Lane.

2           Q.    Okay.

3           A.    But I was there in July 1999.

4           Q.    Okay.

5                MR. ZUCKER:  I have no further questions.

6                JUDGE JONES:  Okay.

7           First, Mr. Thompson, do you have any questions of

8  Mr. Young?

9                MR. THOMPSON:  No, I do not.

10           JUDGE JONES:  Commissioner Jarrett?

11           COMMISSIONER JARRETT:  No questions.

12           JUDGE JONES:  Commissioner Appling?

13           We'll have questions from Commissioner Appling.

14                COMMISSIONER APPLING:  I don't have any

15  questions.  This is clear as mud.  I don't have any

16  further questions.

17           JUDGE JONES:  Mr. Zucker, do you have a

18  witness?

19           MR. ZUCKER:  Yes, sir.

20           JUDGE JONES:  Rhonda O'Farrell?

21           MR. ZUCKER:  Yes.  Are we finished with

22  Mr. Young?

23           JUDGE JONES:  Mr. Young?

24           MR. YOUNG:  Yes?

25           JUDGE JONES:  On second thought, let me --

1 normally, in a hearing, after a witness has been  
2 cross-examined, they are then redirected by their  
3 attorney. In other words, their attorney will attempt  
4 then to ask questions -- for lack of a better word,  
5 rehabilitate the witness's testimony -- to clear up  
6 things or to square things that they think may have  
7 been skewed against them during their  
8 cross-examination.

9 Do you want to take an opportunity now to make a  
10 statement with regard to the questions that were asked  
11 by Mr. Zucker?

12 MR. YOUNG: No.

13 JUDGE JONES: Go ahead and call your  
14 witness.

15 MR. ZUCKER: Have you received Exhibits 2  
16 and 3?

17 JUDGE JONES: About 30 seconds ago we  
18 didn't. Just a moment, we're checking.

19 (An off-the-record discussion was held.)

20 JUDGE JONES: Mr. Young, do you have  
21 exhibits you want to admit?

22 MR. YOUNG: No, I don't have anything to  
23 admit.

24 MR. ZUCKER: By admit, they mean put into  
25 the record.

1 MR. YOUNG: No.

2 JUDGE JONES: Do you have any documents you  
3 want us to have?

4 MR. YOUNG: Not at this time, Judge.

5 MR. ZUCKER: I'm sorry, Your Honor, but  
6 Mr. Young did identify several documents.

7 MR. YOUNG: It's not necessary at this  
8 time, let's move this along.

9 JUDGE JONES: Mr. Zucker?

10 MR. ZUCKER: I don't want to badger him.

11 JUDGE JONES: Let me talk to Mr. Young.  
12 And unless he's paying you, try not to represent him.

13 MR. YOUNG: He's not.

14 JUDGE JONES: Mr. Young?

15 MR. YOUNG: Go ahead, sir.

16 JUDGE JONES: At this point, you have  
17 stated a case generally, okay? You have not,  
18 however -- let me back up.

19 You filed a complaint saying that something was  
20 done to you improperly. It's your burden -- in other  
21 words -- you have to go forward with something that  
22 shows that.

23 Now, Mr. Zucker has asked you questions to  
24 disprove whatever claim you make, but you haven't  
25 really made any claim. You haven't filed anything,

1    you haven't offered any evidence in the case that  
2    shows you have been done wrong.  If you have  
3    something --

4                   MR. YOUNG:  I understand.

5                   JUDGE JONES:  Do you have documents there  
6    that you want us to look at?

7                   MR. YOUNG:  Yes, I have one.  I believe --  
8    it's only two documents.  The rest of this -- three --  
9    and an investigative report, that's about it.  It  
10   should go pretty fast.

11                  JUDGE JONES:  Don't worry about the tempo.  
12                  And we did receive some faxes.  We'll deal with  
13   that in just a moment, Mr. Zucker.

14                  Mr. Young, describe for me the first document you  
15   have.

16                  MR. YOUNG:  The first document is a  
17   document from the Missouri Public Service Commission  
18   which was a response to what I believe was an informal  
19   complaint on April 19, 2006.

20                  JUDGE JONES:  I'm sorry, what was the date  
21   again?

22                  MR. YOUNG:  April 19, 2006.

23                  JUDGE JONES:  And this was a response from  
24   Missouri Public Service Commission to you in regard to  
25   your informal complaint?

1                   MR. ZUCKER: And Your Honor, this letter is  
2 attached to Mr. Young's complaint.

3                   JUDGE JONES: Okay. And this is a letter  
4 signed by Cecelia Bar?

5                   MR. YOUNG: That is correct, sir.

6                   JUDGE JONES: I'm going to mark this as  
7 Exhibit A, as in apple, and -- well, first,  
8 Mr. Zucker, do you have any objections to this  
9 document?

10                  MR. ZUCKER: I do not have any objections.

11                  JUDGE JONES: Mr. Thompson, do you have it?

12                  MR. THOMPSON: I do, and I have no  
13 objections.

14                  JUDGE JONES: Now, in light of the fact  
15 there aren't any objections, this is easily admitted  
16 into the record. But I do want you to tell me what  
17 this document shows to prove your case.

18                  (Claimant's Exhibit A was then entered into  
19 evidence.)

20                  MR. YOUNG: In Paragraph -- that would be  
21 2, I guess.

22                  JUDGE JONES: So, it's on the first page?

23                  MR. YOUNG: It's on the second page.

24                  JUDGE JONES: The second paragraph on the  
25 second page?

1                   MR. YOUNG: Yes, it's a long paragraph.  
2 She's got one, two -- and I don't know if she meant  
3 three on this one or what.

4                   JUDGE JONES: Does the paragraph begin  
5 "chapter 13?" What's the first word in the paragraph?

6                   MR. YOUNG: It says "December."

7                   JUDGE JONES: Okay. In December 2003 --

8                   MR. YOUNG: Yes. Laclede was notified by  
9 the post office that Ms. Jackson -- this was her  
10 forwarding address at that time, and that a bill -- a  
11 final bill of \$729.31, from May, was transferred to  
12 Wieck.

13                  And my contention was that that's not correct  
14 because most of these bills were estimated bills. And  
15 I believe, under what they call the Code of -- the  
16 CSR -- indicates that Laclede Gas can't estimate a  
17 bill more than three times in a given year.

18                  Now, they have an answer to that, "Well, we didn't  
19 have access to the property."

20                  Well, I believe they did.

21                  JUDGE JONES: So, you are saying it's not  
22 correct that Laclede was notified that Ms. Jackson's  
23 forwarding address was 8831 May.

24                  On July 8, 2005 you established service at 2437  
25 Wieck. That's incorrect?



1           The final bill of \$729.31 from 8831 May was  
2     transferred to the account on 2437 Wieck. That's also  
3     incorrect?

4           All three of those sentences are incorrect?

5           MR. YOUNG: These two sentences starting  
6     with December are incorrect, and Laclede Gas issued a  
7     re-bill on the account on, I believe, March 30th,  
8     2006, to correct an overestimation.

9           And then, of course, the Respondent did give me a  
10    form to look at, and I believe it's an exhibit  
11    already. I believe. I think it is, or is it?

12           MR. ZUCKER: Which address are we talking  
13    about?

14           MR. YOUNG: I'm specifically talking about,  
15    now, 2437 Wieck. And this one says "community  
16    services," and I guess a copy of this went to Suzanne  
17    Bark. I see her name's on it.

18           MR. ZUCKER: This is the last two pages in  
19    the PDF I sent you.

20           MR. THOMPSON: What do they look like?

21           JUDGE JONES: Does it have account numbers  
22    at the top with the name Rosemary Jackson?

23           MR. YOUNG: No, it has my name over on the  
24    right-hand side, and it's a Statement of Bills and  
25    Payments for January 9, 2007.

1 JUDGE JONES: Both pages are dated  
2 January 9, 2007?

3 MR. YOUNG: Yes.

4 JUDGE JONES: Now, before we move to this,  
5 is this your second exhibit, Mr. Young, or are you  
6 using this to disprove something in Exhibit A?

7 MR. YOUNG: To disprove something.

8 JUDGE JONES: Okay.

9 MR. YOUNG: But I thought this was an  
10 exhibit already?

11 JUDGE JONES: No, it hasn't been marked.  
12 The only exhibits I have are Exhibits 1, 2 and 3. Two  
13 and three were just received by fax.

14 MR. YOUNG: Okay then.

15 JUDGE JONES: Do you want to make this your  
16 exhibit?

17 MR. YOUNG: Yes.

18 JUDGE JONES: We'll mark this Exhibit B.

19 Okay. Now, walk us through what it is you are  
20 trying to show, Mr. Young.

21 MR. YOUNG: Okay. At the top of the page,  
22 on the left-hand side, it says when services were  
23 initiated, and that will be July 14, 2005. And what  
24 was indicated to me -- as you can see, these estimated  
25 readings for September, October and November -- was

1 they didn't have access to the property.

2 JUDGE JONES: You're testifying that they  
3 did not have access to the property?

4 MR. YOUNG: The Respondent claims they  
5 didn't have access to the property that's why these  
6 are estimated bills -- estimated meter readings.

7 JUDGE JONES: Okay.

8 MR. YOUNG: Okay. But when we get down  
9 to -- as you can see -- 12/19/05, \$729.31 was  
10 transferred to 2437 Wieck, and then there was a  
11 re-bill from 2005. Do you see it there, sir?

12 JUDGE JONES: Yes, sir.

13 MR. YOUNG: The 14th and then this 2005,  
14 which were estimated bills that were added to my  
15 account. But they're estimated. And what I can't  
16 understand is, if they had access during these periods  
17 why are we dealing with estimated bills?

18 How do we know if that's a correct bill or not --  
19 a correct amount. Let me rephrase that. We don't  
20 know, it's estimated. Maybe it's high, maybe it's  
21 low, but we know one thing; it's estimated. So, we  
22 don't know if these figures are true or not.

23 JUDGE JONES: Okay. There's a column that  
24 says meter reading.

25 MR. YOUNG: Yes.

1 JUDGE JONES: Is that how you are able to  
2 tell that they are estimated?

3 MR. YOUNG: Yes, by "E," that means  
4 estimated. And so they give a monetary amount or a  
5 dollar amount of \$302.56 and the other one is \$295.99,  
6 how do we know that's the correct amount? We don't  
7 know.

8 But we go down to 3/30/06, and they said we made  
9 an adjustment of \$983.09.

10 I'm trying to get that for you, I think that was  
11 March 30th.

12 JUDGE JONES: Yeah, I see it there.

13 MR. YOUNG: And then they turned around and  
14 said: Oh, we made another adjustment between what we  
15 thought you owed and the real amount which was  
16 \$996.12.

17 But I can't establish -- we can't establish that  
18 because that's somewhere in 2006. And my thing is,  
19 they had access. They had access in February, why  
20 can't they -- they had access in March, why didn't  
21 they have access then? There were four or five times  
22 they've made adjustments to my bill in March, but you  
23 couldn't send nobody out to make sure?

24 JUDGE JONES: I understand you are asking  
25 rhetorical questions now because they aren't directed

1 to anybody. So, when Laclede puts its witness on, you  
2 might reserve those questions for Laclede's witness.

3 MR. YOUNG: Okay, sir.

4 JUDGE JONES: You have an opportunity to  
5 ask Laclede these questions on the record.

6 MR. YOUNG: And then, of course, they  
7 went -- and the bottom line is they supposedly gave me  
8 another credit on 11/09/06 of \$454.12 leaving me a  
9 balance of \$689.08.

10 JUDGE JONES: And are you contending that  
11 these numbers don't add up?

12 MR. YOUNG: No. What I'm saying is -- and  
13 I thought I had it here -- they re-added a number back  
14 in again. And I thought I had it -- one second, sir.

15 What was told to me at a meeting was,  
16 quote/unquote -- which Mr. Zucker has since rescinded  
17 -- when we had our conversation on the phone, he had  
18 indicated that I didn't have a balance for 2437 Wieck  
19 but I did have previous balances for other addresses,  
20 meaning Terrace Lane, and I believe it was a small  
21 balance for 8831 May, which was told to me.

22 Which means they turned off my services because  
23 they claim I was behind in my payments. But I wasn't  
24 behind in my payments. But now he says, oh, wait a  
25 minute, I made a mistake, I didn't have all of my

1 facts with me at the time when I gave you those  
2 numbers.

3 But yet, we are here now, and he's got all these  
4 documents about how I had nine names and he knows  
5 everything about my personal life, but all of a sudden  
6 he couldn't reconcile the money that was owed on the  
7 account.

8 That's why I believe that I didn't owe anything on  
9 Wieck. And if I didn't owe anything on Wieck then  
10 they shouldn't have shut off my services on  
11 October 16th.

12 JUDGE JONES: Is that all you have?

13 MR. YOUNG: Yes.

14 JUDGE JONES: Mr. Zucker, do you have any  
15 objection to Exhibit B being admitted into the record?

16 MR. ZUCKER: I do not have an objection to  
17 Exhibit B.

18 (Claimant's Exhibit B was then entered into  
19 evidence.)

20 JUDGE JONES: Exhibit B is admitted into  
21 the record.

22 I realize we did things a little backwards here,  
23 you crossing him before he presented his direct, so  
24 I'll allow you to ask questions based solely on his  
25 direct testimony.

1 MR. ZUCKER: You'll allow me to?

2 JUDGE JONES: Yes.

3 MR. ZUCKER: Okay.

4 JUDGE JONES: And Mr. Zucker?

5 MR. ZUCKER: Yes.

6 JUDGE JONES: None of his direct had  
7 anything to do with brothers, his wife or upper New  
8 York.

9 MR. ZUCKER: I am so warned.

10 JUDGE JONES: Okay.

11 QUESTIONS BY MR. ZUCKER:

12 Q. Mr. Young, you said your gas was shut off  
13 October 16, 2006; is that correct?

14 A. Yes.

15 Q. And you've alleged that you and I had a  
16 conversation in which I misspoke and said that I  
17 thought that you had actually paid the bills on Wieck  
18 when you had not?

19 A. No, that's not what you stated. What you  
20 stated was, after you had reconciled the information  
21 that you had, there was no balance for Wieck, but  
22 there were balances for two other accounts. One was,  
23 of course, Terrace Lane and, of course, a small  
24 balance, I believe, for 8831 May.

25 Q. And do you recall that we had those

1 conversations in the context of discussing a  
2 settlement of this case?

3 A. Yes, it was.

4 Q. And do you recall about when those  
5 conversations took place?

6 A. I believe the latter part of August, I  
7 believe.

8 Q. Of this year?

9 A. 2007.

10 Q. Of 2007. And your gas service was  
11 terminated in October of 2006; is that correct?

12 A. That's correct.

13 Q. So, you were not relying on my misstatement  
14 in 2007 when the gas service was turned off in 2006;  
15 is that correct?

16 A. No, what I was relying on, you made a  
17 statement that you had reconciled all of your figures  
18 for; number one, 2629 Terrace Lane; number two, 8831  
19 May; and the last but not least, 2437 Wieck.

20 And what your records had indicated when we had  
21 our conversation was, quote/unquote, you don't have a  
22 balance for Wieck, but you do have outstanding  
23 balances for Terrace Lane and 8831 May.

