

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 April 30, 2009  
9 Jefferson City, Missouri  
Volume 1  
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11  
12 Sam Waheed, )  
 )  
13 Complainant, )  
 )  
14 v. ) Case No. GC-2009-0236  
 )  
15 AmerenUE, )  
 )  
16 Respondent. )  
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19 DANIEL R.E. JORDAN, Presiding,  
20 REGULATORY LAW JUDGE  
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23 REPORTED BY:  
24 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
25 MIDWEST LITIGATION SERVICES

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

2 JUDGE JORDAN: I have five minutes after  
3 nine now, and so we will go on the record in Case  
4 No. GC-2009-0236, which is Sam Waheed vs. AmerenUE. I'm  
5 Daniel Jordan. I'm a Regulatory Law Judge with the  
6 Missouri Public Service Commission.

7 We'll start with entries of appearances and  
8 introductions of client representatives, and I'll begin  
9 with our Complainant, Mr. Waheed. Will you please state  
10 your name and spell it for our court reporter.

11 MR. WAHEED: Sure. Sam Waheed, S-a-m,  
12 W-a-h-e-e-d.

13 JUDGE JORDAN: Thank you. And who all is  
14 here for AmerenUE?

15 MS. TATRO: Wendy Tatro, 1901 Chouteau  
16 Avenue, St. Louis, Missouri, on behalf of AmerenUE. I  
17 have two company representatives with me today, Cathy Hart  
18 in the customer service area and Richard Grimpo, I believe  
19 is on, in the metering area.

20 JUDGE JORDAN: Can you give us spellings  
21 for your client representatives' names, please?

22 MS. TATRO: Sure. Cathy, C-a-t-h-y, Hart,  
23 H-a-r-t. Richard Grimpo, G-r-i-m-p-o.

24 JUDGE JORDAN: Thank you.

25 MR. KNOLL: And this is Alex Knoll for

1 AmerenUE, 111 South Ninth Street, Suite 200, Columbia,  
2 Missouri 65201.

3 JUDGE JORDAN: All right. Anyone else  
4 there for AmerenUE? Okay. Thank you very much.

5 Entry of appearance from Staff, please.

6 MR. BERLIN: Appearing on behalf of the  
7 Staff of the Missouri Public Service Commission, Bob  
8 Berlin, Post Office Box 360, Jefferson City, Missouri  
9 65102, and with me is Marilyn Doerhoff from our customer  
10 service department.

11 JUDGE JORDAN: All right. Thank you very  
12 much. And from the Office of the Public Counsel?

13 MR. POSTON: Thank you. Marc Poston  
14 appearing for the Office of the Public Counsel, P.O.  
15 Box 2230, Jefferson City, Missouri 65102.

16 JUDGE JORDAN: All right. Anyone else  
17 there from the Office of Public Counsel?

18 MR. POSTON: No. Just me.

19 JUDGE JORDAN: Okay. Thank you very much.  
20 Well, first I'll describe what we're going to do in our  
21 prehearing conference. As I mentioned, we are on the  
22 record. We have a reporter transcribing what we say  
23 today, and -- oh, is there someone else on the line  
24 joining us?

25 (The prehearing conference was interrupted

1 by other callers on the conference call.)

2 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

3 JUDGE JORDAN: Here's what we're doing. We  
4 are on the record. I want to discuss procedure that we  
5 would have if we go to hearing, which of course you don't  
6 have to if you settle, and we can also discuss the  
7 substance of the issues that are before us.

8 And when that part is done, since we have  
9 everyone on the line, that's a good opportunity for the  
10 parties to talk without me being around and without the  
11 court reporter and off the record, so the parties may feel  
12 comfortable sharing information that's sensitive otherwise  
13 and can do so outside my hearing.

14 And let me mention also that if there  
15 remains the possibility of settlement and you think it  
16 would be helpful, the Public Service Commission does offer  
17 mediation services so that you can have a neutral third  
18 party come in and help you work something out.

19 So that's what we'll do today. We'll have  
20 an on-the-record part and then an off-the-record part.  
21 Now, I want to -- any questions so far?

22 MS. TATRO: None here, your Honor.

23 JUDGE JORDAN: Okay. Then I'll talk about  
24 the hearing procedure a little bit just so everyone knows  
25 what the ground rules will be if we go to hearing.

1                   It is an evidentiary hearing. That is, the  
2 things that would come to me to build a record on which  
3 the decision would be made would have to meet certain  
4 standards of evidence. I'll give you a couple of statutes  
5 that are probably the most important in this. I'll give  
6 you the citations. They are Sections 536.070.

