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2002
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FILED

MAY 19 2004

Missouri Public
Service Commission

New
20, 2
JUL-30-2002 13:21

MO PUBLIC SERVICE COMM

573 526 1500 P.11



MISSOURI GAS ENERGY
a division of
Southern Union Company

QUESTIONS? CALL:
(816)-756-5252
P.O. BOX 219255
KANSAS CITY, MO 64121-9255

FOR SERVICE LOCATED AT:
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

FILED

MAY 19 2004

07/SYS

Missouri Public
Service Commission

STATEMENT DATE
JUL 10, 2002

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

DEPOSIT: NONE
ACCOUNT NBR: 4827397879

SVC TYPE	SERVICE PERIOD FROM TO	NBR DAYS	METER READINGS PREVIOUS PRESENT	PRESSURE ADJUSTMENT	ENERGY USE CCF	PGA/CCF RATE	PGA/CCF CHARGE
GAS	06-05-02 07-05-02	30	09688 09699		11.00	.44191	4.86
GAS	TOTAL	30			11.00		4.86

SVC TYPE	CUSTOMER CHARGE	ENERGY CHARGE	PGA/CCF CHARGE	FRANCHISE FEE	SALES TAX	COUNTY TAX	CITY TAX	CURRENT CHARGE
GAS	10.13	1.26	4.86	1.04	.00	.00	.00	17.29

PREVIOUS BALANCE 305.54
TRANSFERRED BALANCE 2,204.59
OTHER TRANSACTIONS .50
OTHER TRANSACTIONS TAX .06
TO AVOID DISCONNECT PAY BEFORE JUL 22, 2002 2,510.78
TOTAL CURRENT CHARGES DUE BY AUG 1, 2002 17.29

IF PAST DUE AMOUNT has been paid, please subtract that amount from the AMOUNT DUE when you make your next payment.

COMPARATIVE USE INFORMATION						AMOUNT DUE
PERIOD	DAYS	CCF	CCF/DAY			\$ 2,528.04
CURRENT	30	11	.367			
LAST YEAR	N/A	N/A	N/A			AMOUNT DUE WITH LATE CHARGE \$ 2,528.32

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU!

STATEMENT DATE: JUL 10, 2002

18 / 09037 / 07
ACCOUNT NBR:
4827397879

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

MAIL PAYMENT TO: MISSOURI GAS ENERGY
PO BOX 219255
KANSAS CITY, MO 64121-9255

482739787900000172900002528040002528322

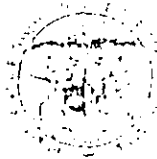
AMOUNT DUE
\$ 2,528.04
AMOUNT DUE WITH LATE CHARGE
\$ 2,528.32
AMOUNT ENCLOSED
\$

TOTAL P.11

schedule I

FILED

MAY 19 2004



Missouri Public
Service Commission

ROBERT L. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLERBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary, Chief Regulatory Law Judge

DANAK JOYCE
General Counsel

Commissioners
KEVIN L. SIMMONS
Chair

CONNIE MURRAY

SHEILA LUMPE

STEVE GAW

BRYAN FORMIS

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Toll Free Number)
<http://www.psc.state.mo.us>

August 23, 2002

Mr. James Dudley
4231 Tracy Ave.
Kansas City, MO 64110

Dear Mr. Dudley:

1 This is a follow-up letter in response to our phone conversation of
2 August 14, 2002. You indicated in your complaint against Missouri Gas
3 Energy (Company) that the Company has transferred a bill to your
4 current account at 4231 Tracy that you do not owe.

5 I forwarded your complaint to MGE and received the following
6 information: On May 1, 2001 they have requested proof that you were
7 not living at this address during the following dates. They are holding
8 you responsible because credit checks link your name to the address. I
9 understand that you own the property and that you claim that all your
10 paperwork was stolen, but it would be your responsibility to provide
11 proof to the Company to dispute this bill.

12 According to a Company representative, the following amounts have
13 been transferred to your account from 4024 Prospect:

14 9/25/00 to 4/27/01, amount \$2,099.96
15 7/16/01 to 4/17/02, amount \$ 104.63
16 Amount due: \$2,204.59

Schedule 2

FILED

MAY 19 2004

Mr. James Dudley
August 23, 2002
Page 2

Missouri Public
Service Commission

- 1 The Company representative stated that in order to turn on service at
2 this location they would accept a \$1,000 initial payment with an
3 agreement to pay the remaining balance.
- 4 The Company will not remove the transfer amounts from your current
5 account unless you provide sufficient proof that you did not benefit
6 from gas service at this location during the dates listed above. The
7 Company tariffs on file and approved by the Commission have a Prior
8 Indebtedness section, which would apply to your case. I have enclosed
9 a copy for your file.
- 10 Unfortunately, I will be unable to aid you further in this matter. If you
11 are unable to pay on your account, you may want to seek assistance. I
12 have enclosed an energy assistance flyer for your review.

Sincerely,

Tracy Leonberger

Tracy Leonberger
Consumer Services Specialist

/tfl
Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAY 19 2004

James Dudley,

Complaint,

V.

Missouri Gas Energy

Respondent.

Missouri Public
Service Commission

Case No. GC-2004-0216

RESPONSE TO STAFF RECOMMENDATION ACTION

- 1 On November 7, 2003, I James Dudley filed a complaint with Missouri Public Service
- 2 Commission (Commission) against Missouri Gas Energy (MGE). On November 13, 2003 I
- 3 filed another claim with the Commission, these 2 claims has been consolidated into Case No.
- 4 GC-2004-0216.
- 5 Mr. Dudley filed a complaint because MGE turned off gas service to his home while the bill for
- 6 \$2,510.00 was being disputed. Mr. Dudley notified MGE on the 15 of July of 2002 notified the
- 7 Commission on the 20th of July of 2002 and spoke Mrs. Bussey an MGE staff member on July
- 8 24, 2002. Mr. Dudley 's gas service at 4231 Tracy was turned off on July 24th, while the bill was
- 9 being disputed. Section 8. 8.01-8.08 and 4 CSR-240-13.045 #1.
- 10 Mr. Dudley has received the Staff Recommendation from the Commission; Mr. Dudley is
- 11 concerned because one part of the complaint has been answered, which was the transferring of
- 12 the bill from 4024 Prospect. Not whether MGE was in violation of these rules 8.01, 8.08 and 4

schedul 3

Tracy F. Leonberger
Governor Office Building
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360
(573) 526-5568, Dept. FAX (573) 526-1500
Personal E-FAX (443) 227-2262 or
E-mail address: tleonber@mail.state.mo.us

State of Missouri
Public Service Commission
Consumer Services

Fax transmittal

FILED

MAY 19 2004

To: Shirley Bolden @ MGE

Fax: (816) 360-6764

**Missouri Public
Service Commission**

From: Tracy Leonberger,

Date: Tuesday, July 30, 2002

Consumer Services Specialist

Re: Dudley, James

Pages: 11 including cover sheet

CC: None

☒ **Urgent**

☐ **For Review**

☐ **Please Comment**

☒ **Please Reply**

☐ **Please
Recycle**

**Note: New complaint. Please contact the customer and provide me with a company response.
Thank you for your assistance in this matter.**

Important Notice to all our regulatory contacts:

The Missouri Public Service Commission Staff has noticed a decline in the quality of the information being reported to the Commission by Utilities. In order to address this problem, please include a minimum of at least the following information on all complaints:

1. Explain the problem
2. Explain the cause of the problem
3. What was done to correct the problem
4. Please state the date the customer was contacted by the company and a brief summary describing the contact. If the complaint was handled via letter, please provide Staff with a copy of the letter.
5. If the complaint involves an allegation of an unauthorized carrier change (slamming), a copy of the LOA (and/or verification tape) must be included.

We will no longer accept any reports containing less than the above-stated items, so please include the information in your report to avoid Staff having to re-contact the Utility. Thank you for your cooperation.

