

In the Matter of:

David Apted

v.

Laclede Gas Company

GC-2017-0348 VOL. II

December 10, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
December 10, 2018
Jefferson City, Missouri
Volume 2

David Apted,)
Complainant,)
v.) File No. GC-2017-0348
Laclede Gas Company,)
Respondent.)

PAUL T. GRAHAM, Presiding
REGULATORY LAW JUDGE

MAIDA J. COLEMAN
COMMISSIONER

REPORTED BY:
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P R O C E E D I N G S

JUDGE GRAHAM: It's December 10, 2018, and the Commission today is going to take up the case of David Apted vs. Spire Missouri, Inc. formerly known as Laclede Gas Company, File No. GC-2017-0348. I'm Paul Graham. I'm the Regulatory Law Judge presiding over this case. Let's go ahead and enter our appearances. I gather you are Mr. David Apted?

MR. APTED: Yes, sir, that's correct.

JUDGE GRAHAM: You seem to know how to run your microphone back there.

MR. APTED: I had a good teacher.

JUDGE GRAHAM: So you are here on behalf of yourself, and we'll go back in a moment to your last attorney's motion to withdraw and take that up.

I see the Commission staff is here. Would you both enter your appearances, please?

MS. PAYNE: Whitney Payne on behalf of the staff of the Missouri Public Service Commission.

JUDGE GRAHAM: Thank you. And?

MS. KLIETHERMES: I am not an attorney.

JUDGE GRAHAM: Okay. I've met you but I couldn't remember if you were an attorney.

JUDGE GRAHAM: You are Mr. Pendergast?

MR. PENDERGAST: Yes, Michael C. Pendergast

1 appearing on behalf of Spire Missouri, Inc. My business
2 address is 423 South Main Street, St. Charles, Missouri
3 63301.

4 JUDGE GRAHAM: Okay. Thank you very much, Mr.
5 Pendergast. Are there any other attorneys here
6 representing Spire?

7 MR. PENDERGAST: No, Your Honor.

8 JUDGE GRAHAM: One attorney here for Spire.
9 There's some other preliminary matters. I believe we
10 have a motion to withdraw that has been filed on behalf
11 of Steven A. Donner who was representing Mr. Apted. He
12 indicates in his motion that there is no objection to
13 his withdrawal from this matter, and he did indicate in
14 his motion that he intended -- or that Mr. Apted
15 intended to proceed with his hearing today. Do you have
16 any objections, Mr. Apted, to the withdrawal of Steven
17 Donner as attorney in this case?

18 MR. APTED: No, sir.

19 JUDGE GRAHAM: There's no other objection from
20 staff or from Spire on this matter?

21 MS. PAYNE: No, Your Honor.

22 MR. PENDERGAST: No, Your Honor.

23 JUDGE GRAHAM: Mr. Donner's motion to withdraw
24 as counsel in this then case will be sustained. I do
25 want to make sure that I make mention before I forget as

1 a preliminary matter if anyone has evidence that they
2 intend to tender, whether it's visual or whether it is
3 audible that they consider to be confidential, I will
4 place the responsibility on that party to alert me on
5 that so that I can take appropriate action to protect
6 that information. Do you understand what I'm saying,
7 Mr. Apted?

8 MR. APTED: Yes, Your Honor.

9 JUDGE GRAHAM: And staff and the company
10 Spire, is that procedure acceptable?

11 MR. PENDERGAST: Yes, Your Honor.

12 JUDGE GRAHAM: What I really mean, so you all
13 know, is this will just come up in the course of the
14 hearing from time to time. I won't be thinking about it
15 because I won't even know about it and you might not be
16 thinking about it because of the flow of the case, and
17 so forth. That's on you. Okay. So be sure to flag me
18 on that if you have confidential evidence that you're
19 going to present so that I can take the appropriate
20 action.

21 Now, the next big ticket item before we get
22 started here concerns documentary evidence. Staff was
23 kind enough to hand me it's the exhibits that it intends
24 to be dealing with today. They commence with Exhibit
25 No. 100 and what do they do, go through 102? You have

1 just 100 through 102?

2 MS. PAYNE: That is correct.

3 JUDGE GRAHAM: Did you provide Mr. Apted with
4 a copy of those exhibits yet?

5 MS. PAYNE: I have and I have provided the
6 company as well.

7 JUDGE GRAHAM: I've got those up here in front
8 of me. Mr. Apted, do you have any premarked exhibits?

9 MR. APTED: By premarked exhibits?

10 JUDGE GRAHAM: I mean, have you gone ahead and
11 numbered them according to some number or lettering
12 system, something in the way of evidence that you intend
13 to offer to the Commission today that you've premarked
14 in some way so that we can kind of figure out the
15 logistics of this thing right now?

16 MR. APTED: No, Your Honor.

17 JUDGE GRAHAM: Will you be offering some
18 exhibits today?

19 MR. APTED: Yes, Your Honor.

20 JUDGE GRAHAM: Do you have any idea how many?

21 MR. APTED: I really have only two main points
22 of evidence.

23 JUDGE GRAHAM: Okay. So you anticipate two
24 items of evidence?

25 MR. APTED: Yes, Your Honor.

1 JUDGE GRAHAM: And Spire, do you anticipate
2 offering documentary evidence today?

3 MR. PENDERGAST: We may have one or two
4 pieces. Ms. Whitney has already taken care of most of
5 what we were planning on offering.

6 JUDGE GRAHAM: What I'm thinking then, it
7 doesn't sound to me like staff is going to have more
8 than two or three exhibits.

9 MS. PAYNE: That is correct, Your Honor. I
10 wanted to offer these as staff doesn't really have a
11 position in this case so that they would be available
12 for the use of all the parties.

13 JUDGE GRAHAM: It sounds to me like Spire
14 doesn't have very many exhibits.

15 MR. PENDERGAST: No, Your Honor.

16 JUDGE GRAHAM: Mr. Apted, it doesn't sound
17 like you have very many?

18 MR. APTED: No, Your Honor.

19 JUDGE GRAHAM: Well, then what I propose to do
20 is start numbering at 100 with staff's. This may be a
21 little out of the ordinary order, if that's a proper
22 expression. Mr. Apted, your first exhibit will be 110.
23 So make a note of that. That will leave some space in
24 there if staff decides that they need to put some other
25 exhibits in between 100 and 110. Does that give you

1 enough room?