7                   MR. WAHEED: Sir, can you repeat that?

8                   JUDGE JORDAN: Yes, I can. It's 536.070.  
9 And the other section is Section 490.065, and that's  
10 something to look at in case there are accounting issues  
11 here, which probably everyone in the room is more adept  
12 with than I am, but in order for me to understand them,  
13 you might want to take a look at that section.  
14 That will help everyone get such evidence into the record.

15                   If we do go to a hearing, the burden of  
16 proof will be on the Complainant, on his issues, to show  
17 that AmerenUE has done something wrong. The order of  
18 proof would be -- and this is something like what you see  
19 when you watch TV and you see trials. Order of proof  
20 would be the Complainant, followed by AmerenUE, followed  
21 by Staff.

22                   When the hearing is over, the court  
23 reporter would -- hello?

24                   (The prehearing conference was interrupted  
25 by the conference operator.)

1 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

2 JUDGE JORDAN: So anyway, yeah. The  
3 reporter will prepare a transcript, and then you can have  
4 a copy of the transcript. You'd have to pay for that.  
5 But then you have the chance to prepare written argument  
6 as well in which you look at the transcript and you can  
7 cite that as you develop a brief, basically. That's how  
8 that works.

9 And then when all that stuff is in, I will  
10 prepare sort of a recommended decision for the Commission,  
11 and the Commission is the final decision-maker here. I  
12 give them my take on it, and then they are free to make up  
13 their mind as they see fit.

14 Are there any questions so far as to how I  
15 see us proceeding if we go to hearing?

16 (No response.)

17 JUDGE JORDAN: I don't hear any questions  
18 from anyone. Okay. Well, here's something I want to  
19 mention in regard to this case in particular as we get  
20 into some of the issues that remain, and that is I want to  
21 compliment everyone for the degree of civility and  
22 professionalism that they have brought to this process so  
23 far.

24 Candidly, I'm not used to that in my  
25 government work, but it seems like everyone has looked at

1 a problem in billing and looked at it seriously and found  
2 some errors and done their best to correct them. If I  
3 understand, the only thing that's left is a number, a  
4 quantity called a constant. Am I correct about that?

5 MR. WAHEED: Yes, sir.

6 JUDGE JORDAN: Okay. Maybe you can  
7 educate, someone can educate me as to what the constant  
8 is, and maybe we can figure out what it's supposed to be.  
9 Who would like to start?

10 MS. TATRO: This is Wendy Tatro with  
11 AmerenUE. I guess I would have either Cathy or Richard  
12 talk about how constant works.

13 JUDGE JORDAN: I appreciate that, yes. If  
14 you can enlighten me, please do.

15 MR. GRIMPO: I'll take a stab at it. The  
16 constant works as applied because when a meter -- a gas  
17 meter is normally set to measure gas at seven inches of  
18 water power, which is a unit of pressure. And when  
19 pressure greater than that standard is run through a  
20 meter, then we have to apply a constant to billing to  
21 compensate for the greater amount of gas that goes through  
22 the meter because of the high pressure.

23 JUDGE JORDAN: Okay. So the constant is a  
24 sort of a factor in the billing, is that correct, that  
25 describes how much more gas than usual is going through?

1     Would that be a good way to say it?

2                     MR. GRIMPO:   Yes.

3                     JUDGE JORDAN:  Okay.  Good for me.  I'm  
4     learning something today.  I appreciate that.  And  
5     depending on what that number is, I guess that affects  
6     what the bill is; is that correct?

7                     MR. GRIMPO:   Yes.

8                     JUDGE JORDAN:  Okay.  All right.

9     Mr. Waheed, does that meet your understanding?

10                    MR. WAHEED:   That's fine, sir, yes.

11                    JUDGE JORDAN:  All right.  And if I recall  
12    the state of things, the pleadings, the exchanges that  
13    we've had back and forth, really the -- if I understand it  
14    correctly, and anyone can feel free to correct me on this,  
15    the only question that Mr. Waheed has remaining is where  
16    does that number come from.  Is that fairly accurate?

17                    MR. WAHEED:   Yes.  They kept changing it.  
18    They changed it twice.  And my question is, in October  
19    when they said they change the meter, they changed -- they  
20    said that it would be 1.656, and in January they said no,  
21    they made a mistake, it's now 1.317.  If you look at the  
22    percentage from 1.317 to 1.657, it's almost over  
23    30 percent difference coming up in the point values, and  
24    that's huge.