CONFIDENTIAL

Schedule 4

Missouri Public Service Commission
Consumer Complaint-Inquiry

Complaint	New
Complaint/Inquiry No.	C200301228
Mode of Receipt	Mail
Service Type	Residential
Utility Type	Gas
Utility Company Name	Southern Union Company
Priority	Immediate Response Needed
Complaint Issue	Billing
Complaint Sub Issue	Disputed Bill
Consumer's Account No.	4827397879
Additional Name	N/A

Account Name

First Name	James
Middle Initial	N/A
Last Name	Dudley
Street Address	4231 Tracy
Mailing Address	N/A
City	Kansas City
State	Missouri
Zip	64110
County	Jackson
Home Phone	816-682-1689
Work Phone	N/A
Cellular/Pager	N/A
Fax	N/A
E-Mail	N/A

Reporting Party

First Name	N/A
Middle Initial	N/A
Last Name	N/A
Street Address	N/A
Mailing Address	N/A
City	N/A
State	Missouri
Zip	N/A
County	N/A
Contact Phone	N/A

Preferred Contact Time From 8:00 AM To 5:00 PM **Contact Place** Home

Preferred Contact Method **Phone**

Complaint/Inquiry Description 7/30/02 (mail/Cecilia) sdID# 3687496/MGE put bill from tenant at 4024 Prospect (KC MO) onto his--her name was Dalne (Diane?)/also put Sara Chapp's bill onto his/total amount not his is \$2,204.59/

Date Filed 07/29/2002

* Required Fields

Task No. 2 Date 07/30/2002 12:19:28 PM
Type of Doc Complaint Routed From Barr Cecilia

Account Name Dudley James

Complain/Inquiry No. C200301228 Edit

* Utility Type

Gas

* Utility Company

Southern Union Company

* Complaint Issue

Billing

* Complaint Sub Issue

Disputed Bill

* Priority

Response within 7 days

Follow Up Date

08/09/2002

* Path

☒ Fast Track ☐ Complex Track

Route To

Select

Send Notification To

Select

Ambrose Candy
Anderson Melissa
Barr Cecilia

Comments

(Allows only 250 characters)

Complaint History

Sl.No. Attachment(s)

1 COMPLAINT-INQUIRY

2 informal complaint-Dudley



SI.No	Received Date	User	Route to	Status	Comments
1	07/29/2002	Barr Cecilia	Leonberger Tracy	Waiting For Process	7/30/02 (mail/Cecilia) sdID# 3687496/MGE put bill from tenant at 4024 Prospect (KC MO) onto his-her name was Daine (Diane?)/also put Sara Chapp's bill onto his/total amount not his is \$2,204.59/
2	07/30/2002 12:48:33 PM	Leonberger Tracy		Saved	7/30/02 Faxed complaint to the company. In order for Mr. Dudley to prove these bills are not his, he would need the dates of service, location and how his name was associated with these addresses. Let me know. I will respond to the customer by letter

3 Please stop collection proceedings while this is being investigated
• Sent note to the customer that I have his complaint.

SHEILA LUMPE, CHURMAN
PUBLIC SERVICE COM.
P.O. BOX 360
JEFFERSON CITY, MO 65102
~~Better Business Bureau~~

7/18/02

~~8080 Ward Pkwy~~
~~KC MO 64114~~

Subject:

MO. Gas Company

To whom it may concern:

My names is James Dudley I live
at 4231 Tracy KC MO.

I am writing you in regard to a
gas bill for 2,204.59 that dont be
long to me.

I rented a house at 4024 Prospect
to a lady at the time who turn
out to be a fraudulent person.

I think her name was Daine, I am not
sure because it's been a while ago
and I told them that I didn't remember
at that time.

I was not aware of the contact
with the gas company untill they
bill me for her.

They were requesting a lease agreement, which I am unable to produce to them, due to my automobile being stolen, along with my ~~lease~~ lease paper in my case.

They are putting this lady Sara Chapp Bill on my Bill, which is #21204.59 From some one else's Bill.

I have talk to a lot of people down there and to the Credit department as well and no help.

They would not take it off even though they know that I don't or didn't live there at that time or now.

They are billing me for gas usages I never used, because I am unable to locate the person who never payed them, that person owes me to for one month rent.

I even told them that they should have made ~~sure~~ sure who they were turning the gas on for and not try too make me pay for what they did. They know I need gas for my home, they are trying to force me to pay and that's not right.

I have gas in my name in for houses and I don't need to put gas in any one else's name. I don't use other people name for my Bills.

They have put it on me at 41024 Prospect and now they are putting it on 4231 Tracy now.

Without this matter being resolved through the gas company I have no choice, but to seek help through the Better Business Bureau, I hope that you will be

Please help me to resolve
this matter I am at a dead
end trying to get them to remove
this from under my name.

Please response back as soon as
possible concerning this matter.

Thank you very much

James Dudley

anytime 682-1689

4231 Tracy KC mo 64110

Enclosed is copies
of the Bills they are
holding me accountable
for.

9

**** PLEASE RETURN THIS PORTION WITH YOUR PAYMENT ** THANK YOU! ****

NOTICE DATE: MAY 16, 2002

JAMES E DUDLEY
4024 PROSPECT AVE
KANSAS CITY, MO 64130-1321

MAIL PAYMENTS TO: MISSOURI GAS ENERGY
PO BOX 219255
KANSAS CITY, MO 64121-9255

66651865380002204590802204590002204591

18/09057/07/6
ACCOUNT NBR:
6665186538

AMOUNT DUE	18/09057/07/6
AMOUNT DUE	18/09057/07/6
\$ 2,204.59	
AMOUNT ENCLOSED	
\$ _____	

2002-05-16 15:40
PUBLIC SERVICE COMPANY

12

UTILITY RECOVERY SERVICES
A DIVISION OF MGE

FILED

MAY 19 2004

AUGUST 19, 2002

Missouri Public
Service Commission

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY, MO 64110

ACCOUNT NUMBER 4827397879

THIS LETTER CONCERNS THE SERIOUS MATTER OF YOUR OVERDUE BILL
WITH:

MISSOURI GAS ENERGY
AMOUNT OWED: ~~\$2,546.42~~
SERVICE ADDRESS: 4231 TRACY AVE

YOUR ACCOUNT HAS BEEN FORWARDED TO US FOR COLLECTION OF THE
OVERDUE BILL.

FAILURE TO PAY THIS BILL IN FULL OR MAKE SATISFACTORY
ARRANGEMENTS WITH OUR CLIENT MAY RESULT IN:

1. THE UNPAID BILL BEING REPORTED TO A NATIONAL CREDIT
REPORTING BUREAU.
2. A LAWSUIT BEING FILED.

TO KEEP THIS OFF YOUR CREDIT HISTORY, PLEASE PAY IN FULL OR MAKE
OTHER ARRANGEMENTS BY CONTACTING:

MISSOURI GAS ENERGY
(816) 756-5252
BEFORE: AUGUST 31, 2002

PLEASE RETURN THIS LETTER WITH YOUR PAYMENT.

ACCOUNT NUMBER 4827397879

PAYABLE TO:

UTILITY RECOVERY SERVICES
PO BOX 219255
KANSAS CITY, MO 64121-9255

Schedule ~~\$1212~~ P

6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339



RETURN SERVICE REQUESTED

DATE: 8/15/2003
TELEPHONE: 913-362-3950

1468461 . 17

DUDLEY JAMES E
4024 PROSPECT AVE
KANSAS CITY, MO 64130-1321

|||||

IF PAYING BY CREDIT CARD, PLEASE FILL OUT BELOW	
CHECK CARD USING FOR PAYMENT	
<input checked="" type="checkbox"/> (MasterCard)  MASTERCARD	<input type="checkbox"/>  VISA
CARD NUMBER	AMOUNT
SIGNATURE	EXP. DATE

CREDITOR- MISSOURI GAS ENERGY
AMOUNT DUE 2,895.91
ACCOUNT NUMBER 1468461
REF # 0401 4827397879
ASSIGNED COLLECTOR NUMBER 17

CREDIT WORLD SERVICES, INC
6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339

|||||

FILED

MAY 19 2004

*** PAYMENT DEMAND ***

Missouri Public
Service Commission

YOUR ACCOUNT WITH MISSOURI GAS ENERGY HAS BEEN PLACED WITH
CREDIT WORLD FOR COLLECTIONS AND REQUIRES YOUR ATTENTION.