2 MS. PAYNE: Absolutely. Thank you.

3 JUDGE GRAHAM: Since Mr. Apted is the
4 complainant here, moving party, we'll let him come in
5 right after staff on this. Then Mr. Pendergast, we'll
6 come in with you with anything that you've got that
7 staff hasn't put in at 120. Does that work for
8 everybody? Do you understand?

9 MR. PENDERGAST: Yeah.

10 JUDGE GRAHAM: That way we're kind of
11 organized on that. All right. Now, I went through this
12 file over the weekend again and I wasn't completely
13 clear on the witness list here.

14 Mr. Apted, whom do you intend to call today
15 besides yourself?

16 MR. APTED: That's all, Your Honor.

17 JUDGE GRAHAM: That will be the conclusion
18 then of your witnesses is your own testimony. All
19 right. Well, I was clear then on staff's witness and I
20 believe I was clear on the company's witnesses; but in
21 looking over the prefiled list of witnesses, I was not
22 completely clear on Mr. Apted's. So we've taken care of
23 that as a preliminary matter.

24 Now, there's a lot of, as there always are in
25 these cases, reports that have been prefiled at one time

1 or another in this case. I shouldn't say prefiled.
2 They've just been filed in the course of this case. I
3 propose to take official notice of the pleadings, of
4 staff's report.

5 Mr. Apted filed a response to staff's report
6 early on in this case. I'm going to check the EFIS
7 number here. Whatever it is, I propose to take official
8 notice of Mr. Apted's report or I should say his
9 response to the report. Looks like it was EFIS item 7.
10 Does that sound right? You guys probably don't have
11 your dockets open the way I do. You may not.

12 MS. PAYNE: Would it be the response that was
13 filed on August 25, 2017?

14 JUDGE GRAHAM: Yes, response to order
15 directing filing. Mr. Apted seems to lay out his case
16 for us specifically at that point. Are you familiar
17 with what I'm talking about, Mr. Apted?

18 MR. APTED: Yes, Your Honor.

19 JUDGE GRAHAM: I propose to take official
20 notice of that document. Of course, I propose to take
21 official notice of anything that the company has filed
22 responsive to the pleadings and responsive to your
23 document and responsive to staff's report. Now, having
24 said that, I'm going to take official notice of those
25 things. But if any of you have specific objections in

1 the nature of hearsay objections or other objections to
2 any of the documents that I am going to take or the
3 Commission is going to take official notice of, I'm
4 going to give you an opportunity after the hearing is
5 closed and in the briefing schedule to raise those
6 objections so that we're all not trying to think of five
7 or six or ten things at once in the course of this
8 hearing. Is that procedure, do you understand what I'm
9 saying, folks? Mr. Pendergast, do you have an issue?

10 MR. PENDERGAST: I understand what you're
11 saying perfectly, Judge. The only thing we were
12 planning on doing, since we have Ms. Holland here, is
13 have her look at one or two of our pleadings and verify
14 that the information set forth therein is true and
15 correct to the best of her knowledge.

16 JUDGE GRAHAM: I anticipated you'd do that,
17 and I'm not trying to short circuit that in any way. My
18 concern is that when I get back to my office and the
19 Commission gets back to its office we don't find that
20 there's something that somehow didn't get into the
21 record as a matter of evidence that should have gotten
22 there. What you're seeing me doing up here is
23 housekeeping in advance. I'm not in any wise telling
24 anyone how to try their case. I'm just saying I would
25 hope you would allow me, I will anyway, I'll just listen

1 to your objections, take official notice of these
2 documents.

3 All right. That's done. Let the record
4 reflect that I have taken official notice of all of the
5 pleadings, the reports that staff has filed, pleadings,
6 I mean the complaint and any answers thereto, and I've
7 taken official notice of Mr. Apted's response to the
8 staff's report.

9 Having said that, the way that the Commission
10 will conduct this hearing today is I'm going to begin
11 with any opening statements that anyone has to make.
12 Mr. Apted, since you're the moving party, I'm going to
13 begin with you. If you don't want to make an opening
14 statement, you don't need to. By an opening statement,
15 Mr. Apted, since you're not represented, I'm not going
16 to teach law school up here, but I don't mean an
17 argument at this point.

18 I will allow you to make a closing argument in
19 this case where you can comment upon the evidence, argue
20 the evidence, argue the inferences and conclusions that
21 you want the Commission to draw and tell me why your
22 conclusions are supported by the evidence. That's the
23 appropriate thing to do in a closing argument.

24 In the opening statement, I would ask you
25 simply to give me a road map of what your evidence is

1 going to be and what you expect it to show. Okay?

2 MR. APTED: Okay.

3 JUDGE GRAHAM: All right. So at the
4 conclusion of those opening statements, Mr. Apted, I'm
5 going to have you put on your evidence. I think
6 probably before we start I'm going to take a little
7 break here so that you can go ahead and mark your
8 exhibits for us so that we're not stopping later to do
9 that. That's something you'll do here with the court
10 reporter.

11 As soon as we get back on the record and you
12 do your opening statement and the other parties do any
13 opening statements that they want to do, we'll have you
14 testify and then I'm going to go ahead to the company at
15 this point and have them put on their evidence and their
16 exhibits and then we'll go to staff and then we'll have
17 any closing arguments that anyone wants to make. Okay?
18 All right. At this point then, we're going to go off
19 the record while we go ahead and mark some exhibits
20 here. So we're going to go off the record at this
21 point.

22 (COMPLAINANT'S EXHIBITS 110, 111 AND 112 WERE
23 MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

24 (Off the record.)

25 JUDGE GRAHAM: We are back on the record in

1 the case of David Apted vs. Spire Missouri, Inc., File
2 No. GC-2017-0348. We went off the record for about
3 three or four minutes, five minutes, to mark exhibits.
4 We're going to go to opening statements now. Mr. Apted,
5 do you have an opening statement for us? You can sit
6 right there if you wish.

7 MR. APTED: All right. Thank you, Your Honor.
8 First I want to thank the PSC and yourself for taking
9 the time today. I'd like to also thank Spire and their
10 team for coming all the way down here and being a part
11 of this. I'll save most of this for my closing
12 statement, but I'm going to try to run through some
13 pretty brief evidence today, keep things pretty tight
14 and try to get us out of here and back to some Christmas
15 spirit as quickly as possible.