25                    My next question is, when my neighbor

1 called, because our meter is located right where my  
2 neighbor's property is, his gas meter was leaking gas and  
3 mine was, too, because when the Ameren employee came in,  
4 they did saw it and I saw it, too. Because it's not ever  
5 at our property, we don't go all the time over there.  
6 It's a closed property. It used to be a restaurant and a  
7 lounge. Used to be part of the hotel, but eight years ago  
8 they separated it and sold separate. So I need to know,  
9 did they change my neighbor's constant, too? Was his  
10 constant was changed?

11 And the other question I have is, in  
12 their -- they sent me, Union Electric Company gas service,  
13 they said that whenever a gas meter is registered gas  
14 because of leak in the meter or in the union connection on  
15 the outlet side of the meter or the connection between  
16 company and customer piping, whichever is applicable, an  
17 estimate based upon the period of necessary referred to  
18 above will be made off the registration which has been  
19 produced by the leakage and a corresponding credit will be  
20 allowed to customer.  
21 There was no credit given to us in my bill, and -- and we  
22 don't know how long it's been leaking.

23 Second, I have a very important point. If  
24 you look at G on the same Union Electric Company gas  
25 service agreement, it says no correction to metering data

1 for meter error shall extend beyond the in-service date of  
2 the meter discovered to be in error.

3 That means that when the last time meter  
4 was checked, there shouldn't be -- they cannot charge me  
5 from that date. And last time AmerenUE came in was  
6 July -- May 27th, '08, and the gas was shut down. You  
7 can -- in my initial complaint I also mentioned the gas  
8 was shut down on May 27, '08. How come they are going  
9 back two years to bill me all that?

10 And that is my biggest concern is because  
11 in your agreement it says that when the meter -- if they  
12 service the meter or they discovered any error, they  
13 cannot go beyond that limit, and why I was being charged  
14 for past 24 months.

15 JUDGE JORDAN: Are you done? I don't want  
16 to interrupt you.

17 MR. WAHEED: Yes, sir.

18 JUDGE JORDAN: So if I can summarize what I  
19 understand your issues to be so far, you have a question  
20 about the constant, yes.

21 MR. WAHEED: Yes.

22 JUDGE JORDAN: But you also want to know if  
23 the same is applied to your neighbor; is that correct?

24 MR. WAHEED: Right, sir.

25 JUDGE JORDAN: You also want to make sure

1 that you've gotten the proper amount of credit?

2 MR. WAHEED: Right.

3 JUDGE JORDAN: And then finally your last  
4 issue had to do with the period of going back, two-year  
5 period?

6 MR. WAHEED: Yes.

7 JUDGE JORDAN: Okay. Well, it sounds like  
8 we're getting more into the substantive issues here. This  
9 may be a good time for me to make my exit so that the  
10 parties can speak freely and frankly without tainting the  
11 evidentiary record by having me hear things they don't  
12 want me to hear off the record.

13 Does AmerenUE have anything more that it  
14 would like to tell me or ask me before the reporter and I  
15 make our exit?

16 MS. TATRO: We do not. Thank you.

17 JUDGE JORDAN: Okay. Staff, anything more  
18 for me?

19 MR. BERLIN: No.

20 JUDGE JORDAN: And Office of the Public  
21 Counsel?

22 MR. POSTON: No. Thank you.

23 JUDGE JORDAN: Well, I thank you very much  
24 for your attention and for your patience during this call  
25 and for staying with me while we overcame technical

1     difficulties.  And I think if no one else has anything for  
2     me, which they appear not to have, we will go off the  
3     record.  Thank you very much.

4                     WHEREUPON, the recorded portion of the  
5     prehearing conference was concluded.

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## 1 C E R T I F I C A T E

2 STATE OF MISSOURI )  
3 COUNTY OF COLE ) ss.

4 I, Kellene K. Feddersen, Certified  
5 Shorthand Reporter with the firm of Midwest Litigation  
6 Services, do hereby certify that I was personally present  
7 at the proceedings had in the above-entitled cause at the  
8 time and place set forth in the caption sheet thereof;  
9 that I then and there took down in Stenotype the  
10 proceedings had; and that the foregoing is a full, true  
11 and correct transcript of such Stenotype notes so made at  
12 such time and place.

13 Given at my office in the City of  
14 Jefferson, County of Cole, State of Missouri.

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16 Kellene K. Feddersen, RPR, CSR, CCR

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