24 Q. And now have I clarified that for you?

25 A. No, you have not.



1           Q.    Did you not tell me that that was clarified  
2    by this list of issues document which explained  
3    exactly how --

4           A.    No.

5           Q.    -- the transfers occurred?

6           A.    I'll let you finish.

7           What I'd indicated was the last two questions on  
8    this I am contesting, which were the amounts.

9           Q.    Okay.

10          A.    I concur with everything you said on Page  
11    1.

12          Q.    Okay.  On Page 1 of the list of issues?

13          A.    Yes.

14          Q.    And does that include Footnote 1 that  
15    explains how the original transfer of \$729.31 was  
16    partially reversed?

17          A.    No, it did not explain it completely  
18    because that same figure reappeared and was added on  
19    to my bill again, and that's why I contested that  
20    amount.

21          Q.    In Exhibit B, if we added up all of the  
22    bills that we issued you, starting August 15, 2005,  
23    which was the first service period, and ending  
24    October 17, 2006, all those bills add up to \$1577.15;  
25    would you agree with me?

1           A.    Where are you looking at?

2           Q.    I'm looking at Exhibit B.

3           A.    Page what?

4           Q.    Well, on Page 1 and 2 there are bills each  
5 month starting in August of '05 and ending in October  
6 of '06.

7           A.    You mean July?

8           Q.    Well, the starting date is in July, the  
9 bill wasn't issued until August.

10          A.    Okay.

11          Q.    If I added up all those bills, those bills  
12 would come to \$1577.15.  Would you agree with that?

13          A.    No, because there are estimates in here.

14          Q.    Well, I'm not asking you whether they are  
15 estimates or not.  Would you agree --

16          A.    No, I don't agree.

17          Q.    Okay.  And there are, in addition, late  
18 charges on Exhibit B totaling \$65.53; would you agree  
19 with that?

20          A.    I disagree because your late charges are  
21 based on estimated charges, and I don't know if you  
22 took them out or made corrections for that or not.  I  
23 can't see where you did.

24          Q.    And assuming that I was right on both of  
25 them -- and I understand that you have disputed

1     that -- if I add up the bills and the late charges I  
2     get a total amount charged to you under this account  
3     on Exhibit B of \$1642.68; would you agree at least  
4     that's the sum of \$1577.15 plus \$65.53?

5             A.    I don't see it on here.

6             Q.    No, it's not on there, I'm just adding two  
7     numbers together.

8             A.    You would have to show me.  No, I can't  
9     agree on that because something is missing here.

10            Q.    All right.  And if we look at all the  
11    payments that you made on this account, in Exhibit B,  
12    those payments total \$1116.13?

13            A.    No, I --

14            Q.    Would you agree with me on that?

15            A.    No, because I can't validate that.  I have  
16    to go on your word.

17            Q.    Okay.  If we were to subtract your payments  
18    from the total charged -- and I understand that you  
19    don't agree with any of the numbers.  If we were to  
20    subtract the payments from the total charge, that  
21    comes to a balance owed just on the bills and payments  
22    on this account of \$526.55.  Would you at least agree  
23    that I did the math right?

24            A.    I don't have your information.  I can't  
25    agree one way or the other, I don't have the

1 information in front of me.

2 Q. All right.

3 MR. ZUCKER: I'd like to take a minute to  
4 go through the estimated bill and the process by which  
5 we reconcile estimated bills so that the Commission  
6 understands it.

7 QUESTIONS BY MR. ZUCKER:

8 Q. You don't have any idea whether or not  
9 Laclede had access to your property when they came to  
10 read your meter every month; do you?

11 A. Yes, they always had access to my property.

12 Q. So, when we came -- when the meter reader  
13 came there on August 15 -- let me ask you this  
14 question first; is the meter inside the house on Wieck  
15 or outside?

16 A. It's inside.

17 Q. Okay. And on August 15, 2005, do you  
18 recall whether a meter reader came and was able to get  
19 into your property?

20 A. I don't have a clue. You're right, no, I  
21 can't remember. You are saying 2005?

22 Q. Right.

23 A. No, I can't remember.

24 Q. Would your answer be the same on  
25 September 14, 2005, that you do not remember whether

1 or not our meter reader had access to the meter at  
2 your property?

3 A. These are too far back. No, I can't  
4 remember if they did.

5 Q. How about October 13, 2005?

6 A. I can't attest to any of this.

7 Q. November 14, 2005? January, February,  
8 March of 2006? Any recollection of whether our meter  
9 reader came by and tried to get access and failed?

10 A. I just answered your question before.

11 Q. And the answer was?

12 A. I don't have a recollection.

13 Q. You don't recall, okay.

14 And so, starting on October 13, 2005, we issued  
15 you estimated bills. Do you see that on Exhibit B?

16 So, for the period ending October 13, 2005 we  
17 issued you an estimated bill of \$43.26; do you see  
18 that?

19 A. Yeah, but what about the others?

20 Q. Okay. On November 14, 2005 --

21 A. No, I'm saying in September. You moved  
22 down to November.

23 Q. On September 14th, 2005, for the period  
24 ending there, we issued you a bill based on a regular  
25 meter read. Do you see the R under the meter reading

1 column?

2 A. Yeah, I see that.

3 Q. Do you know that R means we got a regular  
4 meter reading?

5 A. Yes.

6 Q. So, for that month you received a bill  
7 based on actual usage; do you understand that?

8 A. Yes.

9 Q. For the period September 14th to  
10 October 13, 2005 we did not get a meter read so we  
11 issued you an estimated bill in the amount of \$43.26;  
12 do you see that?

13 A. Yes, I do.

14 Q. The next month we issued you an estimated  
15 bill in the amount of \$95.59; do you see that?

16 A. Yes.

17 Q. In December we issued you an estimated bill  
18 in the amount of \$302.56; do you see that?

19 A. Yes.

20 Q. In January we issued you an estimated bill  
21 in the amount of \$295.99?

22 A. Yes.

23 Q. In February we issued you an estimated bill  
24 in the amount of \$245.69; do you see that?

25 A. Yes.

1           Q.    On March 17th then, we got a meter reading  
2 of 0146; do you see that? March 17, 2006.

3           A.    Yes.

4           Q.    And that has an R next to it so that's a  
5 regular meter reading; do you follow that?

6           A.    Yes.

7           Q.    Okay. And so, at that point, Laclede does  
8 a reconciliation to reconcile the estimates they have  
9 done to the actual usage you had.

10          And so, we credited your account with all of the  
11 estimated bills; \$43.26, \$95.59, \$302.56, \$205.99 and  
12 \$245.69, all of which add up to \$983.09 which you were  
13 credited on March 30th. Do you follow that?

14          A.    I see what you are saying, so we won't take  
15 up the Court's time.

16          Q.    We're almost done here. Underneath the  
17 \$983.09 credit is a \$16.79 credit for your late  
18 payments during that same period while you were being  
19 estimated; do you see that?

20          A.    Yes, I do.

21          Q.    And then, we then bill you for that six  
22 month period -- well, we bill you for the five months  
23 we'd estimated plus the extra month to March 17th, '06  
24 when we got the reading, and your total bill came to  
25 \$996.12; do you see that?

1           A.    Yes.

2           Q.    Okay.  Are you aware that it's Laclede's  
3   policy to go by each home to try to read inside meters  
4   every month?

5           A.    Yes.

6           Q.    Okay.

7                   MR. ZUCKER:  Hold on one second.

8           That's all the questions I have.  Thank you,  
9   Mr. Young.

10                  JUDGE JONES:  Okay.  Any questions from  
11   Staff?

12                  MR. THOMPSON:  None, Your Honor.

13                  COMMISSIONER JARRETT:  No questions.

14                  JUDGE JONES:  Mr. Zucker?

15                  MR. ZUCKER:  Yes, Your Honor.

16                  JUDGE JONES:  Why don't you go ahead and  
17   present your witness.

18                  MR. ZUCKER:  Laclede calls Rhonda J.  
19   O'Farrell to the stand.

20                  JUDGE JONES:  Ms. O'Farrell, first of all,  
21   move a little closer to the telephone.  Please, raise  
22   your right hand.

23                          RHONDA J. O'FARRELL,

24           Of lawful age, being first duly sworn by the  
25   Notary Public, testified as follows:



1 JUDGE JONES: You may proceed, Mr. Zucker.

2 QUESTIONS BY MR. ZUCKER:

3 Q. Would you please state your name for the  
4 record?

5 A. Rhonda J. O'Farrell.

6 Q. And who are you employed by?

7 A. Laclede Gas Company.

8 Q. And what do you do for Laclede Gas Company?

9 A. I am the Assistant Manager of Community  
10 Services Department.

11 Q. And in that job do you handle customer  
12 complaints?

13 A. Yes, I do.

14 Q. And do you work with the staff's consumer  
15 services department in handling those complaints?

16 A. Yes, I do.

17 Q. And would those generally be informal  
18 complaints?

19 A. Yes, they are.

20 Q. And how long have you worked for Laclede?

21 A. Twelve years this past September.

22 Q. I'm going to show you what's been marked  
23 as, hopefully, Exhibit 4 on my side.

24 JUDGE JONES: Mr. Zucker, we don't have an  
25 Exhibit 4. We have Exhibits 2 and 3 that we still

1 have yet to discuss the admission of.

2 MR. ZUCKER: Let's discuss that. I would  
3 like to move for the admission of those two exhibits.

4 MR. YOUNG: Objection; irrelevant. I know  
5 you are going to say no, but okay.

6 MR. ZUCKER: The relevance goes to  
7 Mr. Young's credibility as he has himself identified.

8 JUDGE JONES: Exhibit 2 shows that --

9 MR. THOMPSON: It's the Alabama marriage  
10 record, Your Honor.

11 JUDGE JONES: Yeah.

12 MR. THOMPSON: And I think Mr. Young  
13 admitted that he had in fact married Rosemary Jackson  
14 in Mobile, Alabama.

15 JUDGE JONES: He did. Your point being it  
16 should or shouldn't be admitted?

17 MR. THOMPSON: My point being that the  
18 absolute lack of foundation, I think, is waived since  
19 he admitted that he did marry her.

20 JUDGE JONES: Did you all hear that?

21 MR. ZUCKER: Not entirely.

22 MR. YOUNG: I heard it.

23 JUDGE JONES: Mr. Thompson simply made the  
24 point that any lack of foundation is waived for this  
25 document because Mr. Young admitted marrying Ms.

1 Jackson.

2 Do you understand that, Mr. Young?

3 MR. YOUNG: No, I don't.

4 JUDGE JONES: Despite the fact that many of  
5 us in this room have spent a few years trying to  
6 understand what foundation even means, it's simply a  
7 way of proving that a document is in fact what it is,  
8 it shows what it purports to show.

9 MR. YOUNG: I understand what you are  
10 saying now.

11 JUDGE JONES: Now, in light of your  
12 admitting that you and Ms. Jackson were in fact  
13 married, this document simply shows it as an exhibit  
14 that you were.

15 MR. YOUNG: Okay.

16 JUDGE JONES: Exhibit 2 is admitted into  
17 the record.

18 (Petitioner's Exhibit 2 was then entered  
19 into evidence.)

20 And Exhibit 3 shows that Mr. Morlyne Young paid  
21 taxes at 2437 Wieck Drive in 2007; is that correct,  
22 Mr. Zucker?

23 Well, that's the first page at least.

24 MR. ZUCKER: Yes. Well, it just shows him  
25 as the owner on the first page. I don't think it

1 actually gets into --

2 JUDGE JONES: It just has taxing address.

3 MR. ZUCKER: Right.

4 JUDGE JONES: And I take it, then,  
5 Mr. Zucker, you are trying to show that Morlyne Young  
6 owns the property but Marlyn Young lives there?

7 MR. ZUCKER: No, I'm trying to show that,  
8 because Mr. Marlyn Young says he owned the property,  
9 and then when we look at the record it says it's owned  
10 by Morlyne Young, that would indicate that Marlyn  
11 Young and Morlyne Young are the same person.

12 MR. YOUNG: Objection. I could have a  
13 relationship with a person, that doesn't mean that we  
14 don't have a document between us indicating that,  
15 either I'm a co-borrower -- and that wouldn't show on  
16 the records anyway, so that's why I said irrelevant,  
17 don't have any bearing. Those records don't show if I  
18 have a relationship with him or not, other than who is  
19 the owner of record. Period.

20 JUDGE JONES: Well, if --

21 MR. YOUNG: The records don't state  
22 everything, they just state who is the owner of  
23 record.

24 JUDGE JONES: But you said earlier you  
25 owned the property?

1                   MR. YOUNG:   Okay.   But I do own it, I pay  
2   him.

3                   JUDGE JONES:   But it says here he's the  
4   owner?

5                   MR. YOUNG:   He bought the property for me  
6   and I paid him.   He takes my money and pays the note.

7                   JUDGE JONES:   Then you are not the owner.

8                   MR. THOMPSON:   I think there's a foundation  
9   problem with that, so Staff is going to object to it.

10                  JUDGE JONES:   We have an objection,  
11   Mr. Zucker, from Staff for lack of foundation.

12                  MR. ZUCKER:   This is public record, so I  
13   would like to get into that.   This is on St. Louis  
14   County Department of Revenue's web site -- or St.  
15   Louis County's web site.

16                  MR. THOMPSON:   If I could, Your Honor.   I  
17   think he either has to have a sponsoring witness from  
18   the St. Louis County Department of Revenue, or he has  
19   to have a certified copy which is then  
20   self-authenticating.   And I don't think we have either  
21   in front of us, we have only a fax.   I have no idea  
22   what he has at his end.

23                  But this is their hearing, he had every  
24   opportunity to provide an authenticated version of  
25   this to you in advance.   He hasn't done so, Staff

1 objects, this is not receivable.

2 MR. ZUCKER: I am using this as rebuttal  
3 evidence.

4 JUDGE JONES: I don't believe your purpose  
5 of the use goes to its admissibility, Mr. Zucker.

6 MR. ZUCKER: Well, I can continue to try to  
7 get it in through my witness on direct.

8 JUDGE JONES: Well, sure you can.

9 MR. THOMPSON: I think he used it to try to  
10 impeach Mr. Young by confronting him with purported  
11 evidence that he was not the owner of record of that  
12 property. And of course, he doesn't even have to seek  
13 to admit that to use it, Mr. Young made the  
14 explanation that he made. But now Mr. Zucker is  
15 trying to get it into the record in which case it is  
16 proof of what it purports to show, and I object.

17 JUDGE JONES: The objection is sustained,  
18 Mr. Zucker. You can, however -- I'm not going to keep  
19 you from trying to get it in through your witness.

20 MR. ZUCKER: Okay.

21 JUDGE JONES: Reminding you; however, that  
22 the objection is improper foundation or lack of  
23 foundation.

24 MR. ZUCKER: I understand.

25 JUDGE JONES: Your witness has been sworn,

1 Exhibit 3 is not admitted, and you have mentioned an  
2 Exhibit 4 that we don't have marked.

3 MR. ZUCKER: So, Exhibit 4 comes toward the  
4 back half of the PDF I sent you, and it appears to be  
5 microfiche. On the first page is C3, at the top it  
6 says 308342, and it is five pages of microfiche and  
7 two pages of what's called Accounts Receivable History  
8 Information.

9 JUDGE JONES: And that also has an account  
10 number in the upper left-hand corner?

11 MR. ZUCKER: Yes, and that account number  
12 is 308343008.

13 JUDGE JONES: Okay. We have this, and I'll  
14 mark it has Exhibit 4.

15 MR. YOUNG: I can't object to it?

16 JUDGE JONES: We always mark the exhibits  
17 first and then a ruling is made on its admissibility.

18 I take it then, Mr. Young, you want to object to  
19 these documents?

20 MR. YOUNG: Yes. What is this?

21 MR. ZUCKER: I have not yet offered it.

22 JUDGE JONES: That's true, too. They are  
23 marked, go ahead with your witness.

24 QUESTIONS BY MR. ZUCKER:

25 Q. Ms. O'Farrell, I show you what's been

1 marked as Exhibit 4 and ask you if you can identify  
2 it?