PLEASE CALL 913-362-3950 TO MAKE ARRANGEMENTS OR REMIT THE
BALANCE IN FULL IN THE ENCLOSED ENVELOPE. ALL CHECKS SHOULD
BE MADE PAYABLE TO MISSOURI GAS ENERGY AND MAILED TO CREDIT
WORLD TO ENSURE PROPER CREDIT. FOR YOUR CONVENIENCE VISA
AND MASTERCARD WILL BE ACCEPTED. FOR FURTHER DETAILS CALL
913-362-3950.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY
THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT
YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF,
THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY
THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS
NOTICE, THIS OFFICE WILL: OBTAIN VERIFICATION OF THE DEBT
OR OBTAIN A COPY OF A JUDGEMENT, IF ANY, AND MAIL YOU A COPY
OF SUCH JUDGEMENT OR VERIFICATION. IF YOU REQUEST THIS
OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS
NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND
ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE
CURRENT CREDITOR.

SINCERELY
CREDIT WORLD SERVICES, INC.
A FULL SERVICE DEBT COLLECTION AGENCY

Schedule 6

RETURN SERVICE REQUESTED



FILED

MAY 19 2004

Missouri Public
Service Commission

1468461

[illegible]

IF PAYING BY CREDIT CARD, PLEASE FILL OUT BELOW	
CHECK CARD USING FOR PAYMENT	
 <input type="checkbox"/> MASTERCARD	 VISA
CARD NUMBER	AMOUNT
SIGNATURE	EXP. DATE

CREDITOR- MISSOURI GAS ENERGY
AMOUNT DUE 2,895.91
ACCOUNT NUMBER 1468461
REF # 0401 4827397879
ASSIGNED COLLECTOR NUMBER 17

Abstract

***** NOTICE OF CREDIT BUREAU REPORTING *****

THIS LETTER IS TO NOTIFY YOU THAT THE ABOVE ACCOUNT WILL
BE REPORTED TO A CREDIT BUREAU IF YOUR ACCOUNT IS NOT
RESOLVED WITHIN THIS MONTH.

A SIGNIFICANT PAYMENT AND POSITIVE ARRANGEMENTS MUST BE
MADE WITHIN THIS MONTH TO STOP THIS CREDIT BUREAU REPORTING.
PLEASE CALL TOLL FREE 1-800-844-4084 FOR DETAILS.

TO ASSIST YOU IN MEETING YOUR FINANCIAL OBLIGATION WE WILL
ACCEPT A POSTDATED CHECK DATED NO LATER THAN 30 DAYS FROM
THE DATE OF THIS NOTICE. THE POSTDATED CHECK MUST REACH
OUR OFFICE BY THE LAST DAY OF THIS MONTH TO STOP THIS CREDIT
BUREAU REPORTING. PLEASE CALL TOLL FREE 1-800-844-4084 FOR
FURTHER EXPLANATION.

****IN ACCORDANCE WITH FEDERAL LAW, WE WILL NOTIFY YOU IN WRITING, PRIOR TO DEPOSITING YOUR POSTDATED CHECK***

VISA AND MASTERCARD WILL BE ACCEPTED AND CHECK BY PHONE.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

**** TOLL FREE NUMBER CAN NOT BE ACCESSED FROM 816 OR 913
AREA CODES ****
SINCERELY
CREDIT WORLD SERVICES, INC.
A FULL SERVICE DEBT COLLECTION AGENCY



Schedule T

6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339

RETURN SERVICE REQUESTED

DATE: 11/11/2002
TELEPHONE: 913-362-3950

FILED

MAY 19 2004

1359574

17

Missouri Public
Service Commission

DUDLEY JAMES E
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

|||||

<input checked="" type="checkbox"/> MasterCard <input type="checkbox"/> MASTERCARD		<input checked="" type="checkbox"/> VISA <input type="checkbox"/> VISA
CARD NUMBER		AMOUNT
SIGNATURE		EXP. DATE

CREDITOR- MISSOURI GAS ENERGY
AMOUNT DUE 2,256.42
ACCOUNT NUMBER 1359574
REF # 0401 4827397879
ASSIGNED COLLECTOR NUMBER 17

CREDIT WORLD SERVICES, INC
6000 MARTWAY ST
SHAWNEE MISSION, KS 66202-3339

|||||

***** NOTICE OF CREDIT BUREAU REPORTING *****

THIS LETTER IS TO NOTIFY YOU THAT THE ABOVE ACCOUNT WILL
BE REPORTED TO A CREDIT BUREAU IF YOUR ACCOUNT IS NOT
RESOLVED WITHIN THIS MONTH.

A SIGNIFICANT PAYMENT AND POSITIVE ARRANGEMENTS MUST BE
MADE WITHIN THIS MONTH TO STOP THIS CREDIT BUREAU REPORTING.
PLEASE CALL TOLL FREE 1-800-844-4084 FOR DETAILS.

TO ASSIST YOU IN MEETING YOUR FINANCIAL OBLIGATION WE WILL
ACCEPT A POSTDATED CHECK DATED NO LATER THAN 30 DAYS FROM
THE DATE OF THIS NOTICE. THE POSTDATED CHECK MUST REACH
OUR OFFICE BY THE LAST DAY OF THIS MONTH TO STOP THIS CREDIT
BUREAU REPORTING. PLEASE CALL TOLL FREE 1-800-844-4084 FOR
FURTHER EXPLANATION.

****IN ACCORDANCE WITH FEDERAL LAW, WE WILL NOTIFY YOU IN
WRITING, PRIOR TO DEPOSITING YOUR POSTDATED CHECK***

VISA AND MASTERCARD WILL BE ACCEPTED AND CHECK BY PHONE.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

**** TOLL FREE NUMBER CAN NOT BE ACCESSED FROM 816 OR 913
AREA CODES ****

SINCERELY
CREDIT WORLD SERVICES, INC.
A FULL SERVICE DEBT COLLECTION AGENCY

YOU HAVE ADDITIONAL ACCOUNTS.
2,830.77 IS THE TOTAL ACCOUNTS AT OUR OFFICE.
THIS INCLUDES THE CREDITOR ABOVE.

Schedule 8



QUESTIONS? CALL:
(816)-756-5252
P.O. BOX 219255
KANSAS CITY, MO 64121-9255

FOR SERVICE LOCATED AT:
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

FILED

07/SYS

MAY 19 2004

Missouri Public
Service Commission

STATEMENT DATE
NOV 6, 2002

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

DEPOSIT: NONE
ACCOUNT NBR: 4827397879

SVC TYP	SERVICE PERIOD FROM - TO		NBR DAYS	METER READINGS PREVIOUS - PRESENT		PRESSURE ADJUSTMENT	ENERGY USE CCF	PGA/COG RATE	PGA/COG CHARGE
GAS	10-03-02	10-31-02	28	09705			179.59	.44191	79.36
GAS	11-01-02	11-01-02	1		09891		6.41	.54044	3.46
GAS	TOTAL		29				186.00		82.82

SVC TYP	CUSTOMER CHARGE	ENERGY CHARGE	PGA/COG CHARGE	FRANCHISE FEE	SALES TAX	COUNTY TAX	CITY TAX	CURRENT CHARGE
GAS	10.13	21.25	82.82	7.29	.00	.00	.00	121.49
SERVICE CHARGES								35.00

PREVIOUS BALANCE 2,546.42
PAYMENTS RECEIVED ** THANK YOU 480.00CR
OTHER TRANSACTIONS 574.35
BALANCE FORWARD WAS DUE BY AUG 21, 2002 2,640.77
TOTAL CURRENT CHARGES DUE BY DEC 2, 2002 156.49

If BALANCE FORWARD has been paid, please subtract that amount from the AMOUNT DUE when you make your next payment.

COMPARATIVE USE INFORMATION						AMOUNT DUE
PERIOD	DAYS			CCF	CCF/DAY	\$ 2,797.26
CURRENT	29			186	6.414	AMOUNT DUE
LAST YEAR	29			0	.000	WITH LATE CHARGE \$ 2,799.20

*** PLEASE RETURN THIS PORTION WITH YOUR PAYMENT ** THANK YOU! ***

STATEMENT DATE: NOV 6, 2002

08 / 09057 / 07
ACCOUNT NBR:
4827397879

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY, MO 64110-1243

MAIL PAYMENT TO: MISSOURI GAS ENERGY
PO BOX 219255
KANSAS CITY, MO 64121-9255

48273978790000156490002797260002799202

AMOUNT DUE
\$ 2,797.26
AMOUNT DUE WITH LATE CHARGE
\$ 2,799.20
AMOUNT ENCLOSED
\$

Exhibit 10

Schedule 9

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION

FILED

MAY 19 2004

JAMES DUDLEY,

Plaintiff,

vs.

