

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5 Evidentiary Hearing
6 April 29, 2008
7 Jefferson City, Missouri
8 Volume 2
9
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11 Linda Light,)
12 Complainant,)
13)Case No.
14)GC-2008-0045
15 Missouri Gas Energy,)
16 Respondent.)
17
18 BENJAMIN LANE, Presiding,
19 REGULATORY LAW JUDGE
20 JEFF DAVIS, Chairman
21 CONNIE MURRAY,
22 ROBERT CLAYTON, III
23 LINWARD "LIN" APPLING
24 TERRY JARRETT,
25 Commissioners
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28 REPORTED BY:
29 MINDY VISLAY, CCR
30 MIDWEST LITIGATION SERVICES
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1 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 LANE: Good morning, ladies and
3 gentlemen. My name is Benjamin Lane, and I'm the
4 Regulatory Law Judge assigned to this case, which is
5 Case No. GC-2008-0045, and that case is captioned
6 Linda Light versus Missouri Gas Energy, and we're here
7 today for an evidentiary hearing.

8 This evidentiary hearing was scheduled by a
9 Commission order dated December 27th, 2007, and we
10 have gone through all of the preliminary steps prior
11 to an actual evidentiary hearing, so we are here for
12 each side to make themselves be heard by the
13 Commission and present whatever evidence or witnesses
14 they have in support of their case.

15 Before we go any further, I guess I just want to
16 say it's about 10:33, and it's April 29th, 2008, and
17 we're in Hearing Room 305.

18 MS. SHEMWELL: You might want to check to
19 make sure everyone can hear you.

20 JUDGE LANE: Can everyone hear me on the
21 speaker phone that's participating by phone?

22 MR. JACOBS: Yes, MGE can.

23 MS. LIGHT: The volume is a little bit
24 light.

25 JUDGE LANE: Maybe we can move the phone a

1 little bit more my way.

2 All right. Let's go ahead with entries of
3 appearance.

4 Ms. Light, you are here today representing
5 yourself in this matter; is that right?

6 MS. LIGHT: I am, Judge. And if you want
7 to shorten this whole proceeding, and just give me a
8 few moments, I think I can share with you my thoughts,
9 and I don't think this has to go any further.

10 JUDGE LANE: Well, great. I mean, I don't
11 know the nature of your request, but let's go ahead
12 and just finish getting entries of appearance and you
13 can proceed with your statement. Is that all right?

14 MS. LIGHT: That's fine.

15 JUDGE LANE: For staff, who is here?

16 MS. KLIETHERMES: Sarah Kliethermes and
17 Lera Shemwell for staff, 200 Madison Street, P.O. Box
18 360, Jefferson City, Missouri 65102.

19 MS. LIGHT: I couldn't hear that at all.

20 MS. KLIETHERMES: I stated that appearing
21 for staff was myself, Sarah Kliethermes, and also Lera
22 Shemwell, and then gave our address. Which I can
23 repeat if you would like.

24 MS. LIGHT: No, that's fine.

25 JUDGE LANE: Ms. Kliethermes and Ms.

1 Shemwell, thank you very much.

2 For Missouri Gas Energy?

3 MR. COOPER: Yes, Your Honor. Dean Cooper
4 from the law firm of Brydon, Swearengen and England,
5 P.O. Box 456, Jefferson City, Missouri 65102, and Todd
6 Jacobs, senior attorney for Missouri Gas Energy, 3420
7 Broadway, Kansas City, Missouri 64111, appearing on
8 behalf of Missouri Gas Energy, a division of Southern
9 Union Company.

10 JUDGE LANE: Thank you, Mr. Cooper and
11 Mr. Jacobs.

12 Any appearance for Public Counsel today? It was
13 my understanding Public Counsel has a conflict and
14 will not be present today?

15 MS. SHEMWELL: That's my understanding as
16 well, Judge.

17 JUDGE LANE: Anybody I've missed?

18 I want the record also to show that we have
19 several individuals who are participating in this
20 proceeding by telephone but most of them are present
21 here in Jefferson City.