3 A. These are microfiche records of the account  
4 in the name of Rosemary Jackson from Terrace Avenue.

5 Q. And what is the number of that account?

6 A. 308343008.

7 Q. And what type of records are these?

8 A. Accounts receivable history.

9 Q. And so, do these show bills and payments,  
10 is that what you mean by accounts receivable?

11 A. Yes.

12 Q. And on the page that is titled C3, what  
13 date -- what is the first date of a bill for this  
14 account?

15 A. This one, on this particular sheet, is  
16 February 22nd, 2000.

17 Q. And the amount of that bill?

18 A. It's \$89.97.

19 Q. And that led to a balance of what?

20 A. To \$89.97.

21 Q. Do you know what address that Account  
22 308343008 applies to?

23 A. It applies to the address at 2629 Terrace  
24 Lane.

25 MR. YOUNG: Objection.



1 JUDGE JONES: What's your objection?

2 MR. YOUNG: He's leading the witness. He  
3 can't lead no witness. I can't validate this.

4 MR. ZUCKER: I asked her a question and she  
5 answered.

6 JUDGE JONES: He's not leading the witness.  
7 He asked her what address was on the account and she  
8 told him. Had he said is such and such an address on  
9 this document, that would be an example of leading the  
10 witness.

11 Objection is overruled.

12 MR. ZUCKER: Thank you, Your Honor.

13 QUESTIONS BY MR. ZUCKER:

14 Q. What is the last date and time on this  
15 accounts receivable history on Page C3?

16 A. April 20, 2000.

17 Q. And if you turn the page then, is the next  
18 page, Page N2?

19 A. That is correct.

20 Q. And is that further accounts receivable  
21 history?

22 A. Yes, there is accounts receivable history  
23 on this document.

24 Q. And what dates does that cover?

25 A. April 20, 2000 through April 23rd, 2001.

1 Q. And if we turn the page again we come to  
2 C9 -- I come to C9 -- and what page do you come to?

3 A. I come to C9 also.

4 Q. And is there also accounts receivable  
5 history for 308343008 on this page?

6 A. Yes, there is.

7 Q. And what dates are covered by that?

8 A. April 23rd, 2001 through April 23rd, 2002.

9 Q. And when you turn the page again, what page  
10 is next?

11 A. B13.

12 Q. And is there accounts receivable history  
13 for Account 308343008 on this page?

14 A. Yes, there is.

15 Q. And what dates are covered by that history?

16 A. April 23rd, 2002 through July 2nd, 2002.

17 Q. And if you turn the page again, what page  
18 do we come to?

19 A. N12.

20 Q. Do you also have accounts receivable  
21 history on this page for 308343008?

22 A. Yes, I do.

23 Q. And what dates are covered there?

24 A. July 2nd, 2002 through April 23rd, 2003.

25 Q. And as I turn the page again I come to a

1 different kind of sheet; can you describe this?

2 A. The sheet is a snapshot picture of our  
3 records and our customer information system of  
4 accounts receivable which are the bills and payments.

5 Q. Are all these records kept in the ordinary  
6 course of Laclede Gas Company's business?

7 A. Yes, they are.

8 Q. Are you familiar with these records?

9 A. Yes.

10 Q. And these appear to be true and correct  
11 copies of these records?

12 A. Yes, they are.

13 Q. And what dates are covered on this sheet?

14 A. April 23rd, 2003 through November 18th,  
15 2003.

16 Q. And what is the balance at the top of that  
17 sheet?

18 A. November 18, 2003 the balance is \$722.82.

19 Q. That appears to include a deposit bill; is  
20 that right?

21 A. That is correct.

22 Q. A bill deposit?

23 A. It appears to be the first installment of a  
24 bill deposit.

25 Q. What was the balance before that deposit

1 was billed?

2 A. As of November 13, 2003 it was \$606.16.

3 Q. Do you see any payments on this page?

4 A. On this page I do not see any payments.

5 Q. So, the customers made no payments between  
6 April of '03 and November of '03?

7 A. That is correct.

8 Q. Go to the next page. Is this the last page  
9 now?

10 A. This is the last page of Account Receivable  
11 History Information, that is correct.

12 Q. And what dates are covered by this page?

13 A. November 18th, 2003 through May 20th, 2004.

14 Q. Okay. And can you tell me the final  
15 balance for this account?

16 A. The final balance was \$660.10.

17 Q. Is that amount still due and owing to  
18 Laclede?

19 A. Yes, it is.

20 Q. And that amount would be due and owing by  
21 Rosemary Jackson, I assume, as the named party on that  
22 account; is that correct?

23 A. Yes.

24 Q. Did you hear Mr. Young's testimony earlier  
25 this afternoon?

1           A.    Yes, I did.

2           Q.    And based on his testimony about when he  
3   lived on Terrace Lane, would you say that he is also  
4   responsible for this balance?

5                   MR. YOUNG:  Leading the witness.  
6   Objection.

7                   MR. ZUCKER:  Let me rephrase the question.

8                   JUDGE JONES:  Objection sustained.

9   QUESTIONS BY MR. ZUCKER:

10          Q.    Based on his testimony, is he responsible  
11   for this balance?

12          A.    Yes.

13                   MR. YOUNG:  Objection.  She can make an  
14   educated guess, she don't know.

15   QUESTIONS BY MR. ZUCKER:

16          Q.    Under what theory was he responsible?

17                   JUDGE JONES:  Mr. Zucker, I'm not going to  
18   let him be disadvantaged for the lack of three years  
19   education that you have.

20           He said that his objection was that she doesn't  
21   know, she's guessing on that.  Now, that's good enough  
22   for me to say that she can't make that legal  
23   conclusion.

24                   MR. ZUCKER:  Well, she works with  
25   complaints, so I guess I could establish that she's

1 familiar with our tariffs, or I could just move on  
2 because the tariffs say what they say.

3 MR. YOUNG: Your Honor, she doesn't work in  
4 the billing department where she actually does the  
5 billing. She already established to the Court what  
6 her position was. I think it's something in community  
7 affairs and not the billing department -- or the  
8 people that send out the bills.

9 JUDGE JONES: I don't know whether that  
10 hurts or helps you, Mr. Young.

11 But Mr. Zucker, you asked the witness whether or  
12 not Mr. Young owes money from this account. If she  
13 can answer that question we don't have any need for  
14 the five Commissioners that need to answer that for  
15 the parties.

16 MR. ZUCKER: Okay. Well, we can obviously  
17 cover that in our brief.

18 JUDGE JONES: Okay. Objection sustained.

19 MR. ZUCKER: Okay. So, I now move for the  
20 admission of Exhibit 4.

21 MR. YOUNG: Objection.

22 JUDGE JONES: What's your objection, Mr.  
23 Young?

24 MR. YOUNG: My objection is -- looking at  
25 Exhibit 4 -- number one; I don't know what is paid,

1     what ain't paid, what's a credit, what ain't a credit.

2             They've got two accounts on here, one for Rosemary  
3     Jackson, I see, but they've got one for Billington,  
4     and I don't know who this is, MTR Development, and  
5     they have this all batched in here together. And  
6     there's no way a consumer could read this to validate  
7     it.

8             It's like me handing you something in Chinese and  
9     you are going to have to try to figure it out on your  
10    own. There's no way.

11            And I have objections to some of the billing here,  
12    some of the payment history.

13                    JUDGE JONES: So, first of all --

14                    MR. ZUCKER: Mr. Young's objection does not  
15    go to the admissibility of this.

16                    MR. YOUNG: We are supposed to be able to  
17    understand it.

18                    MR. ZUCKER: He may disagree with the  
19    substance of it --

20                    MR. YOUNG: Before I can disagree with the  
21    substance I have to first understand what do I have in  
22    front of me.

23                    JUDGE JONES: I understand your concern,  
24    Mr. Young, and quite frankly, I'm going to have to sit  
25    down and study this myself, because to me, when I look

1 at it, all I see are numbers and lines.

2 MR. YOUNG: Thank you.

3 JUDGE JONES: But he has a witness there  
4 that has testified that these are documents that are  
5 made in the regular course of their business, and she  
6 can testify to their truth and accuracy.

7 MR. YOUNG: The last two pages, she had  
8 indicated that this is some kind of summary of the  
9 billing, which I don't have a copy of. I'm trying to  
10 find it now.

11 JUDGE JONES: Don't you have a copy there,  
12 Mr. Zucker?

13 MR. ZUCKER: Yes, and I gave Mr. Young a  
14 copy.

15 JUDGE JONES: Do you have a copy you can  
16 show him now?

17 MR. YOUNG: No, I have it right here. It  
18 has the account number on a piece of white paper,  
19 blank, it don't have any indications of is this  
20 Laclede Gas or what. It's like somebody went in a  
21 back room and typed up some numbers on a piece of  
22 paper and said, well, these are valid. How can I  
23 validate it? I can't. I'm at a disadvantage.

24 JUDGE JONES: That's the purpose of his  
25 witness.



1                   MR. YOUNG: Okay then. I'll hold for cross  
2 then. You can admit it, but I'll hold for cross.

3                   JUDGE JONES: Okay. Exhibit 4 is admitted  
4 into the record.

5                   (Petitioner's Exhibit 4 was then entered  
6 into evidence.)

7 QUESTIONS BY MR. ZUCKER:

8                   Q. Ms. O'Farrell, possibly we should explain  
9 this Exhibit for the benefit of the Commission.  
10 Can you look at the second page of this, Page N2?  
11 Let's start somewhere where we can read it pretty  
12 well.

13                  Do you see, about two-thirds of the way up,  
14 Account No. 308343008, there's a date January 22,  
15 2001?

16                  A. Yes, I do see that.

17                  Q. And then, what's the word under -- can you  
18 explain that line to us, how about that?

19                  A. The first column is the date in which the  
20 bill is rendered. The second column is the  
21 transaction type, this transaction in particular was a  
22 bill. And then you go over to underneath the bills  
23 slash payment column, and it states that it was a bill  
24 in the amount of \$194.92. And the last column is the  
25 accumulated account balance, and at that time it was

1     \$339.31 after that particular bill was rendered.

2             Q.     Can you explain the next line up?

3             A.     The next line up, on January 23rd, 2001,  
4     the transaction type is fee pay which means that that  
5     is a payment, and it is a partial payment, which it  
6     gives that to you in the next column.

7             The batch column tells you how the payment was  
8     received, whether it was paid at a pay station or  
9     through our Drawer 2 address. It tells you it was a  
10    customer payment of \$100 and that resulted in an  
11    accumulated account balance of \$239.31.

12            Q.     Let's look at the next page. It's a little  
13    clearer, to me at least. Page C9?

14            A.     Yes, sir.

15            Q.     You see a line that says 9/19/01?

16            A.     Yes, I do.

17            Q.     Can you explain that line to me?

18            A.     On 9/19/01 the transaction was a bill that  
19    was rendered to the customer and it was in the amount  
20    of \$15.68, which brought the customer's accumulated  
21    account balance to \$185.65.

22            Q.     And the next line above that?

23            A.     When payment was not received by the  
24    delinquent date, a late fee was assessed on 10/16/01.  
25    The transaction type, LPNP, tells you that it was a

1 late payment and it was charged on the gas balance for  
2 the revenue month of October of '01. It was assessed  
3 in the amount of \$185.65 which is the base column.  
4 The amount of the late fee assessed was \$2.78 which  
5 brought the customer's accumulated account balance up  
6 to \$188.43.

7 Q. And the next line is another bill it looks  
8 like?

9 A. That is correct, 10/18/01 was another bill  
10 rendered to the customer in the amount of \$73.65.

11 Q. You went down?

12 A. I went up; 10/18/01.

13 Q. No, you are right. I'm sorry. And then,  
14 on November 9th, the customer made a payment?

15 A. November 9, 2001 the transaction type is a  
16 payment, it was a partial payment, and the batch code  
17 is shown there as LT021. The customer payment amount  
18 was \$185.65 which resulted in an accumulated account  
19 balance of \$76.43 remaining.

20 Q. Can you tell from that batch code what kind  
21 of payments it is?

22 A. Not off the top of my head, no.

23 Q. Okay.

24 JUDGE JONES: Well, Mr. Zucker, it seems  
25 then that the portions of these pages that we should

1 be looking at are that bottom third.

2 MR. ZUCKER: Let me address that. Are you  
3 on C9, the third page in?

4 JUDGE JONES: Yes.

5 QUESTIONS BY MR. ZUCKER:

6 Q. So, there are a few different areas here,  
7 Ms. O'Farrell, how do you know which areas to look at  
8 for purposes of Mr. Young's case?

9 A. The header type above the date column, over  
10 to the left, it says AREC history. That's the  
11 customer's account receivable history for the account  
12 number shown directly to the right of that. Account  
13 No. 308343008, party of record was Rosemary Jackson.

14 Q. And so, how would I know not to look at the  
15 information above that, or should I look at it?

16 A. The information above that is a second  
17 grouping of information. It's for a different  
18 premise. It was premise No. 308342, that's not the  
19 premise that we're talking about.

20 Q. And above that at the top, is that again  
21 308342?

22 A. That's the usage history for a different  
23 premise. It's a totally different meter.

24 Q. So, we should ignore those top two areas?

25 A. Yes, because they are not relevant to the

1 account for Ms. Jackson.

2 MR. YOUNG: Why are they on here?

3 MR. ZUCKER: Good question.

4 QUESTIONS BY MR. ZUCKER:

5 Q. Why are they on here?

6 A. These are microfiche records, and the  
7 system, I guess, for storage, combines accounts. It  
8 just keeps a running total of all the accounts, and it  
9 just keeps listing them one by one, the relevant  
10 information for that particular customer's history,  
11 and they are all stored on microfiche.

12 And what we have here is the particular page in  
13 which Ms. Rosemary Jackson's customer information is  
14 shown.

15 Q. So, should we tell the other parties to  
16 ignore those areas that aren't covered by 308343008?

17 A. That is correct, they are not relevant for  
18 the premise we are discussing.

19 Q. How about at the bottom of the page, is  
20 that relevant?

21 A. The customer remarks, the next grouping on  
22 this page -- the last grouping on this page is for  
23 Account No. 308343008 for Ms. Rosemary Jackson. So,  
24 yes, that would be relevant.

25 MR. YOUNG: Can you share with me what does

1 "A satisfied" mean?

2 MR. ZUCKER: You'll get your chance to ask  
3 those questions.

4 QUESTIONS BY MR. ZUCKER:

5 Q. Could you read the remark for February 8,  
6 2002?

7 A. February 8th, 2002, the remark says:  
8 12 months cold weather rule is established for R.  
9 Jackson and Marlyn Young, in parenthesis husband,  
10 paying \$138 at a pay station on 2/9.

11 Q. And did they make that payment on 2/9/02?

12 A. On 2/9/02 there are no payments in the  
13 accounts receivable section of this microfiche record  
14 in February '02.

15 Q. Okay. Let's move on.

16 I'm going to mark something as Exhibit 5. It is  
17 in the PDF, the next document down from where we just  
18 finished. It is says at the top; Account No.  
19 300522007, and it appears to be a screen called  
20 Remarks Information for 8831 May Avenue.