SOUTHERN UNION COMPANY,
MISSOURI GAS ENERGY, Division

Defendant.

Missouri Public
Service Commission

Case No. 02 CV 222965

Division 25

MISSOURI GAS ENERGY'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant, Southern Union Company, Missouri Gas Energy Company, a division, ("MGE"), and pursuant to Rule 74.04, Missouri Rules of Civil Procedure, moves the Court to enter summary judgment on its behalf and against plaintiff, James Dudley, as there are no genuine issues of material fact, and the uncontroverted facts herein clearly show that defendant is entitled to judgment as a matter of law. In support of its motion, defendant sets forth the following statement of uncontroverted facts.

STATEMENT OF UNCONTROVERTED FACTS

1. Plaintiff currently resides at 4231 Tracy Ave., Kansas City, Missouri 64110.

(Plaintiff's Petition.)

2. Plaintiff owns property located at 4024 Prospect, Kansas City, Missouri. (*Id.*)

3. On or about April 26, 2002, a delinquency in the amount of \$2,212.59 existed for gas service at the 4024 Prospect property from September, 2000 through April, 2002. Affidavit of Wanda Bussey, attached as Exhibit A and incorporated herein by reference.

4. Mr. Dudley claims that a tenant, Sara Chappelow, was living at the 4024 Prospect

Exhibit 11

Schedule 10

1 property during that time, but he has not provided any proof to MGE that anyone other than
2 himself or his family was living there. Plaintiff's Petition.

3 5. Ms. Chappelow has provided documents to MGE, including a signed lease
4 agreement, showing that from May, 2000 through May, 2002, she was residing in Independence,
5 Missouri. Bussey Aff.

6 6. Plaintiff is delinquent in his payments to MGE for gas service at 4231 Tracy in the
7 amount of \$305.54. *Id.*

8 7. Plaintiff is delinquent in his payments to MGE for gas service at 3514 Bales in the
9 amount of \$250.20. *Id.*

10 8. Plaintiff is delinquent in his payments to MGE for gas service at 3312 Moulton in
11 the amount of \$324.15. *Id.*

12 9. Plaintiff does not dispute the amounts owed for the properties at 4231 Tracy, 3514
13 Bales and 3312 Moulton. *Id.*

14 10. MGE's operations are governed by a tariff on file with the Missouri Public Service
Commission. *Id.*

15 11. Section 3.02 of the tariff states that MGE shall not be required to supply gas service
16 to a customer if said customer is indebted to the gas company for service at that or another
17 address. *Id.*

18 12. Section 3.07(a) of the tariff states that MGE has the right to discontinue gas service
when a customer fails to pay a delinquent charge. *Id.*

1 13. Section 3.07(B) of the tariff states that "[i]n the event of discontinuance or
2 termination of service at a separate residential metering point, residence or location
3 in accordance with these General Terms and Conditions for Gas Service, Company
4 may transfer any unpaid balance to any other residential service account of
5 customer and may discontinue service twenty-one (21) days after rendition of the
6 combined bill, for nonpayment, in accordance with this rule.

Id.

7 14. MGE terminated service to the 4024 Prospect property on April 17, 2002. *Id.*

8 15. The balance from the 4024 Prospect property was transferred to the 4231 Tracy
9 account on June 25, 2002. *Id.*

10 16. Gas service to the 4231 Tracy property was terminated on July 30, 2002. *Id.*

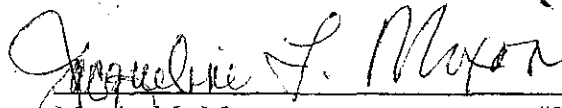
11 17. Mr. Dudley did not file a written complaint with the Missouri Public Service
12 Commission. *Id.*

13 18. Plaintiff did not request a rehearing with the Public Service Commission. *Id.*

14 19. On October 1st and 2nd, 2002, Mr. Dudley made payments to MGE in the total
15 amount of \$480.00 towards the past due balance on the 4231 Tracy account, and on October 3,
16 2002, MGE restored service to 4231 Tracy. *Id.*

17 WHEREFORE, for the foregoing reasons, and for the reasons set forth in Defendant's
18 Suggestions in Support of its Motion for Summary Judgment, filed contemporaneously herewith
19 and which is incorporated herein by reference, Defendant states that there is no genuine issue of
20 material fact and prays for judgment as a matter of law in its favor and against Plaintiff, and for
21 such other and further relief as this Court deems just.

DYSART TAYLOR LAY
COTTER & MCMONIGLE, P.C.



Martin M. Montemore #26895

Jacqueline L. Mixon #37994

4420 Madison Avenue

Kansas City, Missouri 64111

(816) 931-2700

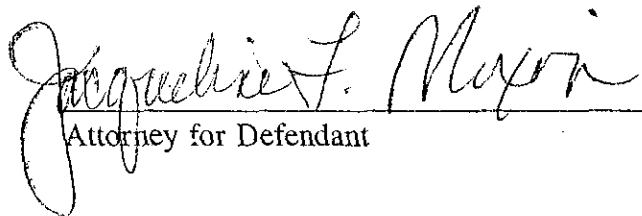
(816) 931-7377 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify on this 12th day of ~~October~~ November, 2002, that a copy of the foregoing was mailed to:

Mr. James Dudley
4231 Tracy
Kansas City, Missouri 64110


Attorney for Defendant

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION

JAMES DUDLEY,

Plaintiff,

vs.

SOUTHERN UNION COMPANY,
MISSOURI GAS ENERGY, Division

Defendant.

Case No. 02 CV 222965
Division 25.

AFFIDAVIT OF WANDA BUSSEY

STATE OF MISSOURI)

)ss.

COUNTY OF JACKSON)

I, Wanda Bussey, after being duly sworn upon my oath, do state as follows:

1. I am Senior Customer Service Representative for Southern Union Company, Missouri Gas Energy, a division ("MGE"), and am authorized to make this affidavit in that capacity. The following facts are based upon my personal knowledge and a review of the business records of MGE kept in the normal and ordinary course of business.

2. Mr. James Dudley appears to reside at 4231 Tracy Ave., Kansas City, Missouri 64110.

3. Mr. Dudley owns property located at 4231 Tracy, 4024 Prospect, 3514 Bales, and 3312 Moulton, all in Kansas City, Missouri.

4. On or about April 26, 2002, a delinquency in the amount of \$2,212.59 existed for gas service at the 4024 Prospect property from September, 2000 through April, 2002.

5. Mr. Dudley told MGE that he did not know the name of the tenant residing at 4024 Prospect during that time that the bill was owed. The service was in the name of Sara Chappelow, who allegedly resided at the 4024 Prospect property during that time. MGE requested that Mr. Dudley provide proof of Ms. Chappelow's occupancy, but he has not provided any proof to MGE that anyone other than himself or his family was living there.

EXHIBIT "A" 5

6. Ms. Chappelow has provided documents to MGE, including a signed lease agreement, showing that from May, 2000 through May, 2002, Ms. Chappelow was residing in Independence, Missouri, and not at 4024 Prospect.

7. Plaintiff is delinquent in his payments to MGE for gas service at 4231 Tracy in the amount of \$305.54.

8. Plaintiff is delinquent in his payments to MGE for gas service at 3514 Bales in the amount of \$250.20.

9. Plaintiff is delinquent in his payments to MGE for gas service at 3312 Moulton in the amount of \$324.15.

10. Plaintiff does not dispute the amounts owed for the properties at 4231 Tracy, 3514 Bales and 3312 Moulton.

11. MGE's operations are governed by a tariff on file with the Missouri Public Service Commission. Certain portions of this tariff are attached hereto as Exhibit 1 and incorporated herein by reference.

12. Section 3.02 of the tariff states that MGE shall not be required to supply gas service to a customer if said customer is indebted to the gas company for service at that or another address.