22 Ms. Light, the stage is yours. Before we go any
23 further, if you would like to explain your previous
24 comment, that would be great.

25 MS. LIGHT: I would just like to thank you

1 all for being there today. I also want to in some
2 ways apologize for your time, but I felt like I had no
3 other recourse other than to come through this avenue.
4 In part, because I just feel that MGE, and even some
5 of the Commission staff, just failed to give any other
6 avenue for proceeding forward with this case other
7 than to use the informal and the formal process.

8 Had this case been handled through effective
9 customer service there would be no need to be here
10 today. And I find it very, very unfortunate that it
11 had to go to this level of recourse to be resolved.

12 This is a two year old case, and had MGE customer
13 service staff simply responded to a legitimate
14 complaint in an effective way, without hanging up on
15 me, blowing me off, not giving any attendance to this
16 particular case for eight months, and then demanding
17 that I hire a plumber to find and resolve the problem,
18 none of this would have happened.

19 And so, I know that the Commission is not there to
20 fix MGE's customer service problem, but I hope MGE
21 will listen closely to this and take heed and take
22 note.

23 I know they are a monopoly. I know I have no
24 other recourse for getting my gas. And probably that,
25 in part, plays into their ineffectiveness to customer

1 service. But had they responded to me in an
2 appropriate way and gotten back to me, and if their
3 customer service person would have simply said,
4 "Please go read the number on your meter and get back
5 to us," this would have been resolved two years ago.

6 In addition, once it was finally identified that
7 the number was wrong it took them four months --
8 four months -- to give me anything in writing even
9 though I called numerous times, and again was blown
10 off, numerous times, without getting complete
11 information, or any information, for four months.

12 When they knew it was a three-way problem, and
13 that it was much more convoluted than they even
14 originally thought than a double switch, they made no
15 effort -- no effort whatsoever -- to describe that, to
16 explain that, to be clear about that up front. And if
17 they had, again, all of this could have been negated.

18 So, I really still have issue with MGE and their
19 customer service in regards to this, because it made
20 all of us work long, hard and unnecessarily to get to
21 the bottom of this.

22 And in addition, I would say that, had the
23 Commission staff asked the right questions, actually
24 interviewed me, the consumer, and asked questions when
25 I submitted the complaint -- and when they interviewed

1 my neighbor actually asked pertinent questions -- this
2 could have been resolved at that issue. But it wasn't
3 done.

4 And they also didn't even respond to my latest
5 e-mails when I agreed that the numbers appeared to be
6 correct, that I wanted my bill corrected for the late
7 fee and that I wanted to have some discussion to
8 understand how it could still be a difference in rate.

9 Nobody responded, other than the lawyer -- well, I
10 shouldn't say that. One response was, "We passed this
11 on to MGE," and one response was from the lawyer, "So,
12 do you still want to go forward?" But no questions
13 were answered even when I responded to that.

14 So I just feel that, other than Judge Voss and
15 Marc Poston, who were excellent at explaining the
16 process, responding to me, treating me as a consumer
17 in a respectful way, that everybody else just
18 literally blew off the process, or blew me off, or
19 didn't respond, and forced me through the complaint
20 process. Because that's all they know or all they
21 care about, or I'm not sure why.

22 But speaking on behalf of all consumers, I would
23 just ask that you give a little consideration, treat
24 us with a little respect as consumers, and probably
25 some of these kinds of things would be unnecessary.

1 I have never been unwilling to pay a bill that's a
2 fair bill, and yet I was issued a stoppage of service
3 fee notice that was going to happen last December even
4 though this was in complaint process. So I just find
5 the entire situation rather disrespectful from a
6 consumer perspective.

7 And I have paid the bill. I have acknowledged
8 that it now appears that everything was corrected.
9 The late fee was dismissed, according to the last one
10 I got, and so, as far as I'm concerned, the case is
11 taken care of.

12 JUDGE LANE: Thank you, Ms. Light. I just
13 want to remind everyone that you were not under oath,
14 so this is not actual testimony, but I certainly do
15 appreciate your taking the time to call everyone to
16 task for what you believe have been some shortcomings
17 in this case from all angles.