21 MR. ZUCKER: Do you gentlemen have that?

22 JUDGE JONES: Is it just one page?

23 MR. ZUCKER: It is just one page, sorry.

24 JUDGE JONES: Okay. This is Exhibit 5 we  
25 are marking.

1 QUESTIONS BY MR. ZUCKER:

2 Q. Ms. O'Farrell, do you recognize Exhibit 5?

3 A. Yes, I do.

4 Q. Can you identify it for us?

5 A. Yes. This is a screen shot of the records  
6 in our customer information system database for Marlyn  
7 Young at 8831 May Avenue. These are the remarks  
8 screen.

9 Q. Are these records kept in the ordinary  
10 course of Laclede's business?

11 A. Yes, they are.

12 MR. YOUNG: Objection.

13 JUDGE JONES: What's your objection?

14 MR. YOUNG: She don't know that. She works  
15 for a different department. She has no idea whether  
16 they keep them monthly, daily or whatever. She can  
17 attest this is some writing on a piece of paper, but  
18 how long it is, how long it's been in the system, who  
19 did it, who didn't do it, how long, how many days, or  
20 what, she can't attest to that.

21 MR. ZUCKER: Let me ask some foundational  
22 questions.

23 QUESTIONS BY MR. ZUCKER:

24 Q. Are you familiar with Laclede's customer  
25 information system?

1           A.    Yes, I am.

2           Q.    And did this screen print come out of that  
3 information system?

4           A.    Yes, it does.

5           Q.    Have you ever worked with that information  
6 system?

7           A.    Yes, I have.

8           Q.    Can you describe your experience with it?

9           A.    I worked in customer relations for  
10 18 months and speaking with customers and entering  
11 direct remarks onto the CIS system.

12           I worked in commercial sales after that for a year  
13 and again entered remarks directly into the system  
14 when I was speaking to customers.

15           I worked in the customer accounting department for  
16 five years in which I entered remarks directly onto  
17 the CIS system.

18           And I've worked in community services for  
19 five years, again entering remarks directly into our  
20 CIS system.

21           Q.    And how often would you say you enter  
22 remarks into Laclede's CIS system?

23           A.    Every day of my working day I do.

24           Q.    And --

25           MR. YOUNG:  Objection, how do we know what



1 she does? I thought she was in community services,  
2 now she's got nine different hats she's wearing.

3 JUDGE JONES: She's apparently worn those  
4 hats at different times.

5 MR. YOUNG: And this note that they are  
6 looking at, I have never seen a copy of it.

7 JUDGE JONES: Well, your not having seen it  
8 before is not relevant to whether or not it's  
9 admissible.

10 Go ahead, Mr. Zucker.

11 MR. ZUCKER: So, I guess at this point I  
12 would like to offer it into evidence. It's been  
13 identified, it's been authenticated by Ms. O'Farrell.

14 JUDGE JONES: Did she take these remarks?  
15 QUESTIONS BY MR. ZUCKER:

16 Q. Ms. O'Farrell, did you type these remarks?

17 A. No, I did not.

18 JUDGE JONES: So, she just knows that this  
19 is how your remarks page looks?

20 MR. ZUCKER: That's right. Let me ask a  
21 few more questions then.

22 QUESTIONS BY MR. ZUCKER:

23 Q. When a customer calls and wants a turn-on  
24 service, who would that customer talk to?

25 A. Generally it goes to customer relations.

1           Q.    And what do customer relations people do  
2   when they receive a call like that?

3           MR. YOUNG:  Objection.  He is leading the  
4   witness.  She don't know, she works in a different  
5   department.  She didn't take the note at all.

6           MR. ZUCKER:  She said that she has worked  
7   in customer relations before.

8           MR. YOUNG:  But she doesn't know who took  
9   the note.  For all we know anybody could have took the  
10  note.

11          MR. ZUCKER:  It's a business record.

12          JUDGE JONES:  That could be true, Mr.  
13  Young.  He's asking her what she knows now, and she is  
14  under oath, so if she doesn't know then she's  
15  obligated to say "I don't know."

16  QUESTIONS BY MR. ZUCKER:

17          Q.    So, what would a customer relations  
18  representative do if they receive a call to have  
19  service turned on?

20          A.    When the customer calls, the customer's  
21  account information to set up the account is taken by  
22  the rep and the order is scheduled into the CIS  
23  system.

24          Q.    And would the customer relations person  
25  enter remarks in that customer's account?

1           A.    Yes, they could.

2           Q.    Okay.

3                   MR. ZUCKER:  Well, again, I offer this  
4   Exhibit 5 to be admitted into evidence as a business  
5   record of Laclede.

6                   MR. YOUNG:  And I object, it has no bearing  
7   on this.  I can't validate it.  She didn't do.  She  
8   don't know anything about it.

9                   It's a piece of paper hopefully generated by  
10  somebody that may have generated it or may not have  
11  generated it.  We don't know whether it was generated.  
12  We just don't know.

13                  MR. ZUCKER:  Your Honor, if you needed the  
14  exact person who took down a record every time, we  
15  would be hard pressed to enter any evidence.

16                  JUDGE JONES:  Mr. Young?

17                  MR. YOUNG:  Yes, sir.

18                  JUDGE JONES:  Normally, this type of  
19  exhibit -- the objection to this exhibit is hearsay,  
20  and that's what you are saying in a round about way.

21                  However, an exception to a hearsay objection is  
22  that something is a business record.  That exception  
23  is created because the validity of that document is  
24  more likely being a business record.  Do you  
25  understand what I mean?

1                   MR. YOUNG: Yes, sir. But, first of all,  
2 we don't know who did it, first of all, which means  
3 it's hearsay. We don't know when it was generated.  
4 What year, what month, whatever. It's just a piece of  
5 paper. For all I know it could have been generated  
6 yesterday. There's no way for us to validate it, no  
7 way whatsoever.

8                   JUDGE JONES: In that case, hardly any  
9 piece of paper could be admitted into evidence.

10                  MR. YOUNG: Sir, with all due respect, this  
11 particular document -- first of all, I'm going with  
12 what you said, it's hearsay. There's no way for me to  
13 check, to validate anything about it, except there's  
14 some words on a paper, and that's it, about somebody  
15 who may have put it down. We don't know if it was  
16 second hand information, two people working on it. We  
17 don't know anything.

18                  JUDGE JONES: My point is, the exception to  
19 a hearsay objection is that it is a business record.  
20 Your name is on the piece of paper so it has something  
21 to do with your account at 8831 May Avenue.

22                  MR. ZUCKER: Your Honor, are you overruling  
23 the objection?

24                  JUDGE JONES: Well, I am, but I want to  
25 overrule it with Mr. Young's satisfaction.

1                   MR. ZUCKER: I don't know if you are going  
2 to get there.

3                   MR. THOMPSON: Your Honor, we've been going  
4 for about two hours, and I wonder if the reporter  
5 might need a break.

6                   JUDGE JONES: Do you need a break?

7                   I'm going to overrule the objection, admit  
8 Exhibit 5 into the record.

9                   (Petitioner's Exhibit 5 was then entered  
10 into evidence.)

11                  At this time, let's take a five minute break. I'm  
12 going to mute you all in case you start talking about  
13 this case while you are together.

14                  (An off-the-record discussion was held.)

15                  JUDGE JONES: Good ahead and continue,  
16 Mr. Zucker.

17 QUESTIONS BY MR. ZUCKER:

18                  Q. Can you describe the remarks that you see  
19 on Exhibit 5?

20                  A. Yes. These are remarks from a customer,  
21 who advised his name was Mr. Young, wanting to discuss  
22 setting up a budget.

23                  Q. And do these remarks refer to Mr. Young  
24 directly?

25                  A. Yes, they do refer to Mr. Young directly.

1           Q.    And was this account, in fact, set up in  
2   his name?

3           A.    Yes, it was.

4           Q.    And is the account number at the top --  
5   well, that -- I don't know, is that the account number  
6   at the top that was -- that he set up in  
7   November 2004?

8           MR. YOUNG:  Leading the witness, objection.

9           JUDGE JONES:  Objection overruled.

10          THE WITNESS:  The account number at the top  
11   of the page, 3005220073, was the account that --

12          The first time Mr. Young had service at the  
13   premise he didn't have an active account -- at the  
14   time that he called on November 12, 2004 -- so the  
15   remarks are put on the inactive account.

16   QUESTIONS BY MR. ZUCKER:

17          Q.    Did he then activate service again?

18          A.    Yes, he did.

19          Q.    And what account number did that become?

20          A.    That would be Account No. 300522008.

21          Q.    Do you know why service was inactive?

22          A.    Service was inactive because it was  
23   disconnected due to nonpayment on April 15, 2004.

24          Q.    So, are you saying it was inactive between  
25   April of 2004 and November of 2004?

1           A.    That is correct.

2           Q.    Okay.  And how much was owed on that  
3    account?

4           A.    The account balance on 300522007 was  
5    \$701.66.

6           Q.    And did Mr. Young pay that amount?

7           A.    The account balance of \$701.66 was paid in  
8    full, the payment posted to the account on  
9    November 15, 2004.

10          Q.    And then Laclede reconnected service for  
11   Mr. Young?

12          A.    That is correct.

13          Q.    I'm going to show you what's been marked as  
14   Exhibit 6.

15               MR. ZUCKER:  Which should be the next pages  
16   in the PDF, which are the Accounts Receivable History  
17   Information.  It's three pages with the account number  
18   at the top 300522008.  Do you have that?

19               JUDGE JONES:  Yes.

20               MR. ZUCKER:  Mr. Young, do you have it, if  
21   you are interested?  I gave that to you earlier.

22   QUESTIONS BY MR. ZUCKER:

23          Q.    Ms. O'Farrell, can you identify Exhibit 6?

24          A.    Yes.  This is an accounts receivable screen  
25   shot from our customer information system database.

1           Q.    Okay.  And is this also kept in the  
2   ordinary course of Laclede's business?

3           A.    Yes, it is.

4           Q.    And are you familiar with this accounts  
5   receivable history?

6           A.    Yes, I am.

7           Q.    And what department would make entries into  
8   this account or onto this screen?

9           A.    Onto Accounts Receivable History  
10   Information, those are bills that are rendered by CIS  
11   automatically for rebuilding its manual re-builder  
12   adjustments made by our customer accounting  
13   department.

14           It also reflects any kind of payment transactions  
15   that was posted to the account through either  
16   Laclede's cashier department or through our bank  
17   system; Drawer 2.

18           Q.    And did you say that you had experience in  
19   customer accounting?

20           A.    Yes, five years experience.

21           Q.    And are you familiar with the entries on  
22   this Exhibit?

23           A.    Yes, I am.

24           MR. ZUCKER:  I move for admission of  
25   Exhibit 6 into evidence.



1 JUDGE JONES: Mr. Young?

2 MR. YOUNG: No comment. No objection.

3 JUDGE JONES: Exhibit 6 is admitted into  
4 the record.

5 (Petitioner's Exhibit 6 was then entered  
6 into evidence.)

7 QUESTIONS BY MR. ZUCKER:

8 Q. And Exhibit 6 shows a transfer out of this  
9 account on December 19, 2005. Do you see that, Ms.  
10 O'Farrell?

11 A. Yes, I do.

12 Q. Can you tell me what that transfer is  
13 about?

14 A. Let me find my notes please, one moment. I  
15 seem to have lost my page here, but just one second.  
16 I will find it. I have it written down.

17 Q. Let me ask you a different question. Do  
18 you know when the service was turned off for this  
19 account?

20 A. To the main account for Mr. Young?

21 Q. To Account No. 300522008?

22 A. Again, I'm looking for my one specific  
23 piece of paper where I have my notes written. Just  
24 one moment.

25 November 2005 is when the service on May Avenue

1 was terminated the second time.

2 Q. What were the circumstances surrounding  
3 termination of service?

4 A. It was disconnected due to nonpayment.

5 Q. And so, in September 2005, the balance --

6 A. I'm sorry, I need correct my statement. It  
7 was not disconnected due to nonpayment, it was turned  
8 off per Mr. Young's request on September 21st, 2005.

9 Q. Okay. So, I guess, is there a final bill  
10 that followed that turn off?

11 A. Yes, the final bill was \$729.31.

12 Q. Okay. And is that what got transferred out  
13 of that account?

14 A. The \$729.31 that was final on the May  
15 account was transferred then to the active account  
16 when it was reestablished -- or out of this active  
17 account.

18 Q. It was transferred out of this active  
19 account and into what account?

20 A. I do not have that information in front of  
21 me right now.

22 Q. Okay.

23 A. I'm sorry, the \$729.31 original bill was  
24 transferred out of May and transferred onto his active  
25 account on Wieck -- I'm not sure how to pronounce it,

1 W-I-E-C-K.

2 Q. That would be Mr. Young's Exhibit B?

3 A. Exhibit B is the account receivable's  
4 screen -- right -- for Wieck Drive, that is correct.

5 Q. So, if I look on that account I can see  
6 \$729.31 coming in?

7 A. That is correct. The \$729.31 credit on the  
8 account on May is the balance transferring out of May,  
9 and then you will see the corresponding debit transfer  
10 onto the account on Wieck on the same day.

11 Q. Are there any adjustments to that transfer  
12 that Laclede made?

13 A. To the account as far as the billing on  
14 May?

15 Q. The billing on Wieck.

16 A. On Wieck? After the transfer occurred?

17 Q. Yes.

18 A. Let me look, please. Yes, there was an  
19 adjustment made on March 30, 2006 on the Wieck  
20 account.

21 Q. And what adjustment was that?

22 A. It was a billing adjustment to correct an  
23 overestimation from the time period of 9/14/05 to  
24 3/17/06.

25 Q. But that's just billing on Wieck, that

1 doesn't have anything to do with the transfer?

2 A. That's correct.

3 Q. Were there any adjustments that were made  
4 that have to do with that transfer?

5 A. To the May account, is that what you are  
6 asking?

7 Q. I'm sorry, any adjustments on the Wieck  
8 account that have to do with the \$729 transfer?

9 A. There was \$112.66 transferred back off of  
10 the Wieck account on 3/29/06.

11 Q. Okay. And where did that \$112.66 come  
12 from?

13 A. That was an amount Laclede agreed upon that  
14 was discharged by Mr. Young's bankruptcy.

15 Q. But if it transferred out, how did it get  
16 into Wieck?

17 I see what you are saying. On March 29th, '06 we  
18 transferred \$112.66 out of Wieck?

19 A. The account balance on May as of  
20 December 19, '05 was \$729.31 which did transfer over  
21 to his active account on Wieck. However, then there  
22 was a bankruptcy notification on the May account, and  
23 after that adjustment was made, \$112.66 was  
24 transferred back out.

25 Q. So, was the \$112.66 part of the \$729.31?

1           A.    Yes, it was.

2           Q.    Okay.  Were there any other transfers that  
3   affected what was left of the \$729.31 transfer?

4           A.    There was a billing adjustment from the  
5   final meter reading on the May account, and that was a  
6   difference of \$32.19.

7           Q.    Okay.

8           A.    And there was also a transfer of \$421.93  
9   out of that account back into the name of Rosemary  
10   Jackson.

11          Q.    Okay.  So, in net, can you tell me how much  
12   actually was transferred from Account 300522008 to  
13   Mr. Young's account on Wieck?

14          A.    The net transfer to the Wieck account from  
15   the May account was \$162.53.

16          Q.    Have you added up all of the billings on  
17   the 8831 May, Account 300522008?

18          A.    No, I have not.

19          Q.    All right.

20                MR. ZUCKER:  Exhibit 6 was entered, is that  
21   correct?

22                MR. THOMPSON:  That is correct.

23                JUDGE JONES:  Yes, it was admitted.

24                MR. ZUCKER:  And Exhibit B is already  
25   admitted.

1 QUESTIONS BY MR. ZUCKER:

2 Q. Ms. O'Farrell, looking at Exhibit B,  
3 Mr. Young's account on 2437 Wieck, have you added up  
4 all the billings on that account?