13. Section 3.07(a) of the tariff states that MGE has the right to discontinue gas service when a customer fails to pay a delinquent charge.

14. Section 3.07(B) of the tariff states that "[i]n the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these General Terms and Conditions for Gas Service, Company may transfer any unpaid balance to any other residential service account of customer and may discontinue service twenty-one (21) days after rendition of the combined bill, for

nonpayment, in accordance with this rule.

15. MGE terminated service to the 4024 Prospect property on April 17, 2002.

16. The balance from the 4024 Prospect property was transferred to the 4231 Tracy account on June 25, 2002.

17. MGE notified Mr. Dudley of the balance transfer and requested that Mr. Dudley pay the indebtedness. Mr. Dudley failed to do so.

18. Gas service to the 4231 Tracy property was terminated on July 30, 2002.

19. Mr. Dudley did not file a written complaint with the Missouri Public Service Commission.

20. Mr. Dudley did not request a rehearing from the Public Service Commission.

21. On October 1st and 2nd, 2002, Mr. Dudley made payments to MGE in the total amount of \$480.00 towards the past due balance on the 4231 Tracy account, and on October 3, 2002, MGE restored service to 4231 Tracy.

FURTHER AFFIANT SAYETH NAUGHT.

Wanda Bussey
WANDA BUSSEY

Subscribed and sworn to before me this 4th day of November, 2002.

Kimberly D. Lambert
KIMBERLY D. LAMBERT
Notary Public - State of Missouri
County of Platte
My Commission Expires May 26, 2003
Notary Public

My Commission Expires:

May 26, 2003

P.S.C.MO. No. 1

Original

SHEET No. 1

Missouri Gas Energy,
a Division of Southern Union Company

For All Missouri Service Areas

RECEIVED

JAN 7 1994

MO. PUBLIC SERVICE COMM.



MISSOURI GAS ENERGY

SCHEDULE OF RATES AND CHARGES AND
GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

FILED

FEB 1 1994
94 - 40

MO. PUBLIC SERVICE COMM.

DATE OF ISSUE January 7 1994 DATE EFFECTIVE February 1 1994
month day year month day year

ISSUED BY F. Jay Cummings Vice President, Rates and Regulatory Affairs

P.S.C. MO. No. 1
 Canceling P.S.C. MO. No. 1

Third Revised
 Second Revised

OCT 01 2001

SHEET No. 2
 SHEET No. 2

Missouri Gas Energy,
 a Division of Southern Union Company

Service Commission
 For All Missouri Service Areas

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DATE OF ISSUE: October 1, 2001
 month day year

DATE EFFECTIVE: November 1, 2001
 month day year

ISSUED BY: Robert J. Hack

VP, Pricing and Regulatory Affairs

Missouri Gas Energy Kansas City, Missouri 64111

Missouri Public

FILED NOV 01 2001

01-292

Service Commission

Missouri Public

P.S.C. MO. No. 1
Cancelling P.S.C. MO. No. 1

Second Revised
First Revised

RECD JUL 16 2001
SHEET No. R-21
SHEET No. R-21

Missouri Gas Energy,
a Division of Southern Union Company

Service Commission
For: All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

3.06 **SUSPENSION OF SERVICE:** Company shall have the right to suspend gas service to customer for temporary periods as may be necessary for the inspection, maintenance, alteration, change, health, safety, state of emergency, replacement or repair of gas facilities, or for the preservation or restoration of system operations. In all cases of interruption or suspension of service, Company will make reasonable efforts to restore service without unnecessary delay. No such interruption or suspension of service will relieve customer from charges provided for in customer's service agreement. Company shall not be liable for damages occasioned by suspension of service for said causes.

3.07 **DISCONTINUANCE OF SERVICE:** Company shall have the right to discontinue gas service to a customer and remove its facilities, or any portion thereof, from customer's premises upon default by customer of any provision of the service agreement. In addition to any other legal remedies, Company reserves the right to refuse to reconnect gas service to any customer until such default shall have been remedied by customer. Any one or more of the following may be considered as a default:

- (A) Non-payment of an undisputed delinquent charge.
- (B) Failure to post a security deposit or guarantee acceptable to Company.
- (C) Unauthorized interference, diversion or use of the gas service situated or delivered on or about customer's premises.
- (D) Failure to comply with the terms and conditions of a settlement agreement.
- (E) Refusal after reasonable notice to permit inspection maintenance, replacement or meter reading of utility equipment. If the utility has a reasonable belief that health or safety is at risk, notice at the time inspection is attempted is reasonable.

Missouri Public

FILED AUG 06 2001
01 - 292

Service Commission

DATE OF ISSUE July 16, 2001
month day year

DATE EFFECTIVE August 06, 2001
month day year

ISSUED BY Robert J. Hack

AUG 06 2001
Vice President, Pricing and Regulatory Affairs
Missouri Gas Energy, Kansas City, MO. 64111

Missouri Public

P.S.C. MO. No. 1
Cancelling P.S.C. MO. No. 1

Second Revised
First Revised

SHEET No. R-22
SHEET No. R-22

Missouri Gas Energy,
a Division of Southern Union Company

Service Commission
For All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

- (F) Misrepresentation of identity for the purpose of obtaining gas service.
- (G) Violation of any other General Terms and Conditions for Gas Service of Company on file with and approved by the Commission which adversely affects the safety of customer or other persons, or the integrity of Company's delivery system.
- (H) Failure to pay cost of additional service line, or replacement of a customer-owned service line or lines as provided for in Sections 3.14 and 3.15 herein.
- (I) As provided by state or federal law.

None of the following shall constitute sufficient cause for Company to discontinue service:

- (A) The failure of customer to pay for merchandise, appliances, or services not subject to Commission jurisdiction as an integral part of the gas provided by Company.
- (B) The failure of customer to pay for concurrent service received at a separate metering point, residence or location. In the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these General Terms and Conditions for Gas Service, Company may transfer any unpaid balance to any other residential service account of customer and may discontinue service twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule.

Missouri Public

FILED AUG 06 2001

01-292
Service Commission

DATE OF ISSUE July 16, 2001
month day year

DATE EFFECTIVE August 16, 2001
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ISSUED BY Robert J. Hack

AUG 06 2001
Vice President, Pricing and Regulatory Affairs
Missouri Gas Energy, Kansas City, MO. 64111

25

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION

FILED

MAY 19 2004

Missouri Public
Service Commission

JAMES DUDLEY,

Plaintiff,

vs.,

SOUTHERN UNION COMPANY,
MISSOURI GAS ENERGY, Division

Defendant.

Case No. 02 CV 222965

Division 25

**SUGGESTIONS IN SUPPORT OF MGE'S
MOTION FOR SUMMARY JUDGMENT**

1 COMES NOW the Defendant, Southern Union Company, Missouri Gas Energy, a division
2 ("MGE"), by and through its attorneys of record, and respectfully submits the following
3 Suggestions in Support of its Motion for Summary Judgment against Plaintiff James Dudley.

4 **INTRODUCTION**

5 Plaintiff is an individual residing in Kansas City, Jackson County, Missouri. He is the
6 owner of numerous properties in the Kansas City area, including 4231 Tracy, 4024 Prospect, 3514
7 Bales and 3312 Moulton. All of these properties are supplied with gas service by MGE. In April,
8 2002, a past due balance for Plaintiff's account at the 4024 Prospect address was transferred to
9 Mr. Dudley's account for 4231 Tracy, which was past due already. After Mr. Dudley refused to
10 pay the delinquent charges, gas service was shut off on July 30, 2002. As will be shown, MGE
11 acted at all times in accordance with its tariff, which governs all MGE's operations. Additionally,
12 this Court is without jurisdiction to hear Plaintiff's claims, because he failed to exhaust his
13 administrative remedies through the Missouri Public Service Commission ("PSC"). Accordingly,
14 there is no genuine issue of material fact and MGE is entitled to judgment as a matter of law.