16 I am going to try and point out specific rules
17 and specific billing issues represented by evidence that
18 I have declared to be an issue with my relationship with
19 Spire. Like I said, most of this I'm going to go ahead
20 and just save for my conclusion. So there's the opener.
21 Thank you.

22 JUDGE GRAHAM: Are you in a position, Mr.
23 Apted, to go ahead and call out for us, without
24 argument, just tell us what the rules, regulations,
25 tariffs, statutes are that you believe create duties

1 here on behalf of Spire which Spire has violated? Can
2 you go ahead, since you've mentioned them in your
3 opening statement here, I didn't mean to sit on you
4 entirely here. If you want to tell us what those are
5 right now, that's what I meant by a road map. Those are
6 the city so to speak on the road map we're heading
7 toward.

8 MR. APTED: We will be making a stop at Rule
9 14 and that is all.

10 JUDGE GRAHAM: All right. That concludes your
11 opening statement?

12 MR. APTED: Yes, Your Honor. Thank you.

13 JUDGE GRAHAM: Mr. Pendergast, do you have an
14 opening statement you wish to make?

15 MR. PENDERGAST: I do, Your Honor. I'll try
16 and keep it brief. Obviously we're here today to hear
17 the complaint of Mr. Apted relating to approximately
18 \$1,950 in charges for gas service provided to a building
19 that Mr. Apted owns at 1736 Nicholson Place in St.
20 Louis City.

21 These charges were incurred primarily during
22 December of 2016 through June of 2017. So it was
23 primarily during the winter and spring of 2017. They
24 were incurred in connection with a building that has
25 three rental units in it that Mr. Apted acquired in 2016

1 and began the process of rehabbing the three units for
2 lease to members of the public.

3 As Mr. Apted has said in discovery, this
4 building, which I had the privilege of driving by and
5 it's a gorgeous building, is now having two rental units
6 leased out for a monthly rental income of approximately
7 \$3,200.

8 The main problem from the company's
9 perspective is that Mr. Apted has paid very little of
10 that \$1,950. Over the period addressed by the
11 complaint, he's paid a little bit north of \$60. He paid
12 the first bill on one of the units when it was put into
13 his name and the first bill on a second unit when it was
14 put into his name, but that's the last bill that he
15 paid.

16 And just to kind of put things in perspective,
17 the service initiation fee for those three buildings is
18 \$75. So his \$60 payment doesn't even cover that. We
19 have customer charges of about \$20, and this is
20 something that a customer has to pay regardless of his
21 usage and for each unit that's probably somewhere in the
22 neighborhood of \$125 over the three-month period. Not a
23 dime has been paid on that.

24 We also at Mr. Apted's request did some
25 service work on his premises. He was having a problem

1 with one of his fireplaces not working. So we came out.
2 We billed him \$97.20 for that. Once again, none of that
3 has been paid. We did, because we were, like Mr. Apted,
4 interested in reaching a resolution of this, have a
5 mediation process. We had what we thought was an
6 agreement to resolve this matter. And that agreement
7 was never finalized. But prior to the procedural
8 schedule or procedural conference you ordered, we went
9 ahead and reached out again, said we'd like to go ahead
10 and get it resolved.

11 JUDGE GRAHAM: Mr. Pendergast, may I interrupt
12 you?

13 MR. PENDERGAST: Sure.

14 JUDGE GRAHAM: Again, as I admonished Mr.
15 Apted, this is an opening statement, and you're moving
16 on into discussions of mediation here. If you would
17 confine yourself to an opening statement concerning the
18 evidence that you will be presenting here. I'm assuming
19 you will not be presenting evidence of a mediation here.

20 MR. PENDERGAST: No. What we will be, though,
21 Your Honor, is presenting evidence of the procedural
22 conference we had, presenting evidence of the fact that
23 after that procedural conference concluded we were given
24 21 days to suggest a procedural schedule or see if we
25 could reach agreement. At that point, Mr. Apted went

1 radio silent. He didn't participate in the procedural
2 schedule.

3 Your Honor, I just think that these are
4 important items because I think if somebody abuses the
5 complaint process and doesn't participate in it it
6 should affect the remedy that's going to be provided.
7 But our evidence will show that every complaint that he
8 registered was addressed by the company. We took his
9 complaint seriously. Our evidence will show that we
10 went out and we checked his meters.

11 The evidence will show that there was no
12 problem ascertained with either the meters or the AMR
13 system, and the evidence will show that the staff also
14 did a thorough analysis of it and they too concluded
15 that there was no issue. They even did a comparative
16 usage analysis, and their report indicates that his
17 usage that was metered by the company was consistent
18 with what the historical usage for those three units had
19 been.

20 So I think our evidence will show that there
21 is no basis whatsoever for the complaint and that the
22 Commission should so find. Thank you.

23 JUDGE GRAHAM: All right. Does staff have an
24 opening statement?

25 MS. PAYNE: Briefly, Your Honor. This case

1 was designated as a small formal complaint case pursuant
2 to Commission Rule 2.070 section 15 in an order that was
3 issued on June 26, 2017. In such small formal complaint
4 cases, staff is directed to complete an investigation
5 and file an investigative report with the Commission and
6 the other parties to the case.

7 In accordance with the Commission's rules,
8 staff does not advocate a position beyond the results of
9 that investigative report. Staff did conduct an
10 investigation in this matter and filed its report. We
11 concluded that the company has not violated any
12 applicable statutes, Commission rules or Commission
13 approved company tariffs that were associated with this
14 complaint.

15 We do have Mr. Joseph Roling here who
16 completed staff's investigation and authored the report
17 that was filed. He's available should there be any
18 factual questions regarding staff's investigation. And
19 staff would just like to state that it does not advocate
20 a position today beyond the results of its
21 investigation.

22 JUDGE GRAHAM: That concludes your opening
23 statement?

24 MS. PAYNE: It does. Thank you, Your Honor.

25 JUDGE GRAHAM: Opening statements are

1 concluded then.