5 A. No, I have not.

6 Q. Okay. And do you have a position --  
7 Laclede's position -- on the total amount owed today  
8 by Mr. Young?

9 A. Yes, I do.

10 Q. And how much would that be?

11 A. It is \$1349.18.

12 Q. And can you break that down and tell us  
13 what that's comprised of?

14 A. Yes. The balance to the party of record,  
15 of Marlyn Young at 2437 Wieck, is \$526.55. The  
16 balance to the party of record, Marlyn Young at 8831  
17 May, is \$162.53. And the balance at 2629 Terrace,  
18 party of record Rosemary Jackson, is \$660.10.

19 MR. ZUCKER: That's all the questions I  
20 have.

21 JUDGE JONES: Questions from Staff?

22 MR. THOMPSON: No.

23 MR. ZUCKER: Thank you, Ms. O'Farrell, for  
24 your time.

25 QUESTIONS BY MR. THOMPSON:

1           Q.    My name is Kevin Thompson, I am the General  
2 Counsel of the Public Service Commission. I am  
3 representing the staff of the Commission in this case.  
4 How are you this afternoon?

5           A.    Fine. Thank you, sir.

6           Q.    I'm wondering if you happen to know, did  
7 Mr. Young have a bankruptcy?

8           A.    Yes, sir.

9           Q.    Do you know when that bankruptcy discharge  
10 was granted?

11          A.    I do not know the exact date, sir.

12          Q.    Do you have a ballpark idea?

13          A.    One moment while I review my records.

14               MR. ZUCKER: Are you talking about a  
15 bankruptcy for Marlyn Young or Morlyne Young?

16               MR. THOMPSON: I'm asking whether she knows  
17 if the Complainant had a bankruptcy.

18               MR. ZUCKER: That doesn't really clarify  
19 the question.

20               MR. THOMPSON: Could I get an answer from  
21 the witness, Judge? I don't know what Mr. Zucker's  
22 talking about.

23               MR. ZUCKER: I'm sorry, Kevin, there are  
24 bankruptcies in both the names of Marlyn Young and  
25 Morlyne Young.

1                   MR. THOMPSON: All I'm trying to find out  
2 is what date.

3                   MR. ZUCKER: Okay. She's looking for that.

4                   MR. THOMPSON: And if there were two  
5 bankruptcies then perhaps the dates of both would be  
6 helpful.

7                   THE WITNESS: Bankruptcy was filed in 1997  
8 in the name of Morlyne Young. I do not have the date  
9 that the bankruptcy was filed for Marlyn Young.

10 QUESTIONS BY MR. THOMPSON:

11                  Q. So, you don't know when Marlyn Young's  
12 bankruptcy was?

13                  A. May -- let me read. Hold on one moment.  
14 May 2000.

15                  Q. May of 2000?

16                  A. Yes, that's correct.

17                  Q. And is any part of the amount that you  
18 stated Marlyn Young, the Complainant, owes to  
19 Laclede -- which I think you said was \$1349.18 -- as  
20 far as you know, ma'am, is any part of that amount  
21 attributable to gas service provided prior to May of  
22 2000 to the Complainant?

23                  A. No, that adjustment has already been made.

24                  Q. Do we have an exhibit that shows that  
25 adjustment?



1           A.    I do not have one, sir.

2           Q.    I'm looking through this huge file of  
3 papers here. I'm looking at Exhibit 6, Page 3  
4 thereof; do you see that?

5           A.    Yes, sir.

6           Q.    And if you look at the very first entry,  
7 which I believe is at the bottom, what date was that  
8 entry?

9           A.    On Page 3 of Exhibit 6, the first date on  
10 the page is 11/19/04.

11          Q.    I must be on the wrong page. The page I'm  
12 looking at the first date is August 18, 2005; do you  
13 see that?

14          A.    Okay. Page 1, August 18, 2005. Yes, sir.

15          Q.    And that is Page 1. Okay.

16                JUDGE JONES: There's only one page to  
17 Exhibit 6.

18                MR. THOMPSON: Really? I have three of  
19 them.

20                MR. ZUCKER: I have three also. Exhibit 5  
21 was one page.

22                JUDGE JONES: Okay. We've got it now.

23                QUESTIONS BY MR. THOMPSON:

24          Q.    So, what is that entry?

25          A.    On August 18, 2005 that is the bill that

1 was rendered in the amount of \$36.81.

2 Q. And if you could tell me, what is the  
3 figure \$520.77 that's in the middle column there?

4 A. That is the accumulated amount owed on the  
5 budget billing plan.

6 Q. Okay. And would you agree that the balance  
7 after that bill was rendered then was \$833.40?

8 A. That is correct.

9 Q. Okay. And if you go up to the next  
10 transaction, does that show a partial payment by the  
11 customer on September 2nd?

12 A. It does, sir.

13 Q. For \$159?

14 A. Yes.

15 Q. Leaving a balance of \$674.40?

16 A. That's correct.

17 Q. Okay. And the next transaction, on  
18 September 12th, is a late payment charge; is that  
19 correct?

20 A. That is correct.

21 Q. For \$5.43?

22 A. That is correct.

23 Q. Giving us a balance of \$679.83; would you  
24 agree?

25 A. Yes, sir.

1           Q.    Thank you.  And then on September 19th  
2   there was another budget bill of \$40; is that correct?

3           A.    The actual charges were \$40, sir.  The  
4   budget bill amount was \$198.

5           Q.    Really?

6           A.    Yes, sir.

7           Q.    In the batch column?

8           A.    In the batch column, right.  That's where  
9   you see what the base amount for the budget plan is.

10          Q.    So, how much was he expected to pay, can  
11   you tell that from here?

12          A.    Five hundred sixty-five dollars and twenty  
13   cents.

14          Q.    Which was the base amount in the late  
15   charge column, the accumulated amount?

16          A.    Yes, sir.

17          Q.    Now, the balance at that point, on this  
18   fourth transaction, was \$719.83; is that correct?

19          A.    That's correct.

20          Q.    Now, the next transaction is  
21   September 27th; correct?  And that's an adjustment;  
22   would you agree?

23          A.    That is correct.

24          Q.    What exactly was adjusted there?

25          A.    One moment while I review my notes.  This

1 is actually the final bill going out, sir. That is  
2 the final bill.

3 Q. September 27th, '05?

4 A. That is correct.

5 Q. Where it says adjustment, actually a final  
6 bill of \$719.83 was rendered; that is correct?

7 A. That is correct. The accumulated account  
8 balance by the time the final bill was generated was  
9 \$719.83.

10 Q. Now, on December 19th, '05, the amount of  
11 \$729.31 was transferred to the account at the Wieck  
12 address?

13 A. That's correct.

14 Q. Which, in fact, was more than was actually  
15 owed on this account, wasn't it?

16 A. According to accounts receivable, yes, the  
17 amount owed was \$719.83.

18 Q. So, that left a credit of \$9.48?

19 A. Correct.

20 Q. And then, on March 27th, '06, the customer  
21 made a payment of \$112.66; would you agree?

22 A. No, sir, that is a Laclede bookkeeping  
23 adjustment. That's what is transferring the --

24 Q. I'm looking at the line that says "C pay,  
25 overpayment LAC27." Do you see that line?

1           A.    Yes, sir.

2           Q.    And you are telling me that was not a  
3   payment by the customer?

4           A.    That is correct.

5           Q.    That was a Laclede adjustment?

6           A.    That is correct.

7           Q.    And exactly what did Laclede do there?

8           A.    That LAC27 batch indicates that that is a  
9   reversal -- where we debit one account and credit  
10   another.  That's taking the \$112.66 and crediting this  
11   account.

12          Q.    And why did you credit this account for  
13   \$112.66?

14          A.    That was the bankruptcy amount that was  
15   transferred out that he was discharged from paying.

16          Q.    Okay.  So, this is where he got credit for  
17   his bankruptcy -- you are telling me -- what,  
18   six years after he filed it?

19          A.    That is correct, sir.

20          Q.    Where was that all this time?

21          A.    I cannot answer that, sir.  If we were not  
22   updated or given the information at the time the  
23   bankruptcy was filed, I can't answer that.

24          Q.    But that is what this was.  You are telling  
25   me he discharged \$112 in bankruptcy in 2000, and now,

1 in March of 2006, he is getting a credit for that  
2 discharge; is that what you are telling me?

3 A. That is correct, sir.

4 Q. Okay, very good. And that brings the  
5 account balance then to a credit of \$122.14; would you  
6 agree?

7 A. Yes, sir.

8 Q. And on March 29th, the amount of the  
9 bankruptcy, but not the entire credit, was then  
10 credited to the Wieck account as an adjustment, wasn't  
11 it? Take a look at Exhibit B for that date.

12 A. Okay. One moment, sir.

13 Q. March 29, 2006, on the Wieck account, it  
14 says account transfer and it shows a negative that is  
15 a credit of \$112.66; do you see that?

16 A. Yes, sir, one moment. I'm reviewing both  
17 records on both accounts.

18 Q. Take your time, ma'am.

19 A. Okay, sir, if I could step back to April 8,  
20 2005.

21 MR. ZUCKER: Are you looking at Exhibit 6  
22 still?

23 THE WITNESS: On Exhibit 6, that is  
24 correct.

25 QUESTIONS BY MR. THOMPSON:

1 Q. What page of Exhibit 6, please?

2 A. Page 2.

3 Q. Yes, ma'am, I'm there.

4 A. One hundred twelve dollars and sixty-six  
5 cents, there was a credit -- I'm sorry, a debit there,  
6 an LAC27 transaction. That was a Laclede accounting  
7 measure.

8 Q. Is that the amount that was discharged in  
9 the bankruptcy?

10 A. That was the amount that was transferred in  
11 from 1250 Ferguson due to a Social Security match when  
12 the gas service was in the name of Brett C. Young.

13 Q. Is it only a coincidence that that is the  
14 same amount that you have also said was discharged in  
15 a bankruptcy in May of 2000?

16 A. No, sir, I do not know.

17 Q. Okay. Would you agree that the amount of  
18 \$112.66 was transferred on March 29, 2006 from the  
19 8831 May account and shows up on the same date --  
20 looking now at Exhibit B -- as a credit to the Wieck  
21 account? Do you see that, \$112.66?

22 A. Yes, sir, it is on the same day.

23 Q. And is it the same amount, is that where it  
24 was transferred to?

25 A. Yes, sir. That was an accounting mistake

1     that was made back in March 27th of 2006.

2             Q.     That was a mistake?  Why do you say that  
3     was a mistake?

4             A.     Well, it was originally transferred in on  
5     the May account from 1250 Ferguson on 4/8/05.  On  
6     12/19/05 it was transferred back out and was  
7     transferred to the Wieck account, and it was part of  
8     that \$729.31.

9             Then, on 7/29/06 -- one moment, sir.  On  
10    3/27/06 -- I'm sorry -- it was transferred out again,  
11    off of Wieck, in error.  And then, in order to correct  
12    that, on the 29th, two days later, it was fixed by  
13    putting it back in.

14            Q.     Okay.  I'm looking here at the Wieck  
15    account history, which is Exhibit B, and I see the  
16    credit on 3/29/06 for \$112.66, but I'm afraid I do not  
17    see any previous transaction in that amount?

18            A.     That credit was part of the \$729.31.

19            Q.     I see.  Okay.

20            A.     Or -- I'm sorry -- it wasn't a credit, it  
21    was a debit.  I'm sorry.

22            Q.     I wonder if you could explain why the  
23    credit for the remaining \$9.48 wasn't transferred to  
24    the Wieck account?

25            A.     You are back on Exhibit 6, sir?



1 Q. Yes, ma'am. Sorry.

2 A. Okay.

3 Q. Do you see that, after that transfer on  
4 3/29/06, that left a credit again of \$9.48; do you see  
5 that?

6 A. Yes, sir. I do not know why that was not  
7 transferred.

8 Q. Very well. Let's move on to the next  
9 transaction which was on October 31, 2006. And this  
10 is ALPC gas; what does that mean?

11 A. That is whenever an adjustment is made and  
12 all the late fees that were assessed during the  
13 adjusted time period are credited back to the account.

14 Q. What would the time period have been here;  
15 do you know?

16 A. One second, sir. Let me review my records,  
17 sir. One moment. It will just take me one moment,  
18 sir, to do the calculation.

19 Q. That's fine.

20 A. May 15, 2005 to September 21, 2005.

21 Q. So, this was crediting all the late fees  
22 that had been paid during that period back to the  
23 customer?

24 A. Yes, sir, \$10.20 worth.

25 Q. Why was that done, if you know?

1           A.    Let me review my records, sir, one moment.

2   I've got too much paper in front of me, one second.

3           Q.    So do we.

4           MR. ZUCKER:  I feel responsible.

5           MR. THOMPSON:  We could get you some  
6   counseling.

7           MR. ZUCKER:  Ironically, I don't think we  
8   have enough papers.

9           THE WITNESS:  Yeah, I believe I'm missing a  
10   Statement of Bills and Payments from that particular  
11   account.  It would show me if the bills were  
12   estimated --

13   QUESTIONS BY MR. THOMPSON:

14          Q.    At any rate, we could shorten this by  
15   agreeing that the late charges were credited back we  
16   don't know why?

17          A.    The late charges were credited back during  
18   the adjustment process that was also completed on  
19   10/31/06.

20          Q.    And that's my next question.  I see the  
21   next transaction, also that date, is an adjustment for  
22   \$156.35; do you see that?

23          A.    Yes, sir.

24          Q.    Do you know what that's for?

25          A.    That was the adjusted bill that was

1 performed on 10/31/06 and it was to charge for gas  
2 service from to 5/17/05 to 9/21/05.

3 Q. I'm trying to understand this. He hasn't  
4 been living there for over a year; is that correct?

5 A. I'm sorry, sir?

6 Q. You said it's for May of '05 through  
7 September of '05, and here we are, it's Halloween of  
8 2006 that you are making this adjustment; is that  
9 correct?

10 MR. ZUCKER: It's 2007.

11 THE WITNESS: In 2006 is when the  
12 adjustment is made --

13 QUESTIONS BY MR. THOMPSON:

14 Q. Pertaining to what service period?

15 A. From 5/17/05 to 9/21/05.

16 Q. So, from 5/05 to 9/05, would you agree with  
17 me that this adjustment is being made over a year  
18 after the service period concerned? That's a simple  
19 question.

20 A. Yes, sir.

21 Q. Thank you, ma'am. Do you know why the  
22 adjustment was made?

23 A. Yes, sir. The original disconnection of  
24 gas service was cut off at the curb, and we did not  
25 have a final index. The final index was not obtained

1     until later on when it was indicated that he was  
2     overestimated.

3             Q.     So, is this a correction for estimation, in  
4     other words, where you have gotten now a real reading  
5     and you are correcting for previous estimations?

6             A.     Yes, sir.

7             Q.     And that's being done over a year after the  
8     man moved out?

9             A.     That's correct, sir.

10            Q.     Okay. And so, you took out the \$156.35 and  
11     you put in \$143.84?

12            A.     Correct.

13            Q.     Which was the reading based on the actual;  
14     is that right?

15            A.     Yes, sir.

16            Q.     Okay.

17            A.     And I do have an answer for you on what  
18     that \$9.48 credit difference was, sir.

19            Q.     Yes, ma'am?

20            A.     It's a difference between his charge for  
21     gas service for when he was originally finaled. That  
22     was for those last couple days of gas service from  
23     when he had been last billed, it was from 9/14/05 to  
24     9/21/05.