STANDARDS FOR SUMMARY JUDGMENT

Summary Judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Daffron v. McDonnell Douglas Corp.*, 874 S.W.2d 482, 483 (Mo. App. 1994). Rule 74.04, Missouri Rules of Civil Procedure. All evidence is viewed in the light most favorable to the non-moving party and the facts set forth by affidavit or otherwise in support of a party's motion are taken as true unless contradicted by the non-moving party's response to the summary judgment motion. *ITT Commercial Finance Corp. v. Mid-Am Marine Supply Corp.* 854 S.W.2d 371, 376 (Mo. banc 1993). Once the movant has established a right to judgment as a matter of law, the non-movant must show a genuine dispute as to the material facts. *Id.*

ARGUMENT

1. MGE's tariff allowed the termination of Plaintiff's service.

MGE's operations are governed by a tariff on file with the Missouri Public Service Commission. Section 3.02 of that tariff states that MGE shall not be required to supply gas service to a customer if said customer is indebted to the gas company for service at that or another address. *See* Bussey Affidavit. Additionally, section 3.07(a) of the same tariff states that MGE has the right to discontinue gas service when a customer fails to pay a delinquent charge.

In the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these General Terms and Conditions for Gas Service, Company may transfer any unpaid balance to any other residential service account of customer and may discontinue service twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule.

Section 3.07(B).

1 MGE terminated service to the 4024 Prospect property on April 17, 2002. In April, 2002, Mr.

2 Dudley's account with MGE was delinquent at the 4231 Tracy property in the amount of \$300.27.

3 After Mr. Dudley refused to pay the balance due on the 4024 Prospect account, that
4 balance the was transferred to the 4231 Tracy account on June 25, 2002. When Mr. Dudley
5 refused to pay the total balance due on the 4231 Tracy account, gas service to that location was
6 terminated on July 30, 2002. *Id.*

7 On July 30, 2002, Mr. Dudley's original balance due on the 4231 Tracy account was more
8 than three months past due and the transferred balance was delinquent more than 21 days after the
9 transfer. Further, Plaintiff admits that he is delinquent on 3 accounts with MGE, and only
10 disputes the transferred balance. As such, MGE acted in accordance with its tariff in terminating
11 gas service to 4231 Tracy and did not unlawfully damage Plaintiff. When Mr. Dudley made a
12 substantial payment toward the past due balance on the 4231 Tracy account, MGE restored service
13 to that residence the next day.

14 WHEREFORE, for the foregoing reasons, Defendant MGE prays for judgment in its
15 favor and against plaintiff, that plaintiff's Petition be dismissed, for its costs herein incurred, and
16 for such other and further relief as this Court deems just.

17 **2. Plaintiff has failed to exhaust administrative remedies.**

18 The PSC is a state agency established by the Missouri General Assembly to regulate public
19 utilities operating within the State. Section 386.020, RSMo. An informal complaint may be filed
20 by a customer with the PSC, but if the customer is not satisfied with the PSC's response, a formal
21 complaint, in writing must be filed. 4 CSR 240-2.070. The PSC then investigates, holds a
22 hearing, and renders a decision on the merits. R.S.Mo. sections 386.90 - 386.500. Only after
23 the decision of the PSC may a circuit court review the PSC's decision. Section 386.510

1 Within thirty days after the application for a rehearing is denied, or if the
2 application is granted, then within thirty days after the rendition of the decision on
3 rehearing, the applicant may apply to the circuit court of the county where the
4 hearing was held or in which the commission has its principal office for a writ of
6 certiorari or review (herein referred to as a writ of review) for the purpose of
7 having the reasonableness or lawfulness of the original order or decision or the
8 order or decision on rehearing inquired into or determined. . . No new or
9 additional evidence may be introduced upon the hearing in the circuit court but the
10 cause shall be heard by the court without the intervention of a jury on the evidence
11 and exhibits introduced before the commission and certified to by it.

12 Section 386.510. Without a decision by the PSC, there is literally nothing for the circuit court to
13 review. Because Mr. Dudley failed to file a formal complaint with the PSC, and also failed to
14 request a rehearing as required by section 386.510, there has not been a hearing or a decision, and
15 this Court does not have jurisdiction. Accordingly, Plaintiff's claims against MGE should be
16 dismissed.

17 As shown above, MGE has acted in accordance with the tariff governing its conduct in
18 transferring a past due balance between Plaintiff's accounts and terminating Plaintiff's gas service.

19 Moreover, even if MGE had not acted correctly, which MGE disputes, Plaintiff has failed to
20 exhaust the required administrative remedies, and this Court is without jurisdiction to hear
21 Plaintiff's claims.

22 WHEREFORE, for the foregoing reasons, Defendant MGE respectfully requests that this
23 Court grant judgment in its favor, and against plaintiff, that MGE be awarded for its costs herein
incurred, and for such other and further relief as this Court deems just.

DYSART TAYLOR LAY
COTTER & MCMONIGLE, P.C.

Jacqueline L. Nixon

Martin M. Montemore #26895

Jacqueline L. Nixon #37994

4420 Madison Avenue

Kansas City, MO 64111

(816) 931-2700

(816) 931-7377 (FAX)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid, this 10th day of

November, 2002, to the following:

Mr. James Dudley
4231 Tracy
Kansas City, Missouri 64110

Jacqueline L. Nixon

Attorney for Defendant

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

FILED

MAY 19 2004

JAMES DUDLEY,

Plaintiff,

vs.

SOUTHERN UNION COMPANY,
MISSOURI GAS ENERGY, Division

Defendant.

Missouri Public
Service Commission

Case No. 02 CV 222965
Division 25

FILED - CIRCUIT COURT
JACKSON COUNTY, MISSOURI
JAN 22 PM 2:23
[Signature]

**SUGGESTIONS IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Defendant, Southern Union Company, Missouri Gas Energy, a division ("MGE"), by and through its attorneys of record, and respectfully submits the following Suggestions in Opposition to Plaintiff's Motion for Summary Judgment.

INTRODUCTION

Plaintiff is an individual proceeding *pro se*. Apparently, Plaintiff is complaining about a delinquent gas bill on a rental property owned by him located at 4024 Prospect. After the previous tenant provided proof that she had not lived at 4024 Prospect during the time in question, MGE requested Mr. Dudley provide the name of the person residing at 4024 Prospect because somebody was obviously using gas service. After Mr. Dudley failed to provide the name or proof that anyone other than he or his family was living at 4024 Prospect, pursuant to its tariff, MGE discontinued service at 4024 Prospect. Also pursuant to its tariff, MGE transferred the 4024 Prospect balance to Mr. Dudley's admitted residence at 4231 Tracy, and when the delinquency was not paid, service was terminated at 4231 Tracy. After Mr. Dudley made some payments toward the delinquency, MGE restored gas service to the Tracy address.

Schedule 12

As was shown in MGE's Motion for Summary Judgment filed November 6, 2002, MGE acted in accord with its tariff at all times. Not only is Plaintiff not entitled to summary judgment in its favor, the uncontroverted facts clearly show that MGE is entitled to judgment as a matter of law against Plaintiff.

STANDARDS FOR SUMMARY JUDGMENT

Summary Judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Daffron v. McDonnell Douglas Corp.*, 874 S.W.2d 482, 483 (Mo. App. 1994). Rule 74.04, Missouri Rules of Civil Procedure. Once the moving party has established a right to judgment as a matter of law, "the nonmoving party's only recourse is to show that there is a genuine dispute of material fact by offering affidavits, deposition, answers to interrogatories, or admissions." *Garrett v. Impac Hotels 1, L.L.C.*, 87 S.W.3d 870, 872 (Mo.App.E.D. 2002). Parties may not avoid summary judgment by introducing their own statements of conclusory allegations to create a genuine issue of material fact. *Id.*

In the instant case, Mr. Dudley has failed to show that he is entitled to judgment as a matter of law or that there is any genuine issue of material fact as to MGE's Motion for Summary Judgment. His conclusory allegations do not create any genuine issues of material fact.

MGE'S RESPONSE TO PLAINTIFF'S STATEMENT OF CONTROVERTED FACTS.

1. Admit. Paragraph 1 repeats verbatim MGE's statement in its Motion for Summary Judgment.
2. Admit. Paragraph 2 repeats verbatim MGE's statement in its Motion for

1 Summary Judgment.

2 3. Admit. MGE admits that Mr. Dudley disputed the bill at 4024 Prospect.

3 4. Admit. Paragraph 4 repeats verbatim paragraph 3 of MGE's statement of
4 Uncontroverted Facts.