2 Mr. Apted, we're going to go ahead with your
3 testimony. Let me see if I can direct this camera over
4 to the witness stand and then I'm going to have you take
5 the witness stand. If you have any paperwork with you
6 that you're going to need, you should probably go ahead
7 and take it up there. All right. Do you want to raise
8 your right hand and be sworn?

9 (Witness sworn.)

10 JUDGE GRAHAM: Thank you. Now I'm going to --
11 You don't have anybody to ask you questions. I cannot
12 serve as your attorney here and direct your examination,
13 although I may have some cross-examination questions for
14 you. You go ahead and state your case for us, sir.

15 DAVID APTED, being sworn, testified as follows:

16 MR. APTED: Thank you. Mike laid out a pretty
17 decent road map. I bought the house in December 2016,
18 moved in immediately, had gas turned on in my name.
19 First bill arrives. I paid it, as Mike stated. Second
20 bill arrives. And without going through all the dollar
21 figures, the second bill I received from Laclede Gas was
22 much higher than any bill I had received in the past,
23 and please take note that I've been living in the City
24 of St. Louis, I've been renting apartments for five,
25 six, seven plus years. I have a somewhat decent idea of

1 what a gas bill should look like in an apartment. The
2 bill I received -- The second bill I received from
3 Laclede shocked me quite a bit so I started to take
4 notice. The second bill I received in February is what
5 really got my attention and set all these wheels in
6 motion for the reason being Apartment A, which is
7 Exhibit 110 is that bill, and Apartment C were metered
8 at the exact same usage for that month.

9 Now, Exhibit 11 and 12 are floor plans,
10 architectural floor plans from those two separate
11 apartments showing or trying to show evidence that it
12 would be improbable that two apartments with such
13 different floor plans would meter the exact same usage
14 in one month.

15 That is what triggered the high bill
16 investigation on my side. I wanted Laclede to come out,
17 I wanted them to test the meters, and at the time I
18 thought more went into a high bill investigation than
19 simply replacing old meters. I thought somebody would
20 maybe walk through the house, look at appliances, look
21 at apartments, look at floor plans before a
22 determination was made. None of that was done.

23 I proceeded over the next several months to
24 spend a lot of enjoyable hours on the phone with the
25 Spire call center, as everyone knows what a treat that

1 can be. They continued to pass the ball to different
2 representatives, different people, nobody could give me
3 an answer, this and that, we replaced the meters, that's
4 the best we can do.

5 So I proceeded to file the complaint with the
6 PSC to open some kind of investigation into this
7 process. Without drawing this out for too long, we did
8 end up in mediation in April, early April 2018. That
9 was held downtown St. Louis. We had a judge there as a
10 mediator.

11 At that time, given the total bill amount that
12 Mr. Pendergast noted in his opening statement, we did
13 come to a resolution of 50 percent of that bill. And
14 the orders going forward for mediation were that Spire
15 was going to draft a release and settlement paperwork to
16 be delivered to myself, I would sign settlement
17 paperwork and return it with a check to Spire for 50
18 percent of the disputed amount.

19 Unfortunately I didn't receive that paperwork
20 and my gas was turned off without notice on May 1. Now,
21 I did receive that settlement agreement a week later,
22 but I still believe Spire to be in violation of Rule 14
23 which was turning off my gas during a disputed amount
24 without notice.

25 And as Mr. Pendergast had elaborated in his

1 statement, he did reach out during setting the
2 procedural schedule and you're right, I was somewhat
3 silent to his communication frankly because I've been
4 extremely busy, I don't do this for a living, I've had a
5 lot of things going on personally and also the fact that
6 I'm not very familiar with setting procedural schedules.
7 So I chose to hire an attorney on my behalf to help get
8 to the finish line and maybe not waste so much of
9 everybody's time in the process with my fumbling around
10 of this whole -- the PSC system. That's all I've got.

11 JUDGE GRAHAM: Are you offering -- You
12 mentioned 11 and 12. I'm assuming you mean 111 and 112,
13 your exhibits?

14 MR. APTED: Yes, Your Honor, I apologize.

15 JUDGE GRAHAM: That's fine. You've mentioned
16 your Exhibit No. 110, 111 and 112. Are you going to
17 offer those exhibits into the record at this time?

18 MR. APTED: Yes, sir.

19 JUDGE GRAHAM: Any objections, Mr.
20 Pendergast?

21 MR. PENDERGAST: Your Honor, I just would like
22 to take a real quick look at them.

23 JUDGE GRAHAM: Yes. Mr. Apted, I don't think
24 you gave them copies. Mr. Apted thinks you've gotten
25 them ahead of time, but go ahead and take a look at

1 them.

2 MR. PENDERGAST: I very well may, Your Honor.
3 We have no objection, Your Honor.

4 JUDGE GRAHAM: Any objection from staff who
5 doesn't take a position in this case?

6 MS. PAYNE: No. Thank you, Your Honor.

7 JUDGE GRAHAM: All right. Exhibits 110, 111
8 and 112 will be received into evidence at this time.

9 (COMPLAINANT'S EXHIBITS 110, 111 AND 112 WERE
10 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

11 JUDGE GRAHAM: Mr. Pendergast, do you have any
12 cross-examination for Mr. Apted?

13 MR. PENDERGAST: Yes, I do, Your Honor. Thank
14 you.

15 JUDGE GRAHAM: Go ahead and proceed.
16 CROSS-EXAMINATION BY MR. PENDERGAST:

17 Q. Good morning, Mr. Apted.

18 A. Good morning.

19 Q. I just want to ask you some questions about
20 the settlement agreement that you mentioned. After
21 mediation was completed, did Spire find out that you had
22 additional usage at your units?

23 A. I'm not aware of if they knew beforehand or
24 found out after mediation.

25 Q. Well, at the time of the complaint, you owed

1 \$1,950; is that correct?

2 A. That is correct.

3 Q. Okay. And what is your balance today?

4 A. I am not aware of the number exactly.

5 Q. Okay. Can you give me an approximate amount?

6 A. I'd say about \$4,400.

7 Q. Okay. And how much of that have you paid?

8 A. None, sir.

9 Q. None, okay. So it was the 1,950 which we'd
10 agreed to come to a resolution about but then there was
11 additional usage after that point; is that correct?

12 A. I believe so.

13 Q. Okay. But did we nonetheless say we'll lay
14 that aside and did you recall me contacting you and
15 saying let's get this matter resolved for what we had
16 originally agreed upon and what Mr. Zucker sent you?