25            Q.     Now, after this adjustment is made, the net

1 result is that Mr. Young now owes another \$32.19 for  
2 service that he received over a year earlier at a  
3 premise where he is no longer living; is that correct?

4 A. No, sir, that's a credit of \$32.19.

5 Q. I apologize. I see that, thank you.

6 A. Yes, sir.

7 Q. Then, on November 3rd, there's a  
8 transaction of some sort, and he's billed -- am I  
9 correct -- \$421.93?

10 A. That's a transfer in, sir.

11 Q. From where?

12 A. One moment while I check my records. One  
13 moment, sir, I'm still checking.

14 Q. Yes, ma'am. Thank you.

15 A. Okay. The \$421.93, sir, is again part of  
16 that \$729.31 that was originally transferred May to  
17 Wieck.

18 Q. So, since that amount has been moved over  
19 to the Wieck account, why are you adjusting it on the  
20 May account here?

21 A. That's not adjusting it, sir, that's just a  
22 bookkeeping measure moving it from one account to the  
23 other. But then that was again corrected on 11/9/06.

24 Q. Well, before we get to 11/9, I'm going to  
25 take a look at the Wieck bill for 11/03/06 if that

1 shows up here. I see it does not.

2 Was there some sort of corresponding entry made to  
3 the Wieck account on that date?

4 A. One moment, sir. I'm looking for a  
5 correspondence transfer on 11/3/06.

6 MR. ZUCKER: I'll see if I have some  
7 documents that I happen to be carrying that can help.

8 QUESTIONS BY MR. THOMPSON:

9 Q. Our Exhibit B ends on November 9, 2006. Do  
10 you have an account history for this account that goes  
11 later than that date?

12 A. No, sir.

13 Q. So, there's been not a single transaction  
14 to the Wieck account after November 9th, '06?

15 A. That's correct.

16 Q. Okay, very good. So, there cannot be a  
17 corresponding transfer then to that account having to  
18 do with this \$421.93 on the May account; right?

19 If there's no further transactions to the Wieck  
20 account after November 9, 2006 then that essentially  
21 says there couldn't be one that has to do with this  
22 \$421.93; isn't that right?

23 A. Well, the \$421.93 was debited on 11/3/06 to  
24 the May account, and it was credited on the same day  
25 at 8831 May Avenue, the account that was in Rosemary

1 Jackson's name also at 8831 May.

2 Q. So, you are saying it was taken off the  
3 Wieck account?

4 A. The May account, sir.

5 Q. Okay.

6 A. On 11/3/06.

7 Q. You bill him \$421.93; right?

8 A. That was a transfer of a balance owed at  
9 8831 May when the gas was under the name of Rosemary  
10 Jackson at Suffix 6.

11 Q. And then, on the ninth, you credit him with  
12 \$421.93? I'm looking now at the May account,  
13 Exhibit 6, Page 1.

14 A. Right, on 11/9/06 the \$421.93 was credited  
15 on May and debited back to the May account in Marlyn  
16 Young's name at Suffix 8 and debited back to the  
17 Rosemary Jackson account at the same address but at  
18 Suffix 6.

19 Q. But then, also on that day, you gave  
20 another credit of \$421.93?

21 A. And again, this was an accounting measure  
22 taking the \$421.93 that had been transferred from  
23 Rosemary Jackson's account and moving it back between  
24 Marlyn Young's account at the same address.

25 Q. And finally on that day you billed him

1     \$454.12 bringing this account to zero; correct?

2             A.     One moment, sir.   The \$454.12, let me  
3     research that one, sir.

4             One moment, sir, I'm still looking.

5             Okay.   Then the final transaction at 8831 May,  
6     under Marlyn Young's account, Suffix 8, that \$454.12  
7     on 11/9/06, that then transferred -- that was an  
8     accounting measure transferring the amount owed  
9     between Wieck and May.

10            Q.     Well, you know, I'm looking at Exhibit B,  
11     and that suggests there was a payment on 11/9/06 of  
12     \$454.12; is that correct?

13            A.     Exhibit B, sir?   One moment.

14            Q.     That's the Wieck account.

15            A.     That's a transfer, sir, not a payment.

16            Q.     Really?   Because when I look at the  
17     transaction description column it says payment dash  
18     gas service.   Do you see that?

19            A.     Yes, sir, I do see that.

20            Q.     But you are telling me that we cannot in  
21     fact believe what it says there, that it's not a  
22     payment at all, it's a transfer?

23            A.     That's correct.   It's not a payment at all,  
24     it's a transfer between Wieck and May.

25            Q.     Then why does it say payment dash gas



1 service?

2 A. That's just the way IS, or information  
3 systems, have those transactions coded, sir.

4 Q. Well, if Mr. Young were actually to make a  
5 payment, do we see any payments on here? What do they  
6 look like?

7 A. On which account, sir, Wieck or May?

8 Q. How about on Wieck.

9 A. On Wieck?

10 Q. Yeah, show me a payment made by the  
11 customer.

12 A. You are looking at Exhibit B?

13 Q. Yes, ma'am.

14 A. One moment. On 10/20/05, sir.

15 Q. Yes, ma'am?

16 A. There's a payment of \$130.64.

17 Q. What does it say in the column labeled  
18 transaction?

19 A. Payment gas service, sir.

20 Q. So, that's the exact same thing it says for  
21 this payment on November 9, 2006; isn't it?

22 A. I understand. Yes, sir, it does. The  
23 Statement of Bills and Payments that you are looking  
24 at in Exhibit B does not have the batch codes. And  
25 the batch codes that are in our Accounts Receivable

1 History Information screen, the screen print, it does  
2 indicate that that is a transfer, not an actual  
3 payment, by the batch code.

4 Q. Are you referring to the batch code LC950?

5 A. Yes, sir.

6 Q. What does that batch code mean?

7 A. That's an accounting measure batch code,  
8 sir.

9 Q. What does the batch code LAC27 mean?

10 A. That's also an accounting transfer between  
11 accounts, accounting measure.

12 Q. Now, do you happen to know if Rosemary  
13 Jackson had any children?

14 A. I do not, sir.

15 Q. I'm just trying to understand, under your  
16 Benefit of Service Rule, if her children would also be  
17 liable for the bill she did not pay?

18 A. I cannot answer that, sir. I do not know  
19 if she had children or not.

20 Q. If she had children, would the children  
21 also be liable for the bill she did not pay under your  
22 Benefit of Service Rule, yes or no?

23 A. Minor children, no, sir.

24 Q. Is that what the tariff says?

25 A. I don't have the exact language of the

1     tariff in front of me, sir.

2             Q.     Do you believe that's what the tariff says?

3             A.     Yes, sir.

4             Q.     Okay.

5                   MR. ZUCKER:  Let me object there.  I'm not  
6     sure --

7                   MR. THOMPSON:  It's already been answered,  
8     Mr. Zucker.

9                   MR. ZUCKER:  I'm not sure she understood  
10    the question she answered.  She may have answered in  
11    the positive when she meant a negative.  I just want  
12    to clarify it for the record.

13                  MR. THOMPSON:  Certainly.

14                  JUDGE JONES:  So, you are clarifying for  
15    the record, not objecting?

16                  MR. ZUCKER:  Well, I mean, I'd like the  
17    question asked again so it's clear that the answer she  
18    gives is what she means.

19                  JUDGE JONES:  The question is; if Ms.  
20    Jackson had children would they be billed under the  
21    Benefit of Service Rule.  It was clear on this end.

22                  MR. ZUCKER:  She said no, and then he asked  
23    is that what the tariff says.

24                  JUDGE JONES:  And she said she doesn't know  
25    what the exact language of the tariff is.  And Mr.

1 Thompson asked: Is that what you believe. She said:  
2 Not minor children.

3 MR. ZUCKER: Right. Okay. That's clear to  
4 me then. Thank you, Your Honor.

5 QUESTIONS BY MR. THOMPSON:

6 Q. Let me ask you, ma'am, about the part of  
7 this amount that you say Mr. Young owes you that has  
8 to do with the bill in the name of Rosemary Jackson.  
9 Is that because he was living there or because he was  
10 her husband?

11 A. Because he was living there and had shared  
12 benefit of the gas service.

13 Q. Okay. What if he lived there  
14 intermittently?

15 A. I don't know, sir.

16 Q. We have heard testimony from Mr. Young that  
17 he lived in various places at various time, sometimes  
18 with a brother, sometimes with other folks. What if  
19 he was not living with Rosemary Jackson for that  
20 entire period?

21 MR. ZUCKER: I'll object to that question,  
22 she wasn't allowed to answer earlier on legal issues  
23 so I guess she shouldn't answer on this one.

24 MR. THOMPSON: Is that a legal issue?

25 MR. ZUCKER: Yeah, I think it is.

1 JUDGE JONES: You mean whether or not  
2 Mr. Young should be responsible if he were living  
3 there intermittently?

4 MR. ZUCKER: The tariff talks about the  
5 substantial benefit and use, and so the question you  
6 are asking her is what is the legal meaning of  
7 substantial benefit and use.

8 MR. THOMPSON: I don't think my question  
9 included the word substantial or the word benefit or  
10 the word use.

11 MR. ZUCKER: I think all that was implied  
12 in your question since you are asking her to make a  
13 legal conclusion.

14 JUDGE JONES: I'm going to sustain the  
15 objection.

16 QUESTIONS BY MR. THOMPSON:

17 Q. Well, ma'am, do you have or do you know --  
18 do you have any responsibility for preparing bills?

19 A. No, sir.

20 Q. Have you ever had that responsibility?

21 A. Yes, sir.

22 Q. And based on your experience preparing  
23 bills for Laclede Gas, what if a person resided with  
24 another person for one day, would that person then be  
25 liable for the gas service rendered that day?

1           A.    That judgment would not --

2           MR. ZUCKER:  Same objection, Your Honor.

3           MR. THOMPSON:  Judge, I'm not asking for a  
4   legal conclusion.  At some point somebody prepares  
5   bills and sends them out to people.  I don't think  
6   it's the lawyers that are doing that.  Although, I'll  
7   be happy to question Mr. Zucker under oath if you'd  
8   like me to.

9           JUDGE JONES:  I'd rather you do that.

10          MR. THOMPSON:  Okay.  Then I'd like to call  
11   Mr. Zucker.

12          JUDGE JONES:  Mr. Zucker, raise your right  
13   hand, please.  Do you solemnly swear --

14          MR. ZUCKER:  My right hand is not raised  
15   yet.  I don't think that it's appropriate for me to  
16   testify on a legal issue.  If he thinks there's a  
17   legal issue --

18          MR. THOMPSON:  I'm not going to ask you a  
19   legal question, I just want to know if your job  
20   includes preparing bills, yes or no?

21          MR. ZUCKER:  I can tell you that answer  
22   without being sworn if you'll accept that.

23          MR. THOMPSON:  I will accept that.

24          MR. ZUCKER:  My job does not include  
25   preparing bills.

1                   MR. THOMPSON: Thank you.

2                   The people who prepare bills, Your Honor, are not  
3 lawyers. At some point they translate the tariff into  
4 bills for people. This lady says she has experience  
5 in that, she used to do it. I want to know how they  
6 do this billing. I think I have a right to ask that  
7 question.

8                   JUDGE JONES: You do have a right to ask  
9 the question on how they prepare billing, but the bill  
10 in this case would go out to Rosemary Jackson.

11                  MR. THOMPSON: Well, at some point it got  
12 Marlyn Young's name attached to it, and he's the guy  
13 that is going to get sued.

14                  MR. ZUCKER: Are we talking about the  
15 Terrace Lane bill or the May Avenue bill?

16                  MR. THOMPSON: I'm talking about whatever  
17 part of the bill that you say he owes you that is  
18 attributable to an unpaid bill in the name of Rosemary  
19 Jackson.

20                  MR. ZUCKER: So, the evidence has indicated  
21 that that is the Terrace Lane bill.

22                  MR. THOMPSON: I'm looking at your Footnote  
23 1 on the list of issues and witnesses. It says the  
24 original transfer is actually \$729.31, but Laclede  
25 subsequently applied a credit, based on the final

1 meter reading, and reversed two other transfers that  
2 were included in that amount back to Account 300522006  
3 at 8831 May under the name Rosemary Jackson and  
4 \$112.66 on the account of 1250 Ferguson under the name  
5 Brett Young due to a bankruptcy discharge.

6 On Page 2 you tell us that he owes \$1,349.18, part  
7 of which is from May, Account 8. Is any part of this  
8 attributable to Rosemary Jackson under the Benefit of  
9 Service Rule?

10 MR. ZUCKER: It's the \$660.10 from the  
11 Terrace account.

12 MR. THOMPSON: There you go, that's the  
13 part I'm asking you about.

14 JUDGE JONES: Go ahead and answer the  
15 question.

16 MR. ZUCKER: And is the question then, what  
17 if he didn't live there everyday?

18 MR. THOMPSON: Yeah, what if he didn't live  
19 there everyday?

20 MR. ZUCKER: So, I guess then, at some  
21 point between everyday and one day, there is a -- you  
22 cross the line on substantial, and that's for the  
23 Commission to decide.

24 MR. THOMPSON: I agree with you  
25 100 percent.



1           How does Marlyn Young's name get attached to that  
2 amount, what process does Laclede go through to do  
3 that?

4           MR. ZUCKER: Shall we let the witness  
5 testify?

6           JUDGE JONES: Not unless you want to be  
7 sworn in, Mr. Zucker.

8           MR. ZUCKER: Then we will let the witness  
9 testify.

10          THE WITNESS: One moment, sir.

11          Traces of Mr. Young's Social Security number  
12 placed him at both -- at that residence -- during the  
13 time period that the billings were incurred.

14          QUESTIONS BY MR. THOMPSON:

15          Q. What is a trace of a Social Security  
16 number?

17          A. The credit and collection department has  
18 access to Accurint and Experian --

19          Q. Are you still there?

20          A. Yes, sir. They have access to those  
21 databases in order to search those databases to see if  
22 other persons lived at the premise while the gas was  
23 in one other party's name.

24          Q. And how were those databases created?

25          A. I do not know the answer to that, sir.

1           Q.    Are they owned and maintained by Laclede or  
2   are they owned by someone else?

3           A.    They are not owned and maintained by  
4   Laclede.

5           Q.    Are they a database that Laclede subscribes  
6   to?

7           A.    Yes, it's a service.

8           Q.    What is the name of the service?

9           A.    There are different reporting services.  
10   There's Experian and Accurint.

11               MR. ZUCKER:  Why don't you spell it for  
12   him.

13               THE WITNESS:  I don't know --  
14   E-X-P-E-R-I-A-N.  A-C-C-U-R-I-N-T.

15   QUESTIONS BY MR. THOMPSON:

16           Q.    And what kind of analysis or investigation  
17   does Laclede perform to determine the accuracy of the  
18   information it receives from that database?

19           A.    There's a host of different places that the  
20   credit department looks for information when trying to  
21   tie one person to another person's bill, sir.

22           Q.    What did you look at in this case?

23           A.    One moment while I review my records, sir.

24               MR. ZUCKER:  By "you," do you mean you, Ms.  
25   O'Ferrell, or the collection department at Laclede?

1                   MR. THOMPSON: I mean the collection  
2 department at Laclede.

3                   THE WITNESS: Sir, Marlyn Young listed his  
4 physical address as 2629 Terrace Lane on an annual  
5 registration report, filed with the Secretary of State  
6 relating to his business, that was filed in '02.

