



**MISSOURI GAS ENERGY**

3420 Broadway • Kansas City, MO • 64111-2404 • (816) 360-5755

**ROBERT J. HACK**  
Vice President, Pricing & Regulatory Affairs

November 4, 2003

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

**FILED<sup>4</sup>**

**NOV 05 2003**

Missouri Public  
Service Commission

**RE: Case No. GC-2004-0171**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and eight (8) conformed copies of **Missouri Gas Energy's Answer**.

A hard copy of this filing has been mailed or hand-delivered this date to counsel of record.

Thank you for bringing this matter to the attention of the Commission. Please call me if you have any questions regarding this matter.

Sincerely,

C: Yolanda J. Blaylock  
Office of the Public Counsel  
General Counsel's Office, MoPSC

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>4</sup>

NOV 05 2003

Yolanda J. Blaylock, )

Complainant, )

vs. )

Case No. GC-2004-0171

Missouri Gas Energy, )

Respondent. )

Missouri Public  
Service Commission

**MISSOURI GAS ENERGY'S ANSWER**

Comes now Missouri Gas Energy ("MGE"), a division of Southern Union Company, by and through counsel, and pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission ("Commission") as its answer and affirmative defenses to the Complaint filed by Yolanda J. Blaylock:

1. MGE admits that it is a public utility subject to the jurisdiction of the Commission as provided by law.

2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Michael R. Noack  
Missouri Gas Energy  
3420 Broadway  
Kansas City, MO 64111  
816/360-5560  
FAX: 816/360-5536  
e-mail: [mnoack@mgemail.com](mailto:mnoack@mgemail.com)

3. Ms. Yolanda J. Blaylock (f/k/a Ms. Yolanda Johnson), Complainant, complains that she is wrongfully being denied service at 715 North River Boulevard, Independence, MO due to unpaid gas service bills that are not in her name. Based on correspondence appended to the complaint (a letter dated September 27, 2003), it appears that Ms. Blaylock agrees that she

owes \$824.61 (for service from January through April 1998, and September 1998 through April 2000 at 1003 Burr Street, Independence, MO), but disputes owing anything in relation to the following:

- \$200.80 for service from November 1997 through January 1998 at 1003 Burr Street, Independence, MO, in the name of Angela Johnson;
- \$859.42 for service from August 2000 through May 2001 at 1003 Burr Street, Independence, MO, in the name of Alfred Abernathy;
- \$568.29 for service from October 2001 through July 2002 at 1003 Burr Street, Independence, MO in the name of Deidre Sutton;
- \$944.07 for service from August 2002 through April 2003 at 715 North River Blvd., Independence, MO, in the name of Victor Abernathy; and
- \$225.28 for the unauthorized use of gas and \$138.75 for tampering with MGE facilities all related to the premise at 715 North River Boulevard during the summer of 2003.

4. According to Section 3.02 on Sheet No. R-19 of MGE's tariff:

Company shall not be required to commence supplying gas service if at the time of application, the applicant, or any member of applicant's household (who has received benefit from previous gas service), is indebted to Company for such gas service previously supplied at the same premises or any former premises until payment of such indebtedness shall have been made. This provision cannot be avoided by substituting an application for service at the same or at a new location signed by some other member of the former customer's household or by any other person acting for or on behalf of such customer.

By contacting the owner of the Burr Street property, MGE has verified that Ms. Blaylock was a tenant there. In addition, by contacting Independence Power & Light, MGE has verified that electricity and water service at the Burr Street property from November 1997 through September 2002 was in the name of Yolanda Johnson and Angela Johnson. This establishes that Ms. Blaylock benefited from gas service at the 1003 Burr Street property for the entire period of the billings related to that address referenced in paragraph 3, above. Therefore, MGE may rightfully

deny service to Ms. Blaylock absent payment of the indebtedness related to service at the Burr Street address. As to the premises at 715 North River Boulevard, the owner of the property has verified that Ms. Blaylock has been living there since August 2002. In addition, although electricity and water service had been in Ms. Sutton's name, upon further investigation, Independence Power & Light has also listed Ms. Blaylock's name on the account. This establishes that Ms. Blaylock benefited from gas service (albeit unauthorized) at the North River Boulevard property for the entire period of the billings related to that address referenced above. Therefore, MGE may rightfully deny service to Ms. Blaylock absent payment of the indebtedness related to the North River Boulevard address.

5. On August 21, 2003, Ms. Johnson was quoted a total balance of \$3,761.22 and was advised that MGE would accept \$2,493.35 to turn on service. This quote consisted of: \$2,354.60 (65% of the bills, including unauthorized use) + \$138.75 (tampering), even though MGE was permitted (pursuant to Section 3.12 on Sheet Nos. R-30 and R-31 of its tariff) to require payment of 100% of the indebtedness prior to initiating service. Inasmuch as the Cold Weather Rule period has commenced, on November 3, 2003, MGE quoted Ms. Blaylock a turn on amount of \$647.10 (consisting of \$283.07 [1/12 of regular gas service bills] + \$225.28 unauthorized use + \$138.75 tampering charges).

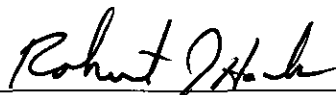
6. Except as expressly admitted in this answer, MGE denies each and every other allegation contained in the Complaint.

7. Further answering, MGE states that it has acted in accordance with its tariff.

8. Further answering and for its first affirmative defense, MGE states that the Complaint fails to state a claim upon which relief may be granted.

**WHEREFORE**, having fully answered and set forth its affirmative defenses, Respondent MGE respectfully requests that the Commission dismiss the Complaint.

Respectfully submitted,



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Attorney for Missouri Gas Energy, a  
division of Southern Union Company

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed on November 4, 2003, to:

Ms. Yolanda J. Blaylock  
715 N. River Blvd.  
Independence, MO 64050

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

General Counsel's Office  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