17 A. I don't recall our exact conversation, but you
18 did reach out, yes.

19 Q. Okay. And do you recall that we had a
20 procedural conference the next day that you participated
21 in by phone?

22 A. Yes, sir.

23 Q. Okay. And at that time I made the
24 representation, if you recall, that we should wait and
25 see if we can get a resolution based on this mediation

1 agreement before we set a procedural schedule; do you
2 recall that?

3 A. Not in so many words, but yes, we did reach
4 that conclusion.

5 Q. Okay. And at that point in time you indicated
6 that you weren't prepared to move forward with a
7 settlement at this point; is that correct?

8 A. I felt it was time to seek legal
9 representation on my behalf before proceeding forward,
10 yes.

11 Q. Okay. So you were going to seek legal
12 representation and you weren't prepared to move forward
13 with an agreement at that point?

14 A. Yes.

15 Q. Okay. Did you also at that technical
16 conference become aware of the fact that Spire Missouri
17 was looking, unless you paid one-half of the disputed
18 amount, to discontinue service?

19 A. Can you rephrase that question?

20 Q. Yes. Do you recall us discussing the
21 Commission rule that says the utility can discontinue
22 service if a complainant has not paid one-half of the
23 disputed amount?

24 A. Yes. You're speaking of a conversation that
25 happened after the gas was disconnected in violation of

1 Rule 14, correct?

2 Q. Well, we don't think it was in violation, but
3 I'm talking about a conversation that happened on the
4 record during that procedural conference in August of
5 2018.

6 A. Yes, you did recall that.

7 Q. Okay. And did we ultimately agree that we
8 would see if we could reach an agreement and if not that
9 we would move forward with a procedural schedule?

10 A. Yes, I believe so.

11 Q. Okay. After that August 2 hearing was over,
12 procedural conference was over, did you recall receiving
13 some e-mails from me that was circulated to the other
14 parties basically saying are we going to be able to get
15 an agreement or do we need to follow through with a
16 procedural schedule?

17 A. Yes, I remember having several e-mails from
18 you.

19 Q. Okay. Did you respond to any of those
20 e-mails?

21 A. No, sir.

22 Q. In fact, you didn't participate any further in
23 developing any kind of a procedural schedule pleading
24 that we subsequently filed; is that correct?

25 A. Yes, I was being advised to stay silent.

1 Q. Oh, okay. You were being advised to stay
2 silent. Do you remember the Regulatory Law Judge
3 issuing an order giving you the opportunity since you
4 didn't participate in the pleading to say whether you
5 agreed with the schedule or provide an alternative
6 schedule?

7 A. No, I do not recall.

8 Q. You don't recall receiving that order?

9 A. No, sir. I'm sure I can find it in my e-mail
10 but as I stated before I don't do this for a living and
11 I tend to focus on other things in the meantime.

12 Q. Okay. So on advice of somebody you thought
13 that you didn't have any obligation to participate in
14 the development of a procedural schedule for your own
15 complaint proceeding; is that correct?

16 A. That is correct.

17 Q. Okay. Let's return a little bit to the rule
18 that says we can discontinue service if a complainant
19 hasn't provided one-half of the disputed amount.
20 Shortly after that August 2 procedural schedule
21 conference was held, did you arrange for somebody else
22 to take over your service in Apartment B?

23 A. No, sir, I moved out and I'm leasing my
24 apartments.

25 Q. Okay. So who's taking service in Apartment B?

1 A. I have a tenant I'm leasing to.

2 Q. Okay. Do you recall providing responses to
3 discovery in which you said that while you were getting
4 rental income from Apartment A and getting rental income
5 from Apartment C you were getting no rental income from
6 Apartment B?

7 A. I listed the leases I had available at the
8 time. I had misplaced the lease for Apartment B. I've
9 been in transition with my living situation. A lot of
10 my paperwork has been in boxes, et cetera.

11 Q. Okay. So do you have a lease for Apartment B?

12 A. Yes, sir.

13 Q. Okay. And who is that with?

14 A. I prefer to keep my tenants' names
15 confidential.

16 JUDGE GRAHAM: I'm going to sustain that
17 objection.

18 BY MR. PENDERGAST:

19 Q. What kind of rental income are you getting on
20 Apartment B?

21 A. Passive rental income the same as Apartments A
22 and C.

23 Q. I didn't ask whether it was passive or not.
24 How much are you getting?

25 A. I'd prefer to keep that confidential as well.

1 JUDGE GRAHAM: Mr. Pendergast, do you have a
2 response? I'm going to take that as an objection to
3 your question. Do you have a response to his objection?

4 MR. PENDERGAST: Yeah, Your Honor. My
5 response to his objection is he owes us \$4,400. He's
6 paid us \$60. He's making at least \$3,200 in rental
7 income at this place that we contributed money to in
8 order for him to go ahead and rehab. And I think it's
9 relevant to find out if he actually has a tenant there
10 and if that tenant is there what kind of rental income
11 they're paying.

12 JUDGE GRAHAM: Mr. Apted's objection is
13 sustained, Mr. Pendergast.

14 BY MR. PENDERGAST:

15 Q. Okay. Where are you living now?

16 A. Where am I living now?

17 Q. Yeah.

18 A. I'm going to choose to keep that confidential
19 as well, but I have been forced to take up residence
20 with my family for the time being as I'm going to be
21 enlisting in the military in the spring. I want to get
22 my affairs in order and collect as much income as I can
23 between now and then.

24 MR. PENDERGAST: May I approach the witness?

25 JUDGE GRAHAM: Yes, you may.

1 BY MR. PENDERGAST:

2 Q. I'm handing you a document. Can you identify
3 that document for me?

4 A. Yes, the data request.

5 Q. Yeah. And those are data request responses
6 that you provided to Spire?

7 A. Correct.

8 Q. Okay. Would you please read the first
9 question, Data Request No. 1?

10 A. Please state the address at which Mr. Apted is
11 currently residing.

12 Q. And would you please state the response?

13 A. 1736 Nicholson Place.

14 Q. Okay. When you provided this response, was
15 that untrue?

16 A. I thought it was the best answer given at the
17 time. Most of my bills are still arriving at that
18 address. And given that I have been moving frequently
19 over the last few months, I figured my solid residence
20 would be best stated as 1736 to make sure just in case a
21 new settlement agreement were to arrive in the mail it
22 would be received by myself and not end up at an address
23 where I'm not currently residing.