7                   And again he used the physical address of 2629  
8 Terrace on an annual registration report, filed with  
9 the Secretary of State relating to his business, filed  
10 in '04.

11                  A deed of trust that Mr. Young submitted when he  
12 originally filed his inquiry to the Public Service  
13 Commission in 10/06 that also lists 2629 Terrace as  
14 his address. The date of that document was ten of  
15 '03.

16                  And Marlyn Young listed his address as 2629  
17 Terrace Lane when he brought suit against the Public  
18 Storage, Incorporated on March of 2002 per St. Louis  
19 Circuit Court information available on the internet.

20                  Those were other means of connecting him to that  
21 bill.

22                  MR. THOMPSON: Okay, very good. No further  
23 questions for this witness.

24                  JUDGE JONES: Mr. Young?

25                  MR. YOUNG: Yes.

1 JUDGE JONES: Do you have questions for Ms.  
2 O'Farrell?

3 MR. YOUNG: Yes, I do.

4 I have a question here, from a letter from the  
5 Public Service Commission dated April 19, 2006, and  
6 it's a tie-in to Mr. Thompson's questions regarding  
7 how does the gas company verify, or at least try to  
8 document, some of the information that they use to  
9 substantiate when someone lives somewhere.

10 And a letter, in Paragraph 2, states: A Social  
11 Security trace places you at both properties when  
12 these debts were incurred, the unpaid debt of \$421.93  
13 was transferred to your account on 8831 May on  
14 9/21/05, and the gas service was terminated at that  
15 point per your request.

16 So, the linkage is, if they see my Social Security  
17 number, they don't indicate whether they looked at  
18 hers or not, other than looking at mine, and the  
19 credit report indicated that I utilized this address.

20 But I do housing, you may see my address on ten or  
21 fifteen properties. Don't necessarily mean that I  
22 live there.

23 JUDGE JONES: Mr. Young, are you asking a  
24 question?

25 MR. YOUNG: Yes, I'm asking a question.

1 QUESTIONS BY MR. YOUNG:

2 Q. The question is; did Laclede Gas provide  
3 this information to the Missouri Public Service  
4 Commission on how they traced my Social Security  
5 number to link me to the property at 8831 May, 9414  
6 Eastchester and 2629 Terrace Lane?

7 A. The Public Service Commission complaint was  
8 received March 8th of '06, and I did prepare that  
9 specific report for the PSC's specific review.

10 Is that submitted?

11 MR. ZUCKER: Has it been admitted into  
12 evidence? No.

13 THE WITNESS: And it goes through the bills  
14 that were rendered, as far as during the time period  
15 in which the gas service was in Marlyn Young's name,  
16 and when gas service was in Rosemary Jackson's name at  
17 Eastchester and May, and then back into Marlyn Young's  
18 name at the May address.

19 And all of those were -- the Marlyn Young account  
20 at May was put in his name by himself. That was when  
21 he had gas established in his own name.

22 And I'm sorry, I don't exactly understand the  
23 question.

24 QUESTIONS BY MR. YOUNG:

25 Q. The question was; you made a statement to

1 the Public Service Commission indicating you did a  
2 Social Security check on all premises; 2629 Terrace  
3 Lane, 9414 Eastchester and 8831 May, and the trace  
4 indicated that I resided at all three premises?

5 MR. ZUCKER: Where does it say 2629  
6 Terrace?

7 MR. YOUNG: Okay, 9414 Eastchester and 8831  
8 May.

9 MR. ZUCKER: Okay. I see that.

10 THE WITNESS: I'm reading my report to the  
11 MPSC, sir, from my notes, one moment.

12 My report to the Public Service Commission, under  
13 Section 3, bullet point 2, indicates that it was  
14 determined that Marlyn Young had shared benefit of the  
15 gas service at 9414 Eastchester from 9/98 to 2/03 and  
16 at 8831 May from 2/03 until 5/03 while the gas service  
17 was in the name of Rosemary Jackson.

18 That Social Security traces did place him at those  
19 premises, during the times that I read, at Eastchester  
20 on 9/98 to 2/03 and on May from 2/03 until 5/03.

21 So, to clarify, we are saying that the Social  
22 Security traces performed verified that you lived at  
23 Eastchester from 9/98 to 2/03 and then on May from  
24 2/03 to 5/03 while the gas was in Rosemary's name.

25 QUESTIONS BY MR. YOUNG:

1           Q.    Let the record show that the credit  
2   reporting agencies don't establish anything about your  
3   residency.  The only thing they establish is how many  
4   addresses that you lived at.

5           MR. ZUCKER:  Objection.  This is not a time  
6   for Mr. Young to testify into the record about what  
7   the record should show.  He asks questions of the  
8   witness.

9           JUDGE JONES:  Objection sustained.  
10  Mr. Young?

11          MR. YOUNG:  Yes.

12          JUDGE JONES:  After the transcript comes in  
13  and you get a copy of it, you will have a final  
14  opportunity to present your argument.

15          MR. YOUNG:  Okay then.

16          JUDGE JONES:  And in that presentation I'd  
17  like you to raise that point.

18          MR. YOUNG:  Can I raise another point?

19          JUDGE JONES:  You can raise it in that  
20  filing, in what we would call a brief, that you file  
21  after the hearing.

22          MR. YOUNG:  In other words, I can't cross  
23  the witness on anything?

24          JUDGE JONES:  You can ask the witness  
25  questions, but I don't want you to make any legal

1 argument right now.

2 MR. YOUNG: Then I'll ask her a question.

3 JUDGE JONES: Okay.

4 QUESTIONS BY MR. YOUNG:

5 Q. In December, the same letter, 2003, Laclede  
6 notified the Post Office that Ms. Jackson's forwarding  
7 address was 8831 May?

8 MR. ZUCKER: Where are you reading from?

9 MR. YOUNG: Page 2 of the same letter.

10 QUESTIONS BY MR. YOUNG:

11 Q. Did you provide this information to the  
12 Missouri Public Service Commission?

13 A. One moment while I review my records.

14 Yes, the review of the account reveals that in  
15 December 2003 the United States Post Office notified  
16 Laclede Gas Company that Ms. Jackson's forwarding  
17 address was 8311{sic} May.

18 Q. Did the U.S. Postal Service, during it's  
19 inquiry, indicate that I got any mail of any kind at  
20 8831 May?

21 A. I'm sorry, I don't understand the question,  
22 sir.

23 Q. When you made your inquiry to the United  
24 States Postal Service, you made an inquiry regarding  
25 Rosemary Jackson's forwarding address --



1                   MR. ZUCKER:  Objection -- I'm sorry, go  
2   ahead.

3                   THE WITNESS:  No, sir.  The United States  
4   Post Office sends Laclede a forwarding address  
5   certificate when we would have made some sort of  
6   correspondence to her that came back with notification  
7   from the Post Office that she had moved, and they  
8   provided Laclede with the forwarding address for Ms.  
9   Jackson.  We did not inquire to them, they sent us  
10   notification that her address was 8831 May at that  
11   time.

12   QUESTIONS BY MR. YOUNG:

13                  Q.   Why would the U.S. Postal Service send you  
14   an inquiry that wasn't asked for?

15                  A.   They don't send us inquiries, they just  
16   send us notifications.  Whenever we send out a piece  
17   of mail, like a bill or a piece of correspondence, as  
18   long as there's a forwarding address order still in  
19   effect the Post Office will return that back to us  
20   advising us what her current address is so we can  
21   forward that piece of documentation on to her at the  
22   correct address.

23                  Q.   Okay.  Did the United States Postal Service  
24   provide you with a forwarding address for me, Marlyn  
25   Young, living at 8831 May?

1           A.    I don't have -- I cannot answer that, sir.  
2    I don't have that information prepared.  I'm just  
3    stating that we had it provided for Ms. Jackson, in  
4    December '03 it was received.

5           Q.    This is a Staff investigation report  
6    prepared by the Missouri Public Service Commission  
7    dated on or about January 17, 2007.

8           A.    Okay.

9           Q.    You had indicated in testimony that Ms.  
10   Jackson or Marlyn Young did not have an account at  
11   8831 May between April 15, 2004 and November 20th,  
12   2004.  Did you not indicate that for the record?

13          A.    Service was disconnected April 15th, 2004  
14   and service was restored in November '04, so there  
15   would not have been any service in between in anyone's  
16   name.

17          Q.    On or about January 2004, up until  
18   April 2004, was there any gas service at this  
19   location?

20          A.    What were those dates?

21          Q.    January 2004 to April 2004?

22          A.    At what address?

23          Q.    May.

24          A.    One moment.  Yes, sir, there was someone  
25   with gas service in their name between January '04 and

1 April '04.

2 Q. What was the person's name?

3 A. Marlyn Young.

4 Q. Okay. One second, let me bear with my  
5 notes.

6 What was the billing between January 1st, 2004 to  
7 April 15, 2004?

8 A. At what address, sir?

9 Q. At 8831 May.

10 A. Do you want to know the dollar amounts  
11 billed?

12 Q. The dollar amounts.

13 A. On January 21, 2004 a bill was rendered for  
14 service that would have been sometime between  
15 mid-December '03 up to mid-January '04, so it covers  
16 part of that time span that you are speaking of.

17 That bill was \$182.86. Late fee incurred on  
18 2/13/04 in the amount of \$7.43. On 2/20/04 a bill was  
19 generated in the amount of \$272.29, that would have  
20 been from mid-January to mid-February. On 3/16 a late  
21 fee was assessed in the amount of \$11.63. On 3/22/04  
22 a bill rendered in the amount of \$141.04 that was for  
23 service in mid-February to mid-March '04. On 4/14/04  
24 a late fee was assessed on that bill for \$13.92. And  
25 then the final bill amount -- there appears to be an

1 adjustment on our final bill. One moment while I  
2 review that.

3 MR. ZUCKER: Have we gotten to April  
4 already?

5 THE WITNESS: I'm up to service rendered  
6 through March 22, 2004, so there would have been a  
7 couple extra. But there's not a specific bill up to  
8 4/15/04, it would have been the final bill date, I  
9 believe. Let me check, one moment.

10 Yeah, the final bill date was 4/15/04.

11 QUESTIONS BY MR. YOUNG:

12 Q. And the bill on the account was in the name  
13 of?

14 A. Marlyn Young.

15 Q. You had also indicated in testimony that on  
16 September 21st, 2004, for the address of 8831 May, St.  
17 Louis, Missouri 63136, there was a balance of \$729.39.

18 If there is no gas between April and November of  
19 2004, how could you have a \$729 bill?

20 You said, in testimony, between April 15, 2004 and  
21 November 2004, there was no service at this address?

22 A. That's correct, sir.

23 Q. Okay. But on the same September 21st, 2004  
24 there was a bill for \$729.36 for 8831 May?

25 A. September 27, 2005, sir, not 2004.

1 Q. Who was the account's name under?

2 A. Marlyn Young, sir.

3 Q. In April of 2005 -- 2004, I believe, for  
4 8831 May, the bill was in my name, and the bill was  
5 transferred from Rosemary's name into mine; could you  
6 tell me why?

7 MR. ZUCKER: That assumes facts not in  
8 evidence, that the bill was transferred from her name  
9 to yours. Do you want to ask a question --

10 MR. YOUNG: I asked her.

11 MR. ZUCKER: No, you stated it.

12 JUDGE JONES: It's getting too late for  
13 this bickering.

14 Ask the question, Mr. Young, was the bill  
15 transferred into your name, and then ask your question  
16 that you just asked.

17 Do you understand Mr. Young?

18 MR. YOUNG: No, I don't.

19 JUDGE JONES: You asked the witness why  
20 something happened, right? You asked her why  
21 something happened. Do you remember what you asked  
22 her? Just now, do you remember what you asked her?

23 MR. YOUNG: I asked her why she is an  
24 employee of Laclede Gas, and why was the bill  
25 transferred in April of 2004 from my name -- from

1 Rosemary Jackson's name to my name.

2 JUDGE JONES: Now, the objection is that  
3 that is not established that that actually happened,  
4 do you understand?

5 We don't know that it's true that that happened,  
6 so ask the witness if it was transferred into your  
7 name and then ask why. That's what I am saying.

8 QUESTIONS BY MR. YOUNG:

9 Q. In April of 2004, why was the bill  
10 transferred from Rosemary Jackson's name to my name?

11 MR. ZUCKER: Same objection. We'll see if  
12 she can --

13 JUDGE JONES: Here, let's do this.

14 QUESTIONS BY JUDGE JONES:

15 Q. Ms. O'Farrell, do you know whether, in  
16 April, Ms. Jackson's bill was transferred into  
17 Mr. Young's name?

18 A. It was not transferred in April 2004.

19 Q. Was it ever transferred?

20 A. Yes, sir.

21 Q. Why?

22 A. One moment.

23 JUDGE JONES: Mr. Young, do you understand  
24 what I meant now? It's just the form, the way you  
25 asked the question.

1 MR. YOUNG: I understand, sir.

2 THE WITNESS: In April of '05, that's when  
3 we determined Marlyn Young had shared benefit of  
4 service with Rosemary Jackson at those addresses on  
5 Eastchester and May that I previously testified to,  
6 therefore Ms. Jackson's unpaid bill of \$421.93 was  
7 transferred to Mr. Young's active account on May.

8 JUDGE JONES: Okay, Mr. Young, there you  
9 have your answer.

10 MR. YOUNG: I have a question for legal  
11 counsel for Laclede Gas.

12 JUDGE JONES: Actually, you can't ask him  
13 questions.

14 MR. YOUNG: I can't ask him? Okay.

15 JUDGE JONES: He doesn't want to be sworn  
16 in.

17 MR. YOUNG: I understand. Is this for the  
18 record?

19 JUDGE JONES: Everything we are talking  
20 about is.

21 MR. YOUNG: That's fine, I don't need to  
22 know anymore. Thank you.

23 JUDGE JONES: I have a question.

24 QUESTIONS BY JUDGE JONES:

25 Q. Ms. O'Farrell?

1 A. Yes, sir.

2 Q. Where is Ms. Jackson?

3 A. Where is she?

4 Q. Yes.

5 A. I do not know, sir.

6 Q. Have you all tried to find out where she  
7 is?

8 A. Yeah, I mean, I can't answer that, sir. I  
9 have not personally tried to find her.

10 Q. Do you know anything about Laclede's  
11 billing procedures?

12 A. Yes.

13 Q. Would you all, under normal billing  
14 practices, try to find Ms. Jackson?

15 A. At the time the final bill was transferred  
16 in April '05 from Ms. Jackson's name, if she didn't  
17 have an active account, then it would have been  
18 transferred to the person who had shared benefit of  
19 service and an active account.

20 Q. Did Laclede, in establishing her account,  
21 have her Social Security number?

22 A. Let me check one second, sir.

23 Q. Under normal billing practices, when you  
24 open an account for someone, do you have their Social  
25 Security number?



1           A.    Yes, under normal circumstances we do.

2           Q.    Is there any reason that you would think  
3 this situation is abnormal?

4           A.    No, sir.

5           Q.    Now, do you know if Laclede did a Social  
6 Security -- whatever trace you did for Mr. Young -- on  
7 Ms. Jackson?

8           A.    Well, you mean independent from Mr. Young?

9           Q.    Did you in any way try to find Ms. Jackson?

10          A.    Let me check my notes.

11          At the time the bill was transferred, sir, in  
12 April of '05, I do not have any record of Ms.  
13 Jackson's whereabouts.