18 What I hear you saying, are you willing to -- have
19 you received the relief to which you believe you are
20 entitled? Are you willing to --

21 MS. SHEMWELL: Do you want to swear her in
22 before you ask her questions?

23 JUDGE LANE: Yes. I wanted to make sure
24 that was the purpose of the statement.

25 I'd like to put you under oath and just get a

1 little bit of testimony from you. But what I heard
2 you saying is that the road was real bumpy, and in
3 your opinion, the parties, both staff and MGE, have a
4 ways to go with regard to the way that they treat
5 their customers on issues like this.

6 But what I hear you saying is that you feel that,
7 as far as the relief that you are seeking from the
8 Commission, you believe you have received that and are
9 willing to voluntarily dismiss your complaint. Would
10 that be fair?

11 MS. LIGHT: That's a fair statement.

12 JUDGE LANE: Let me go ahead then, without
13 further adieu, and put you under oath, and let's get
14 that taken care of then.

15 Please state your name and spell it for the
16 record.

17 MS. LIGHT: Linda Light, L-I-G-H-T.

18 JUDGE LANE: Would you please raise your
19 right hand to be sworn?

20 LINDA LIGHT,

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

23 QUESTIONS BY JUDGE LANE:

24 Q. Normally, we would proceed with a
25 narrative, you would be presenting your evidence. But

1 in view of what was just said, all I want to ask you
2 today, Ms. Light, is do you believe, in light of the
3 relief that has already been granted to you, are you
4 satisfied that your concerns have now finally been
5 addressed?

6 A. Yes, I believe that the bill was rectified.

7 Q. And are you willing to voluntarily dismiss
8 your complaint, your formal complaint, against MGE
9 with prejudice today?

10 A. I am.

11 JUDGE LANE: I think that's probably all we
12 need unless there's any cross-examination. Any cross
13 by anyone?

14 MR. COOPER: No.

15 MS. KLIETHERMES: No, Your Honor.

16 JUDGE LANE: Well, that's pretty much going
17 to wrap it up.

18 Again, I just want to say to you, Ms. Light --
19 now, I haven't been on this case all that long, I took
20 it over from Judge Voss recently, but I did review the
21 case file, which is extensive.

22 And this case has had its ups and downs, its bumps
23 and its twists and its turns, and I've seen where you
24 have attempted to negotiate your way through the
25 procedural hurdles that a pro se plaintiff has to

1 face, and I've seen that a lot of people have put a
2 lot of time into this case.

3 And I just want to say that that's why we are
4 here, to try to facilitate this kind of dialogue. And
5 it looks like it took some time. This complaint was
6 filed way back at the end of October, and we're just
7 now getting around to an evidentiary hearing. The
8 wheels here at PSC grind kind of slow sometimes.

9 But I'm just glad that, even though it took
10 longer, and it was more confusing than you would have
11 liked, that you were finally able to get some
12 satisfaction to know that your bill has finally been
13 corrected and that this issue won't occur in the
14 future. So I just want to say that on behalf of the
15 Commission.

16 THE WITNESS: Well, again, the Commission
17 would not have ever had to have seen this case had MGE
18 handled it in an effective way to begin with.

19 JUDGE LANE: And I understand that. And I
20 saw Mr. Cooper taking a lot of notes during your
21 narrative, and I'm sure he is going to take those
22 concerns to heart, and I think everyone here will.

23 And I know that wasn't sworn testimony either.
24 You wanted to express your views and you were given a
25 forum to do that, and I appreciate it, and that is why

1 we are here.

2 THE WITNESS: And I thank you for that
3 time.

4 JUDGE LANE: In light of that, that would
5 conclude this case. The Commission will enter an
6 order formally dismissing this matter with prejudice
7 posthaste.

8 And I think everyone got maybe some valuable
9 lessons here in this case today. Thank you very much,
10 everyone, for participating. And we are off the
11 record.

12 (WHEREIN, the recorded portion of the pre-hearing
13 conference was concluded.)

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1 CERTIFICATE OF REPORTER

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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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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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