24 Q. Okay. So when you said you were residing
25 there, you were kind of residing there?

1 A. No. I simply choose to have mailings and
2 bills sent to that address.

3 Q. Okay. And you're not prepared to tell us
4 where you are residing now; is that correct?

5 A. Mike, I can tell you that I have moved several
6 locations in the last few months and for now I'm in the
7 process of getting my things to storage and I'm going to
8 be spending most of my living time at home until I
9 figure out what the future has in store for me as far as
10 the military and other dealings go.

11 Q. Okay. Well, let me ask you this. Were you
12 residing there for the entire period up to August 8?

13 A. I believe so. I moved out in July.

14 Q. Okay. So through July you were residing at
15 that location?

16 A. That's correct.

17 Q. Okay. Let's just talk a little bit about the
18 numbers, you know. You indicate that you were surprised
19 by the extent of the bills that you received for those
20 three units?

21 A. That is correct.

22 Q. Okay. And those bills were basically for
23 service provided in December, January, February, March,
24 April and May; is that correct?

25 A. That is correct.

1 Q. Okay. And we had a total of 1,950 and if we
2 break that down by apartment it was about 600, 650 bucks
3 for the entire winter and spring for each of those
4 apartments; is that correct?

5 A. I'm not sure of the breakdown per apartment,
6 but that would sound close to the number.

7 Q. Okay. So for five, six months most of which
8 was in the winter, you're saying that \$600 was just
9 abnormally high?

10 A. No, Mike. I do think that is high. My
11 problem and the reason we're all here right now is
12 because of Exhibit 110, February the 10th, 2017,
13 Apartment A and Apartment C were identical in usage.

14 Q. Okay. Let's talk a little bit about that.
15 Did you read the company's amended complaint in this
16 case?

17 A. Yes.

18 Q. Okay. Did you look at the usage information
19 that was attached to that?

20 A. I believe so. I received several documents
21 recording usage.

22 Q. Did that usage information break down the AMR
23 readings on an hourly and daily basis?

24 A. I don't believe so. And if it did, I'm not I
25 don't believe qualified to translate that kind of

1 material anyway.

2 Q. Okay. So you wouldn't know whether to
3 disagree if I were to go ahead and say that hourly and
4 daily read information showed different usage for all
5 three units?

6 A. One more time, please.

7 Q. Yes. Since you can't interpret that
8 information, you wouldn't be able to disagree with me
9 that if you broke down the AMR readings on a daily and
10 hourly basis it showed different usage for all three of
11 those units on an hourly and daily basis?

12 A. I'd have to take your word for it, Mike.

13 Q. Okay. You were just looking at what was the
14 usage at the end of the month but not how did that usage
15 vary within the month by hour and day?

16 A. Yes. I believe however they varied throughout
17 the month still leads to an improbable conclusion of
18 exact same usage.

19 Q. Okay. In your view. When did you begin the
20 rehab on these three apartments?

21 A. January 2017.

22 Q. January 2017. Did you have a contractor do
23 that for you?

24 A. Yes, sir.

25 Q. Okay. Did you supervise them throughout their

1 contract work?

2 A. Yes, sir, I was living in the house at the
3 time.

4 Q. Okay. So were you there all day long when
5 they were there?

6 A. More or less.

7 Q. Okay. Do you have another job?

8 A. Yes, sir.

9 Q. Okay. Who is that with?

10 A. I have my own business.

11 Q. Okay. And in that capacity do you ever have
12 to leave the house?

13 A. Yes, sir.

14 Q. Okay. And so if your contractors -- first of
15 all, they replaced windows, right?

16 A. Yes, sir, it was a full rehabilitation.

17 Q. Okay. And when you replace windows, you have
18 to take a window out to put another one in; is that
19 correct?

20 A. The windows were replaced April 12, 2017.

21 Q. Okay. April 12. And when you're doing rehab,
22 you have to bring things into the house and take things
23 out of the house; is that correct?

24 A. That is correct. You should get in the
25 business.

1 Q. And, you know, when you're bringing things in
2 and taking them out, you have to leave the door open at
3 least to bring them in and then open it again to take
4 them back out; is that right?

5 A. That would be correct.

6 Q. What was the average amount of time that they
7 had doors open in order to bring things in and take them
8 out? Do you know?

9 A. A very little amount of time, as my mother
10 instilled a deep passion in me for not leaving doors
11 open.

12 Q. I'm sure you wouldn't leave doors open, but
13 you had a contractor doing this. Do you have any idea
14 of how much time they may have left doors open?

15 A. I'm sure they left them open more than I would
16 approve of.

17 Q. Okay. Is it your understanding that from a
18 utility bill standpoint that remodeling or rehabbing a
19 unit can actually cause your utilities to increase?

20 A. I'm not sure how you come to that conclusion.

21 Q. Well, do you not know?

22 A. No, I'm not aware of that. I replaced all of
23 the systems in my house with high efficiency units, a
24 new roof, new efficiency windows, new flooring, new
25 drywall and high efficiency insulation. I anticipated

1 bills going the other direction.

2 Q. Okay. Was that all done like on January 1,
3 2017, or was that done during the rehab process over a
4 multi-month period?

5 A. It happened over a multi-month period.

6 Q. Okay. Fine. And those improvements, the high
7 efficiency windows, the high efficiency furnace and that
8 sort of thing, that wouldn't have started paying
9 dividends on January 1, would it?

10 A. No, sir.

11 Q. Okay. So can you just explain to us why
12 you've only paid \$60 of your bill?

13 A. Absolutely. I've only paid \$60 of the bill
14 because in my opinion when I see a clear error in
15 billing given two apartments running different square
16 footages, different appliances, different floor plans,
17 one occupied, one unoccupied and you end up with the
18 same usage, you have to put yourselves in my shoes and
19 imagine how you would react to a bill like that. It
20 would be -- I have to challenge a bill like that because
21 Spire has a monopoly on the market in my area. So I
22 don't have the choice to go to another competitor.

