

Exhibit No:

Issues: Tariff Issues

Witness:

Sponsoring Party: James Dudley

Type of Exhibit: Surrebuttal Testimony

Case No: GC-2004-0216

Date Testimony Prepared: May 14, 2004

MISSOURI PUBLIC SERVICE COMMISSION

UTILITY OPERATIONS DIVISION

SURREBUTTAL TESTIMONY

OF

JAMES DUDLEY

COMPLAINANT

CASE NO. GC-2004-0216

FILED

MAY 19 2004

**Missouri Public
Service Commission**

CHRISTINA SERRONE
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires July 17, 2006

1. SURREBUTTAL TESTIMONY

2. OF

3. JAMES DUDLEY

4. CASE NO. GC-2004-0216

5. Q. Please state your name and address.

6. A. James Dudley, 4247 Agnes, K.C. MO 64130.

7. Q. Are you the same James Dudley that filed this complaint?

8. A. Yes, I am

9. Q. What is your complaint with the PSC and MGE?

10. A. My complaint is that MGE (Respondent) disconnected the Complainant's gas
11. Service while \$2,510.00 was in dispute.

12. Q. When was the \$2,510.00 disputed?

13. A. On July 12, 18, 24, of 2002.

14. Q. Whom did you dispute the \$2,510.00 bill with?

15. A. The 1st person I talked with was Wanda Bussey, who works for MGE and
16. 2nd contact was with PSC on July 18th of 2002, 3rd again was with Wanda Bussey
17. on July 24, 2002.

18. Q. When was the gas service disconnected?

19. A. On July 30, 2002.

20. Q. The gas service at 4231 Tracy, should that service been disconnected at that time?

21. A. No

22. Q. Why

23. A. Because CSR 4240-13045 #1 and 8.01 states that if a bill is in a dispute

1. Q. Did you notify MGE within 24hr.
2. A. Yes, on the 12th and the 24th of July of 2002.
3. Q. When was the gas service disconnected?
4. A. On July 30, 2002.
5. Q. Was your gas service disconnected for \$104.00?
6. A. No
7. Q. How do you know that?
8. A. I never received a disconnect notice for \$104.00 or \$305.00 at 4231 Tracy.
9. Q. Do you have any exhibits to this claim.
10. A. Yes
11. Q. What are they?
12. A. Exhibit A
13. Q. Whom did you notify about this dispute?
14. A. First, I notified Wanda Bussey, who works for MGE (Respondent) on the 15th of
15. July, 2002 and the PSC on July 18th 2002 and Wanda Bussey again on July
16. 24, 2002 about the \$2,510.00 bill.
17. Q. Have you studied Rule 4 CSR240-13.045, CSR 4240-13.050 and MGE
18. Tariff Section 8.01, 8.06 and 8.08?
19. A. Yes
20. Q. How does those rules apply in this case?
21. A. When Mr. Dudley (Complainant) called MGE and disputed that bill of \$2510.00
22. with Wanda Bussey on July 12th, and 24th of 2002 service should not have been

1. disconnected on the 30th of July 2002.
2. Q. What is the disputed amount of this complaint?
3. A. The amount of \$2,510.00 that was sent to Mr. Dudley (Complainant's) home at
4. 4231 Tracy on July 10, 2002, which is attached to my Surrebuttal Testimony Schedule I
5. Q. When did \$104.00, \$305.00 become an issue to you?
6. A. The \$104.00 and \$305.00 became an issue after Discovery was done.
7. Q. Did you receive a bill from MGE for the amount of \$305.00?
8. A. No
9. Q. Was the \$104.00, \$305.00 and \$2099.00 sent separately?
10. A. No, they where sent all together in one bill.
11. Q. Did you know how much your bill was on June 24, of 2002?
12. A. No
13. Q. I might have asked you this but let me make sure what this complaint is about.
14. A. It's about MGE turning off Complainant's gas service while the bill was in
15. dispute \$2,510.00 which Mr. Dudley did not owe.
16. Q. Did you know where the \$2,510.00 amount came from at the time you received
17. that bill from MGE?
18. A. No
19. Q. Was the \$104.00, \$305.00 and \$2,099.00 in dispute?
20. A. Yes, because it was all put on the same bill, which was the \$2,510.00 bill that was
21. sent to my home from MGE. (See Schedule 1 & 2, page 2)

1. Q. Was the gas service ever disconnected for \$305.00?
2. A. No
3. Q. How do you know?
4. A. By these documents:
5. Schedule 5, Utility Recovery dated August 19, 2002.
6. Schedule 6, Payment Demand dated August 15, 2003.
7. Schedule 7, Notice of Credit Bureau Reporting dated September 5, 2003.
8. Schedule 8, Notice of Credit Bureau Reporting dated November 11, 2002.
9. Schedule 9, November 6, 2002, billing for 4231 Tracy
10. Schedule 10, Missouri Gas Motion for Summary Judgment-pg 3 #14, 15, 16 and
11. pg 7 #15, 16, 17, 18.
12. Q. Was there any mention of the gas service being disconnected for \$305 and \$300?
13. A. No
14. Q. How do you know?
15. A. By these documents: Schedule 11, Suggestion in Support of MGE
16. Motion for Summary Judgment-page 1, line 3 and page 3, line 1-6.
17. Schedule 12, Suggestions in opposition to Plaintiff's Motion for Summary
18. Judgment, page 1
19. Introduction line 5, page #29, 2, 3 and 4
20. Page 5, under Argument lines 8-20.
21. Schedule 13, 4231 Tracy Account Analysis page B, June 25, 2002. - February 19,
22. 2003.