5 5-8. Plaintiff appears to be admitting something in MGE's Statement of Uncontroverted
6 Facts. We think that Plaintiff is admitting the delinquent accounts at 4231 Tracy, 3514 Bales, and
7 3312 Moulton.

8 9-13. Admit. Paragraphs 9 - 13 repeat paragraphs 9 - 13 of MGE's Uncontroverted
9 facts.

10 14. Deny. Plaintiff appears to be stating that the delinquent balances did not become
11 an issue until after September 29, 2002. MGE asserts that these delinquencies were being
12 addressed with Plaintiff well before September 29, 2002.

13 15. Admit. Plaintiff repeats paragraph 15 of MGE's facts.

14 16. Admit. Plaintiff repeats paragraph 16 of MGE's facts.

15 17. Deny. Plaintiff asserts that he filed a written complaint with the Missouri Public
16 Service Commission, but has not provided a copy of or proof of said written complaint.

17 18. Admit. MGE admits that Plaintiff received a letter from the Public Service
18 Commission.

19 19. Deny. Plaintiff was able to read the statutes well enough to call the Public Service
20 Commission, and is able to read the statutes enough to cite them in his various motions filed in
21 this case. The administrative requirement for a hearing before the Public Service Commission is
22 clearly detailed in the statute, 4 CSR 240-2.070, as well as the administrative requirement of a
23 request for rehearing as set forth in sections 386.90 - 386.500, RSMo.

- 1 20. Admit.
- 2 21. Admit.
- 3 22. Deny. Plaintiff asserts that he followed the dispute policy for the Missouri Public
4 Service Commission, but admits in paragraphs 20 and 21 that he did not request or have a hearing
5 or request a rehearing.
- 6 23. Unable to admit or deny. MGE does not know who lives at 4024 Prospect, but the
7 property is owned by Plaintiff.
- 8 24. See response to paragraph 23.
- 9 25. See response to paragraph 23.
- 10 26. See response to paragraph 23.
- 11 27. Admit that Plaintiff had gas service in his name at 4024 Prospect from Sept. 2001
12 through April 2002.
- 13 28. Deny. Plaintiff had gas service in his name in September, 2001 at 4024 Prospect.
- 14 29. MGE admits that Plaintiff disputed the bill to MGE but denies that he followed any
15 of the proper administrative procedures before the Public Service Commission.
- 16 30. Unable to admit or deny. MGE is not sure what the listing of three statutes means.
17 Plaintiff has a section entitled Missouri Gas Energy Uncontroverted Facts. MGE will now
18 attempt to respond to Plaintiff's "facts".
- 19 1. Deny. Mr. Dudley had a delinquent bill for gas service at 4024 Prospect.
- 20 2. MGE admits that gas service was in Ms. Chappelow's name until May, 2000.
- 21 3. MGE admits that Ms. Chappelow lived at 4024 Prospect until May 2000.
- 22 4. Deny. Attached to MGE's Motion for Summary Judgment is the affidavit of an
23 MGE employee verifying that Ms. Chappelow provided proof to MGE that she no longer resided

1 at 4024 Prospect.

2 5. Deny. MGE asserts that because the property at 4024 Prospect is owned by Mr.
3 Dudley, the burden is upon him to provide proof that someone other than he was residing at the
4 location. Plaintiff has wholly failed to provide any documentation that anyone other than himself
5 or his family resided at 4024 Prospect during the time in question.

6 6. See response to paragraph No. 5.

7 7-11 Unable to respond or deny. MGE is unsure to what Plaintiff is referring.

8 12. Admit.

9 13. Admit.

10 Plaintiff references Suggestions in support of his Motion, but MGE did not receive a copy of
11 these suggestions, if there are any.

ARGUMENT

12 Plaintiff has completely failed to show that he is entitled to judgment as a matter of law.

13 Instead he has admitted the essential elements of MGE's Motion for Summary Judgment, that he
14 owns various properties, that each of those properties had a delinquent balance, that MGE's tariff
15 allows the transfer of delinquent balances and termination of service for delinquent balances.

16 Further, Plaintiff admits that he did not request a hearing before the Missouri Public Service
17 Commission or a rehearing, which is a requirement in order to file suit against MGE, a public
18 entity.

19 As stated in MGE's Motion for Summary Judgment, MGE's operations are governed by a
20 tariff on file with the Missouri Public Service Commission. That tariff allows MGE to refuse to
21 supply gas service to a customer if said customer is indebted to the gas company for service at that
22 or another address. Additionally, the same tariff allows MGE to discontinue gas service when

1 a customer fails to pay a delinquent charge. Finally, the tariff explicitly states that MGE may
2 transfer any unpaid balance to another residential service account and terminate service for
3 nonpayment of the combined bill.

4 Simply put, MGE acted at all times in accordance with its tariff. It terminated service to the
5 4024 Prospect property on April 17, 2002. In April, 2002, Mr. Dudley's account with MGE was
6 delinquent at the 4231 Tracy property in the amount of \$300.27. After Mr. Dudley refused to
7 pay the balance due on the 4024 Prospect account, that balance then was transferred to the 4231
8 Tracy account on June 25, 2002. When Mr. Dudley refused to pay the total balance due on the
9 4231 Tracy account, gas service to that location was terminated on July 30, 2002. *Id.*

10 On July 30, 2002, Mr. Dudley's original balance due on the 4231 Tracy account was more
11 than three months past due and the transferred balance was delinquent more than 21 days after the
12 transfer. When Mr. Dudley made a payment toward the past due balance on the 4231 Tracy
13 account, MGE restored service to that residence the next day.

14 Additionally, Plaintiff admits that he has not requested a hearing in writing from the Public
15 Service Commission. Because he has failed to exhaust his administrative remedies, this Court is
16 without jurisdiction to hear his complaint.

17 WHEREFORE, for the foregoing reasons, Defendant MGE prays for judgment in its
18 favor and against plaintiff, that plaintiff's Petition be dismissed, for its costs herein incurred, and
19 for such other and further relief as this Court deems just.

W. M. Montrose

(816) 931-7377 (FAX)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid, this 22nd day of

Kansas City, Missouri 64110

W. O. M. Montemore
Attorney for Defendant

I certify that the foregoing document is a true and
 complete copy of the original on file in my
 office and of which I am legal custodian.
 T. J. Freeman
 Clerk & Registrar
 Circuit Court of Jackson County, Missouri

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY MO 64110 MLG
F04WKB CINC ANLS

EA DB
WK
HM 816 682-1689 G E
ACCOUNT ANALYSIS

0401
08 09057
F RES 4827397879
04/22/03 16:01

SEL	DATE	REV	MO	DESCRIPTION	TRAN	AMOUNT	ACCT	BALANCE
	05/06/02	05/02		REGULAR PAYMENT		-100.00		200.27
	04/11/02	04/02		ACTUAL(OR ESTIMATED) BILL		141.59		300.27
	04/10/02	04/02		DELAYED PAYMENT CHARGE		2.49		158.68
	03/11/02	03/02		ACTUAL(OR ESTIMATED) BILL		156.32		156.19
	02/27/02	02/02		REGULAR PAYMENT		-120.00		-0.13
	02/09/02	02/02		ACTUAL(OR ESTIMATED) BILL		35.26		119.87
	02/08/02	02/02		DELAYED PAYMENT CHARGE		1.33		84.61
	01/11/02	01/02		ACTUAL(OR ESTIMATED) BILL		83.28		83.28
	01/02/02	01/02		REGULAR PAYMENT		-60.81		0.00
	12/11/01	12/01		ACTUAL(OR ESTIMATED) BILL		11.45		60.81
	12/10/01	12/01		DELAYED PAYMENT CHARGE		0.17		49.36

NON-FINANCIAL ANALYSIS (Y/N): N

MORE PAGES

13-ACCT DATA 14-CURR SERV 16-BILL HIST 17-PYMT HIST 18-ACCT BAL

19-MISC CHARGE 20-DEGREE DAY 21-CUST CONTC 22-ACCT INFO

NEXT FUNCTION: DATA:

0012

FILED

MAY 19 2004

Missouri Public
Service Commission

14

111

schedule 13 A

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY MO 64110 MLG
F04WKB CINQ ANLS