23 While I understand why that is, you can't have
24 gas lines running all over the streets with multiple
25 companies, when you have a sanctioned monopoly I feel

1 the need to challenge a bill which I see is unfair and
2 if I see a bill that I believe is unfair, until I find a
3 remedy to that situation I'm not going to continue to
4 pay bills given a defective system because I will never
5 be returned any money if it's found to be a defective
6 system. So I would rather pause payments, find out what
7 the problem is and then return with a solution and I'm
8 more than happy to pay and I'm more than happy to
9 provide mortgage payments, Ameren payments, cell phone
10 payments, cable bill payments. I love paying bills.
11 Makes me feel good about what I'm doing to pay the
12 bills.

13 Q. So is it your belief that during that
14 six-month period you had only used \$60 worth of gas?

15 A. No, sir. I'm not asking for the gas for free.
16 That's not the goal here.

17 Q. It sure sounds like it, Mr. Apted.

18 A. No.

19 Q. You paid the company \$60 on what is now \$4,400
20 worth of gas charges; is that correct?

21 A. That is correct. And speaking to the timeline
22 of this process, like I stated before, I believe I'm the
23 only one here not being paid for my time and nobody
24 wants this to come to a conclusion more than I do.

25 Q. So you're concerned about all the time that

1 the staff has spent, the company has spent, people have
2 had to go ahead and expend to come down here over your
3 utility bill?

4 A. I am concerned about that. I don't choose to
5 waste anybody's time, but this is the system that was
6 put in place to protect consumers against the utility
7 companies. Unfortunately the system takes time I found
8 out. That was not my goal. My goal was to resolve it
9 in April in mediation.

10 Q. Yeah. And I understand that. My question to
11 you is, why didn't you resolve it in August then? Why
12 did you walk away?

13 JUDGE GRAHAM: I take your point, Mr.
14 Pendergast, and this has gone on and Mr. Apted doesn't
15 know about objections, and so forth. But I think you've
16 made your point with respect to credibility here and I
17 take the evidence that you've developed on that point up
18 until now under that rubric. If you want to move to
19 another topic, that would be fine.

20 MR. PENDERGAST: Thank you, Your Honor. I
21 appreciate it. I don't think I really have any further
22 questions for Mr. Apted, Your Honor.

23 JUDGE GRAHAM: Thank you. Staff?

24 MS. PAYNE: Some clarifying questions. Thank
25 you.

1 CROSS-EXAMINATION BY MS. PAYNE:

2 Q. You noted that you had some high efficiency
3 elements installed. Can you clarify exactly, obviously
4 windows, but what appliances you had installed?

5 A. Yes. I've had two high efficiency furnaces,
6 make that three, excuse me, two high efficiency water
7 heaters and appliances in two kitchens are energy star
8 certified.

9 Q. Okay. And there are three units; is that
10 correct?

11 A. That is correct.

12 Q. Okay. So you're saying in two of the units
13 the kitchen appliances are also energy star?

14 A. Yes, ma'am.

15 Q. Okay. And when were those elements installed
16 approximately? I'm just trying to get a clear picture.

17 A. Sure. Approximately I would say October,
18 November 2017.

19 Q. Okay. And that's for the windows and the
20 appliances?

21 A. Windows were installed April 12, 2017.

22 Q. Okay. All right. And which unit of the three
23 were you occupying when you were living there?

24 A. I occupied Unit A.

25 Q. Okay. And then I'm moving backwards. You

1 obtained legal representation on what date in the course
2 of this complaint case?

3 A. Roughly June 2018.

4 Q. Okay. And then you discontinued that
5 representation on this past Friday; is that correct?

6 A. Yes, ma'am.

7 Q. Okay. And on what date was it that the gas
8 service was disconnected?

9 A. May 1, 2018.

10 Q. Okay. That was 2018?

11 A. Clarification?

12 MR. PENDERGAST: We just don't have a record
13 of it being disconnected in May.

14 BY MS. PAYNE:

15 Q. And when was it reconnected?

16 A. May 9, I believe.

17 Q. Okay. And then in regards to the mediation
18 you had mentioned that the paperwork was supposed to be
19 delivered but that it was not. What actual length of
20 time did it take for the paperwork to be delivered
21 following the date of mediation and agreement being
22 reached?

23 A. I believe mediation was April 5. Gas was
24 disconnected May 1. I received paperwork via e-mail on
25 I believe May 8.

1 Q. Okay. This was all of 2018?

2 A. Correct.

3 MS. PAYNE: Okay. That's all I have. Thank
4 you.

5 JUDGE GRAHAM: Yes, I have some questions.

6 QUESTIONS BY JUDGE GRAHAM:

7 Q. Mr. Apted, we've got three units involved; is
8 that right?

9 A. That is correct.

10 Q. What is -- The dispute is about a six-month
11 time period?

12 A. Correct.

13 Q. And would you tell me exactly what that time
14 period was?

15 A. It would be between January and June 2017.

16 Q. You owned all three units during that
17 six-month time period?

18 A. That is correct.

19 Q. During that six-month time period you occupied
20 one of those units?

21 A. Apartment A.

22 Q. And during that six-month period the other two
23 units were not occupied?

24 A. Correct.

25 Q. So B and C were not occupied?

1 A. Yes, sir.

2 Q. They were in some kind of state of
3 construction or repair or maintenance or refurbishment
4 or something during that time frame?

5 A. That is correct.

6 Q. They were unoccupied during that time frame?

7 A. Yes, Your Honor.

8 Q. Are the three units identical in size?

9 A. No, Your Honor.

10 Q. Do you know as you sit here today what the
11 square footage is on A, B and C respectively?

12 A. I can give you an approximate number if you'd
13 like.

14 Q. Are these two-story or one-story units?

15 A. All three are two stories.

16 Q. Can you give me an approximate square footage
17 on A?

18 A. About 1,150.

19 Q. 1,150 square feet?

20 A. That is correct.

21 Q. Is that a two-story unit?

22 A. It is.

23 Q. They all three are?

24 A. Yes.

25 Q. B, what's its square footage?

1 A. About 900 square feet.

2 Q. And C, how large is it?

3 A. Close to a thousand, roughly a thousand square
4 feet.

5 Q. So the three units are between 900 and 1,100
6 square feet?

7 A. That is correct.

8 Q. All three are heated by gas?

9 A. That is correct.

10 Q. Are any other utilities in those units
11 serviced by gas?

12 A. Yes.

13 Q. In your own unit, Unit A, that's serviced by
14 gas as far as heat is concerned?

15 A. Correct.

16 Q. In the relevant time period between January
17 and June of 2017, were there any other appliances in
18 that unit that were serviced by gas?