1. Q. Was you past due for \$300 or \$305?

2. A. No

3. Q. How do you know?

4. A. Schedule 13, April 11, 2002 was \$300.27 on May 6, 2002. \$100 was paid on that

5. bill.

6. Q. Was you past due on the \$305?

7. A. No

8. Q. How do you know that?

9. A. First I never received a bill for \$305. Second I never received a disconnect notice

10. for \$305.00, third if I did have a bill in July it would have to have been after July

11. the 24th of 2002 because the bill was disputed for the \$2,510 in July the 12th, the

12. 18th and the 24th of 2002, that bill would not have been past due because it was

13. not 21 days over due.

14. Q. Why do you believe that MGE failed to follow these rules; 1. CSR 240-13.045,

15. 2. CSR240-13.050 or 3. MGE 8.01

16. A CSR-240-13.045 states: (#1) A dispute must be registered with the utility at least

17. twenty-four (24) hours prior the date of proposed discontinuance for a customer to

18. avoid discontinuance of service as provided by these rules.

19.

20. Complainants had registered with the gas utility within 24 hours. Complainants spoke

21. with Respondent on July 15 and 24th of 2002. Complainant's gas service was

22. disconnected on July 30, 2002

1. and we know that Mr. Dudley spoke with Wanda Bussey on the 12th and 24th of July and
2. the PSC on the 18th of July of 2002. Schedule 14, July 24, 2002.

3. 8.01 Complaint and Disputed Claims: When a customer advises the company prior
4. to the date of proposed discontinuance of service that all or any part of
5. any billing rendered is in dispute the company shall:

6. A dispute must be registered with the utility at least twenty-four (24) hours prior the date
7. of proposed discontinuance for a customer to avoid discontinuance of service as provided
8. by these rules.

9. Q. At sometime did the PSC tell MGE to stop all collection proceedings?

10. A. Yes, in Schedule 4, page 11

11. Q. Did it come a time when you found out that the \$104 and the \$305 was your bill?

12. A. Yes

13. Q. Is that why you referred to the \$2,099 more than the \$2,510?

14. A. Yes

15. Q. When you found out that you owed the \$104 and the \$305 did you dispute those
16. amounts?

17. A. No

18. Q. What amount are you disputing?

19. A. The \$2,510 that was sent to me at 4231 Tracy on July 10th of 2002.

20. Q. If MGE would have just transferred the \$104 and applied it to the \$305, would
21. you have disputed that bill of \$409?

22. A. No

23. Q. When you received that bill for \$2510 did you know that all those bills were

1. combined?
2. A. No, I did not know where that amount came from.
3. Q. So as time went on you became aware of the \$104 and the \$305.
4. A. Yes
5. Q. How did you become aware of the \$104 and the \$305?
6. A. Through Discovery.
7. Q. What is your main complaint?
8. A. Disconnecting the gas service while the \$2510 was being disputed.
9. Q. Let me ask you one more time, did you receive a bill for \$305, \$300, \$104 or a
10. disconnect notice for these amounts?
11. A. No, never.
12. Q. Did anyone tell you that your gas service would be disconnected for \$305, \$104
13. or \$300?
14. A. No
15. Q. Did you receive a bill for \$2,510?
16. A. Yes
17. Q. And that's what you are disputing?
18. A. Yes
19. Q. Is there anything else that you are asking the commission to do?
20. A. Yes
21. Q. What is that?
22. A. Order MGE to remove the \$2,000 and what ever charges that don't belong there
23. be removed from my credit report in Schedule 5,6,7 and 8.

1. Q. Does any of these credit reports show that you owe \$300, \$305, or \$104?
2. A. No
3. Q. Do they show the \$2510 or more?
4. A. Yes
5. Q. Were you a customer of MGE from September 26, 2000 to April 26, 2001?
6. A. No
7. Q. Did you live at 4024 Prospect at anytime?
8. A. No
9. Q. Did you benefit from MGE gas service at 4024 Prospect from September 26, 2000
10. to April 15, 2001?
11. A. No
12. Q. Who did?
13. A. Sarah Chappelow
14. Q. How do you know?
15. A. In Schedule 12, page 4 #2, 3, or 20, 21, in their Motion in Opposition to
16. Plaintiff's Motion for Summary Judgment.
17. Q. Do you agree with PSC staff on the transfer issue from Staff Recommendation
18. Report?
19. A. Yes
20. Q. Do you agree with PSC Staff on their Rebuttal Testimony?
21. A. No
22. Q. Again, what is the main complaint you are making?

1. A. That MGE disconnected the gas service while the \$2510 bill from July 10, 2002
2. was in dispute and not following the rules that govern disputes which is CSR
3. 4240-13.045, 8.01 and CSR 4 240-13.050
4. O Was any of these property 3514 Bales, 3312 Moulton added in with \$ 2,510 that
5. you are disputing
6. A No.
7. O When did 3312 Moulton and 3514 Bales became a issue
8. A. Sept 23, 2002
9. O. Does this conclude your Surrebuttal Testimony
10. A. Yes