14          Q.    Do you have any record of an attempt to  
15 find her whereabouts?

16          A.    No, sir.

17          Q.    Does that mean that you didn't, or does it  
18 mean you just don't have a record of it?

19          A.    I just do not have a record of it, sir.

20          Q.    One last question. When you did the search  
21 to find Mr. Young's residence during the time you all  
22 claim he received benefit at the Terrace address --

23          A.    Yes, sir.

24          Q.    -- did you find that he resided at multiple  
25 addresses rather than just the one?

1           A.    My records do not indicate that it was  
2 multiple addresses at the exact same time period just  
3 that the time period in question, yes, we had evidence  
4 that he had lived at those residences. But I do not  
5 have any further information to answer whether it was  
6 multiple addresses at the same time.

7           Q.    You said at the time period in question he  
8 lived at those "residences?"

9           A.    Yes, sir. That's 9414 Eastchester from  
10 September '98 to February '03 and 8831 May from  
11 February '03 to May '05 while the bills were in  
12 Rosemary's name.

13          Q.    So, you only have record that he was living  
14 at one address at one time, not at multiple addresses  
15 during any exact -- during any same time period?

16          A.    I only have what I read to you, sir. I  
17 don't have any further information as to whether it  
18 was multiple addresses at the same time period.

19          Q.    Okay. What time period does Laclede claim  
20 he received benefit at the Terrace address?

21          A.    One moment, sir.

22                The balance of \$660.10 that we are holding him  
23 accountable for, that amount was almost entirely run  
24 up between January 2000 and September 2003.

25          Q.    January and September of 2003. You said

1 "almost entirely?"

2 A. Right, almost that full amount was when it  
3 was accumulated.

4 Q. When was the whole amount accumulated?

5 A. One moment, sir.

6 Through September 19, 2003 the balance was  
7 \$537.85. The next gas bill went out, there was a late  
8 payment incurred and a gas bill went out for service  
9 up through mid-October that brought the balance up to  
10 \$597.20.

11 Q. Well, you said the total was six  
12 hundred-some-odd dollars?

13 A. Right. The total balance that we have him  
14 being held responsible for was \$660.10.

15 Q. Well, you haven't accounted for all of  
16 that, have you?

17 A. That's the unpaid balance that still  
18 remains on the account, sir, is \$660.10.

19 Q. And that amount is what was billed to the  
20 Terrace address under Ms. Jackson's name?

21 A. The \$660.10 is the remainder of what was  
22 billed of the account balance to Rosemary Jackson.

23 MR. ZUCKER: By remainder, do you mean the  
24 unpaid balance?

25 THE WITNESS: Yes, this is the current

1     unpaid balance at that time in April '05.

2     QUESTIONS BY JUDGE JONES:

3             Q.     And you testified earlier that you found  
4     out Mr. Young lived at that Terrace address by  
5     checking credit bureaus and other documents in public  
6     information?

7             A.     Yes.

8             Q.     In your search for that information, did  
9     you discover that during that time period there were  
10    other addresses listed to Mr. Young?

11            A.     I do not have that information, sir.  
12    That's not part of -- my records just indicate that it  
13    was during that time period at that address. I do not  
14    know if it was other addresses at the same time  
15    period.

16                   JUDGE JONES: I don't have any other  
17    questions.

18            Mr. Zucker?

19                   MR. ZUCKER: Yes, sir.

20                   JUDGE JONES: Do you want to redirect?

21                   MR. ZUCKER: I do, Your Honor.

22                   JUDGE JONES: Go right ahead.

23    QUESTIONS BY MR. ZUCKER:

24             Q.     Let me straighten out some questions and  
25    some answers that you gave to Mr. Thompson.

1           We talked about an amount of \$112.66 from an  
2   address on Ferguson. What was that address on  
3   Ferguson, do you know?

4           A.    It was 1250 Ferguson Avenue.

5           Q.    And who was our customer at that address?

6           A.    Brett C. Young.

7           Q.    And can you spell that first name for me?

8           A.    B-R-E-T-T.

9           Q.    And what Social Security number was  
10   Mr. Brett C. Young using?

11          A.    493-44-0452.

12          Q.    And do you know whose Social Security  
13   number that is?

14          A.    That is the same Social Security number  
15   that was for Mr. Marlyn Young.

16          Q.    Okay. So, are you saying that that \$112.66  
17   sat on that account at Ferguson until 2005 when  
18   Laclede transferred it to 8831 May?

19          A.    That's correct. It sat on the account  
20   until April 8th, 2005 when it was transferred.

21          Q.    How did Laclede identify it after  
22   six years?

23          A.    It was a Social Security match.

24          Q.    I don't know if I asked you, when was this  
25   bill run up?

1 A. It finalized in -- the \$112?

2 Q. Yes.

3 A. Between 11/92 and it looks like January of  
4 '99.

5 Q. So, at what point did it become \$112.66  
6 final?

7 A. After a customer payment was made in May of  
8 '99 the remaining balance was \$112.66.

9 Q. And then Laclede transferred in it 2005.  
10 And how did you say that occurred?

11 A. The transfer occurred on 4/8/05 due to a  
12 Social Security match.

13 Q. And what does that mean?

14 A. The Social Security number on the account  
15 at 1250 Ferguson for Brett C. Young was an identical  
16 match to the Social Security number that was provided  
17 for the account at 8831 May for Marlyn Young.

18 Q. Okay. And so, Laclede, based on that,  
19 decided that Brett C. Young was the same person as  
20 Marlyn Young?

21 A. Yes, sir.

22 Q. And that amount was later protested based  
23 on bankruptcy; is that correct?

24 A. That's correct.

25 Q. And did Laclede then remove it --

1 A. Yes.

2 Q. -- based on that protest?

3 A. Yes. It was transferred off the May  
4 account and transferred back to the Ferguson account  
5 under Brett C. Young.

6 Q. You testified that you don't know what  
7 efforts Laclede made to find Ms. Jackson, who is  
8 liable on some of these accounts as the account party;  
9 is that correct?

10 A. That's correct.

11 Q. And who would do that work at Laclede?

12 A. The credit and collection department is  
13 normally responsible for finding persons when an  
14 unpaid debt is owed.

15 Q. And you don't know what they did in this  
16 particular case?

17 A. No, I do not.

18 Q. Have you performed a search for Ms. Jackson  
19 based on her Social Security number?

20 A. I did recently, yes.

21 Q. Is that document in front of you?

22 A. Somewhere in this pile, yes.

23 Q. And where does it shows as her most recent  
24 address?

25 A. Most recent is a P.O. Box.

1 Q. P.O. Box what?

2 A. Box 2487 in Florissant, Missouri.

3 Q. P.O. Box 2487, that's not a lot of help in  
4 terms of finding her house though, is it?

5 A. No, sir.

6 JUDGE JONES: Can you guys have somebody go  
7 to the post office and stand by the box and wait and  
8 see who picks it up and serve her with a bill?

9 It would be cheaper than doing what you are doing  
10 now, wouldn't it?

11 QUESTIONS BY MR. ZUCKER:

12 Q. Mr. Young's filing, the subject matter of  
13 complaint settlement hearing, do you see that?

14 A. Yes, sir.

15 Q. Is that Mr. Young's filing in July 2007?

16 A. It's Marlyn Young; Complainant. So, yes,  
17 sir.

18 Q. Who signed that document?

19 A. It is signed by Marlyn Young.

20 Q. Can you tell me his address?

21 A. P.O. Box 2487, Florissant, Missouri.

22 Q. Was that the same address as shown as the  
23 last known address from Ms. Rosemary Jackson?

24 A. Yes, it is.

25 Q. Would you think that Mr. Young could



1 possibly help us find Rosemary Jackson?

2 A. I would presume so, yes.

3 MR. YOUNG: Objection, leading the witness.

4 Let's get this over with.

5 QUESTIONS BY MR. ZUCKER:

6 Q. And do you think it would be useful for us  
7 to ask Mr. Young to help us locate her so we can  
8 collect the money that she owes?

9 A. Yes, sir.

10 Q. The issue in this case is where did  
11 Mr. Young live when. Who do you think would be the  
12 best judge of that?

13 A. I'm confused by the question, but I would  
14 assume the parties who lived together would know best  
15 when they lived where.

16 Q. Who would know where Mr. Young lived?

17 A. Mr. Young would.

18 Q. Did you have any conversations with him --  
19 let me ask it this way; when Laclede decides who may  
20 have had benefit of service, do they use any evidence?  
21 Do they gather any evidence first before they assess a  
22 bill to someone who is not the named party?

23 A. Yes.

24 Q. Okay. And did that evidence leave Laclede  
25 to believe that that person lived at that address?

1           A.     Specifically Mr. Young, at this address?

2           Q.     Well, just in general.

3           A.     In general?

4                   MR. YOUNG:  Objection, leading the witness.

5     What does she know?

6                   MR. ZUCKER:  I'll withdraw that question.

7                   JUDGE JONES:  Objection sustained.

8     QUESTIONS BY MR. ZUCKER:

9           Q.     When Laclede makes an assessment, is that  
10    set in stone, or do they allow the customer to have  
11    any word on that?

12          A.     Yeah, I mean, when a judgment is made or a  
13    determination is made, the customer always has the  
14    ability or the chance to provide documentation to  
15    dispute that they either didn't live at that address  
16    or their, perhaps, identity had been stolen.

17          Q.     And so, did you talk to Mr. Young in this  
18    case, where we are assessing Mr. Young on the benefit  
19    of service?

20          A.     Yes, I did.

21                   MR. YOUNG:  Objection.  I don't know  
22    anything about a conversation with this lady.

23                   JUDGE JONES:  Overruled.

24     QUESTIONS BY MR. ZUCKER:

25          Q.     Do you know what date you talked to him?

1           A.    Yes, sir.  I spoke to him on February 16,  
2   2006.

3           Q.    In person or over the phone?

4           A.    I spoke to him over the telephone.

5           Q.    Did you call him or did he call you?

6           A.    I called him, sir.

7           Q.    Can you tell me the substance of that  
8   conversation?

9           A.    We had received a complaint that was  
10   addressed to the President of Laclede Gas Company.  
11   That is also my responsibility to investigate and  
12   respond to those types of complaints.  So, in response  
13   to his February 2006 letter to the President of the  
14   company, I did contact him on the 16th of  
15   February 2006.

16          Q.    And what was the substance of that  
17   conversation?

18          A.    The first thing I asked him to do was spell  
19   his name, and he did spell it M-A-R-L-Y-N Young and  
20   provided no middle initial.  He also provided, when  
21   asked for his Social Security number, he advised me  
22   his number was --

23                JUDGE JONES:  Don't say his Social Security  
24   number anymore.

25                THE WITNESS:  And his birth date was

1 2/24/50.

2 QUESTIONS BY MR. ZUCKER:

3 Q. Did you say 50?

4 A. 1950.

5 MR. YOUNG: What does that mean? She could  
6 have misunderstood what I said. Who knows?

7 JUDGE JONES: That's true. She could have  
8 misunderstood what he said.

9 MR. YOUNG: I showed you my license.

10 THE WITNESS: He stated he was single. I  
11 asked him to list his previous residences, and he said  
12 that he had lived at 2437 Wieck since 12/15/2005 and  
13 that he was the owner of the premise. He had  
14 previously lived at 8831 May for two years or so from  
15 sometime in 2003 to 2005.

16 JUDGE JONES: Are you reading from a  
17 document?

18 THE WITNESS: Yes, sir.

19 JUDGE JONES: Well, mark it and let's admit  
20 it.

21 MR. ZUCKER: This document that she is  
22 reading from is her own report to the Missouri Public  
23 Service Commission -- no, it isn't.

24 JUDGE JONES: So, we have that, you say?

25 MR. ZUCKER: No, this was a letter to the

1 President.

2 JUDGE JONES: I'm not talking about what he  
3 wrote, I'm talking about her conversation with him.  
4 She's referring to a piece of paper, right?

5 MR. ZUCKER: Right.

6 JUDGE JONES: It hasn't been marked as an  
7 exhibit?

8 MR. ZUCKER: Right.

9 JUDGE JONES: Let's mark it as an exhibit  
10 and have it admitted into the record.

11 We will be able to understand what the  
12 conversation was about from reading that document?

13 THE WITNESS: Yes, sir, it's  
14 conversational.

15 JUDGE JONES: Okay. Let's mark that as  
16 Exhibit 7.

17 Do we have that here, Mr. Zucker?

18 MR. ZUCKER: No.

19 JUDGE JONES: Fax it over here.

20 Mr. Young?

21 MR. YOUNG: Yes?

22 JUDGE JONES: I realize you don't remember  
23 speaking to Ms. O'Farrell, but I'll ask you anyway; do  
24 you have any objections to this document being  
25 admitted into the record?

1                   MR. YOUNG: Yes, I do, but I don't think  
2 it's going to do any good.

3                   JUDGE JONES: No, it won't.

4                   MR. ZUCKER: Don't give up so quick.

5                   MR. YOUNG: I'm through with the whole  
6 matter.

7                   JUDGE JONES: Exhibit 7 will be admitted  
8 into the record.

9                   (Respondent's Exhibit 7 was then entered  
10 into evidence.)

11                  MR. ZUCKER: I have no further questions.

12                  JUDGE JONES: Mr. Thompson, do you intend  
13 to call Ms. Doerhoff?

14                  MR. THOMPSON: No, I don't.

15                  JUDGE JONES: We have no further witnesses.

16                  I'll tell you all, at this point, the transcript  
17 will probably come in around the end of this month.

18                  How much time, Mr. Young, will you need to read  
19 through the transcript and look over the exhibits to  
20 make your final argument in this case?

21                  MR. YOUNG: Three weeks.

22                  JUDGE JONES: We'll give it a month after  
23 the transcript is in. I want initial briefs and then  
24 you all can file reply briefs 15 days after. I will  
25 issue an order consistent with what I'm telling you

1     now.

2             Just to narrow your focus, my biggest concern is  
3     where Mr. Young lived, that's pretty much it. And  
4     when, by the way. Actually, just during the time  
5     periods in question, sometime in 2002, three, four --  
6     I don't remember now -- on Terrace when Ms. Jackson  
7     had that account in her name.

8             MR. ZUCKER: I understand.

9             JUDGE JONES: You don't need to make any  
10    legal arguments. I want you to point to the record  
11    and show me where facts have been established in that  
12    regard.

13            Mr. Young, do you understand that?

14            MR. YOUNG: Yes, I do.

15            JUDGE JONES: Are you certain?

16            MR. YOUNG: Yes, I understand.

17            JUDGE JONES: Does anyone have anything  
18    else before we go off the record?

19            Hearing nothing then, we are off the record. You  
20    all have a good evening.

21            (WHEREIN, the recorded portion of the hearing was  
22            concluded.)

23

24

25

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23 Exhibit A Letter from Cecelia Bar 40

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## 1 CERTIFICATE OF REPORTER

2

3

4 I, Mindy Vislay, Certified Court Reporter with the  
5 firm of Midwest Litigation Services, and Notary Public  
6 within and for the State of Missouri, do hereby  
7 certify that I was personally present at the  
8 proceedings had in the above-entitled cause at the  
9 time and place previously described; that I then and  
10 there took down in Stenotype the proceedings had; and  
11 that the foregoing is a full, true and correct  
12 transcript of such Stenotype notes so made at such  
13 time and place.

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17

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Mindy Vislay, CCR

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Notary Public (County of Cole)

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My commission expires March 19, 2011

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