WK
HM 816 682-1689 G
ACCOUNT ANALYSIS

EA DB

0401
08 09057
F RES 4827397879
.04/22/03 16:01

SEL	DATE	REV MO	DESCRIPTION	TRAN AMOUNT	ACCT BALANCE
	10/01/02	10/02	REAPPLICATION TRF - FROM	290.00	2,546.42
	10/01/02	09/02	REGULAR PAYMENT	-290.00	2,256.42
	09/03/02	09/02	CHARGE OFF TO BAD DEBT	0.00	2,546.42
	07/30/02	08/02	FINAL BILL	18.38	2,546.42
	07/10/02	07/02	ACTUAL(OR ESTIMATED) BILL	17.29	2,528.04
	07/10/02	07/02	DELAYED PAYMENT CHARGE	0.62	2,510.75
	06/25/02	06/02	DIRECT TRANSFER - TO	2,204.59	2,510.13
	06/10/02	06/02	ACTUAL(OR ESTIMATED) BILL	38.59	305.54
	06/10/02	06/02	DELAYED PAYMENT CHARGE	1.01	266.95
	05/09/02	05/02	ACTUAL(OR ESTIMATED) BILL	63.41	265.94
	05/09/02	05/02	DELAYED PAYMENT CHARGE	2.26	202.53

NON-FINANCIAL ANALYSIS (Y/N): N

MORE PAGES

13-ACCT DATA 14-CURR SERV 16-BILL HIST 17-PYMT HIST 18-ACCT BAL

19-MISC CHARGE 20-DEGREE DAY 21-CUST CONTC 22-ACCT INFO

NEXT FUNCTION: DATA:

0012

JAMES E DUDLEY
4231 TRACY AVE
KANSAS CITY
F04WKB CINC ANLS

WK

MO 64110 MLG HM 816 682-1689 G
ACCOUNT ANALYSIS

EA DB

0401

08 09057

F RES 4827397879

04/22/03 16:01

SEL	DATE	REV	MO	DESCRIPTION	TRAN	AMOUNT	ACCT	BALANCE
	02/19/03	02/03		FINAL BILL		80.26		2,895.91
	02/07/03	02/03		ACTUAL(OR ESTIMATED) BILL		224.60		2,815.65
	01/22/03	01/03		ENERGY ASSISTANCE - OTHER		-592.00		2,591.05
	01/10/03	01/03		ACTUAL(OR ESTIMATED) BILL		200.90		3,183.05
	12/09/02	12/02		ACTUAL(OR ESTIMATED) BILL		184.89		2,982.15
	11/06/02	11/02		ACTUAL(OR ESTIMATED) BILL		156.49		2,797.26
	10/02/02	10/02		REGULAR PAYMENT		-190.00		2,640.77
	10/01/02	10/02		CHARGE TRANSFER - TO		324.15		2,830.77
	10/01/02	10/02		CHARGE TRANSFER - TO		250.20		2,506.62
	10/01/02	10/02		BAD DEBT TO FINAL TRSF		0.00		2,256.42
	10/01/02	10/02		REAPPLICATION TRF - TO		-290.00		2,256.42

NON-FINANCIAL ANALYSIS (Y/N): N

TOP OF LIST

MORE PAGES

13-ACCT DATA 14-CURR SERV 16-BILL HIST 17-PYMT HIST 18-ACCT BAL
19-MISC CHARGE 20-DEGREE DAY 21-CUST CONTC 22-ACCT INFO

NEXT FUNCTION: DATA:

0012

12

Schedule 13 B

12

SARAH E CHAPPELOW
4024 PROSPECT AVE
KANSAS CITY MO 64130
F04WKB CCON CCIN

WK 816 921-0534
HM 816 921-6490 G E
CUSTOMER CONTACT ENTRY

0401
08 09057
F RES 9203906879
04/29/03 10:13

SEL	DATE	TIME	TYPE	USER ID	CONTACT DESCRIPTION	MEMO
	07/24/02	12:41	OT	F04JMM	OFFER MR DUDLEY TO SPEAK TO MRS BUSSEY	Y
	07/24/02	12:30	OT	F04NLS	TRANSF MR DUDLEY TO MS. BUSSEY VOICE	Y
	04/24/02	16:01	OT	F04BKS	NOTIFIED CREDIT WORLD---	Y
	04/24/02	11:18	AR	F04VAJ	BAD DEBT TO FINAL BILL TRANSFER	Y
	10/24/01	11:12	OT	F04MER	KCPD CALLING TO SAY THAT THE ACTUAL	Y
	06/14/01	19:53	CS	SYSTEM	SECOND RECOVERY LETTER SENT	Y
	06/01/01	18:06	CS	SYSTEM	FIRST RECOVERY LETTER SENT	Y
	05/22/01	14:39	OT	F04CLR	*** ADV JAMES DUDLEY SD LL 497-64-0241	Y
	05/22/01	13:55	OT	F04DAS	GAVE FAX INFO TO MRS BUSSEY TO CHK OUT	Y
	05/07/01	12:49	OT	F04EBW	TOLD SARAH TO FAX INFORMATION TO DEBBIE	N
	05/07/01	12:44	OT	F04CDB	SARAH WANTED TO TALK TO SUPERVISOR ABOUT	Y
	05/04/01	18:36	OT	F04HDG	ADV 60 DAY FOR FB TO BE PD..SAYS THIS BI	Y
	04/30/01	16:49	OT	F04SAM	REVEIW BILL PER SYSTEM BISH & MAILED OUT	N

REQUESTED FUNCTION INACTIVE
13-ADD CNTCT

NEXT FUNCTION:

DATA:

FILED

0235

MAY 19 2004

Missouri Public
Service Commission

DYSART TAYLOR LAY
COTTER & McMONIGLE, P.C.

ATTORNEYS

4420 MADISON AVENUE
KANSAS CITY, MISSOURI 64111
(816) 931-2700
FAX (816) 931-7377

ALL ATTORNEYS ADMITTED IN MISSOURI
*ALSO ADMITTED IN KANSAS

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ANDREW J. SOMORA*
JILL D. OLSEN*
MATTHEW W. GEARY*

OF COUNSEL:
LEWIS A. DYSART
PHILIP A. KLAUHN

September 25, 2002

Mr. James Dudley
4231 Tracy
Kansas City, MO 64110

FILED

MAY 19 2004

Re: MGE Past Due Amount

Missouri Public
Service Commission

Dear James:

As per our telephone discussion of yesterday, I told you that Missouri Gas Energy had the following amounts as past due:

3514 Bales	\$250.20
4231 Tracy	\$305.54
3312 Moulton	\$324.15
TOTAL	\$879.89

158.09
29.

503.0

These accounts are all in your own name, and you told me that you do not dispute that the balances are past due. You also told me that you do not dispute the amount of each account. You stated that you would call MGE and make arrangements for payment so that service can be returned to 4231 Tracy.

89

Please let me know as soon as you get a satisfactory arrangement with MGE to pay these past due balances.

Very truly yours,

DYSART TAYLOR LAY
COTTER & McMONIGLE, P.C.

Martin M. Montemore
Martin M. Montemore

MMM:jmd

c: Herman A. Loepp, Esq.

250.00 month

Schedule 15

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE
STATE OF MISSOURI

FILED

MAY 19 2004

Name: JAMES DUDLEY
Complainant

Missouri Public
Service Commission

vs.

Case No.

Company Name: MISSOURI GAS ENERGY
Respondent

COMPLAINT

Complainant resides at 4247 AGNES KANSAS CITY MO 64130
(address of complainant)

1. Respondent, MISSOURI GAS ENERGY
(company name)

of #3420 BROADWAY KANSAS CITY MO 64110, is a public utility under the
(location of company)
jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

MGE TRUN OFF MY SERVICE AT 4231 TRACY FOR 2510 THAT I DID NOT OWE
THE GAS BILL WAS IN A MS SARAH CHAPPELOW NAME

HERE ARE THE LETER AND SOME DOCUMENTION THAT WILL EXPLAIN IT MORE

Schedule 16 A

3. The Complainant has taken the following steps to present this complaint to

[illegible]

WHEREFORE, Complainant now requests the following relief:

[illegible]

BILL

Nov 3, 2003
Date

James B. Quelly
Signature of Complainant

Attach additional pages, as necessary.
Attach copies of any supporting documentation.

B