19 A. The water heater.

20 Q. Anything else?

21 A. No, sir.

22 Q. Okay. And in Apartment -- I'm just going to
23 call them Apartments A, B and C, may I --

24 A. That's correct.

25 Q. -- for reference purposes. In Apartment B, it

1 was also gas heated?

2 A. Correct.

3 Q. And were there any other appliances in that
4 unit that were heated by gas?

5 A. Not at that time.

6 Q. No water heater in that unit?

7 A. It runs off electric.

8 Q. So no other appliances in that unit off of gas
9 other than the heating?

10 A. That is correct.

11 Q. C, was it gas heated throughout the time
12 period?

13 A. Yes, sir.

14 Q. Okay. And did it have any other appliances
15 that were serviced by gas during that time frame?

16 A. Yes, sir, the water heater.

17 Q. Okay. Now, during that time frame, did you
18 have the heat on in B and C?

19 A. Yes, sir.

20 Q. Do you know what the thermostats were set at?

21 A. I wanted them set at 55.

22 Q. Were they set at 55?

23 A. Yes, sir.

24 Q. Did you verify that yourself?

25 A. Yes, sir.

1 Q. On a regular and continuing basis, did you
2 verify that those thermostats were set at 55?

3 A. I'm not sure what you mean by a regular basis,
4 but I stopped in about once a week, yes, sir.

5 Q. All right. What did you keep your thermostat
6 on on a regular and continuing basis during the time
7 frame of January to June?

8 A. 68 degrees.

9 Q. 68?

10 A. Yes, sir.

11 Q. Throughout the period from January until June?

12 A. Correct. Obviously I would turn it off at
13 times as the weather warmed.

14 Q. All right. During the time period of January
15 to June of 2017, were you actually residing in what
16 we'll call Apartment A?

17 A. Yes, sir.

18 Q. I'm asking you that question you understand
19 because of a whole series of questions here that were
20 asked about where you're living now. You appear to be
21 living now in a variety of places; is that a fair
22 statement?

23 A. Correct.

24 Q. But that was not the situation between January
25 and June of 2017?

1 A. No, Your Honor. I lived in Apartment A.

2 Q. Was that your exclusive residence?

3 A. Yes, Your Honor.

4 Q. Now, I'm not certain, maybe this has been
5 said, are B and C now presently occupied?

6 A. Yes.

7 Q. And when did B, we'll say, I'm not going to
8 ask you about who's there or whether there's a lease,
9 and so forth. I'm concerned about people living there
10 that might be using gas. I'm not concerned about their
11 legal basis for being there. When did you first after
12 June of 2017 get an occupant for B?

13 A. August.

14 Q. Of 2017?

15 A. August of 2018.

16 Q. 2018.

17 A. We had significant delays in Apartment B's
18 rehab.

19 Q. When did you first get an occupant for C if at
20 all?

21 A. August 2017 -- take that back, excuse me, July
22 2017.

23 Q. So you got C rented or whatever in July of
24 2017, but B was for whatever reason not occupied by a
25 tenant until August of 2018?

1 A. Yes, Your Honor.

2 Q. Do you continue -- strike that. Where have
3 the bills from Spire been sent for B and C since June of
4 2017, if you know?

5 A. I believe to the premises.

6 Q. What premises?

7 A. 1736 Nicholson.

8 Q. I'm sorry. Does that mean they were sent to
9 you or were they sent to the tenants?

10 A. No, they were sent to me.

11 Q. Okay. So are they sent out on a monthly
12 basis, quarterly basis, what's the period?

13 A. Well, actually after June 2017, I stopped
14 receiving bills altogether.

15 Q. Your testimony is that you've received no
16 bills from A, B and C since June of 2017?

17 A. Correct. When I filed the formal complaint, I
18 stopped receiving bills from Spire.

19 Q. You have not received any bills from Spire?

20 A. I received a stack of bills after the botched
21 mediation. I received them at one time. I was not
22 receiving them on a monthly basis.

23 Q. But you have received them?

24 A. I have.

25 Q. And did you yourself audit those bills so that

1 you compared the usage at B and C with A from and after
2 June of 2017 down to the present date? Have you done
3 that?

4 A. No, Your Honor.

5 Q. Why not?

6 A. I haven't felt the need to use the time to
7 compare usage post complaint period.

8 Q. So do you know or do you not know whether B
9 and C continue to incur a gas service costing
10 approximately the same as A since June of 2017?

11 A. I believe that they did.

12 Q. Let's make sure you understand my question and
13 the answer you're going to give. Is it your belief that
14 B and C continue to use approximately the same gas month
15 to month that A does and has continued to do so since
16 June of 2017?

17 A. Pardon me. No, Your Honor.

18 Q. But you do not know that?

19 A. No, I don't.

20 Q. And you've had the paperwork that would
21 establish that indubitably since mediation; is that
22 correct?

23 A. Yes, Your Honor.

24 Q. But you've been too busy to look at it?

25 A. Yes, Your Honor.

1 JUDGE GRAHAM: Does Mr. Pendergast have any
2 follow-up questions?

3 MR. PENDERGAST: Just a couple, Your Honor.

4 FURTHER CROSS-EXAMINATION BY MR. PENDERGAST:

5 Q. You mentioned something about to the Judge not
6 receiving bills from Spire after I think it was June of
7 2017. Do you recall that?

8 A. Correct. I thought that was very odd.

9 Q. Had you received a final bill for those three
10 units because Spire had discontinued or at least had
11 tried to discontinue service for nonpayment?

12 A. I don't recall receiving the final bill.

13 Q. Okay. Do you recall continuing to have heat
14 in your home and your gas appliances working for the
15 next 10 or 11 months?

16 A. Yes, sir.

17 Q. And you say you didn't receive any bills over
18 that time. Was your surmise that you were just
19 receiving service for free?

20 A. No, sir. I believed the formal complaint
21 process had something to do with that.

22 Q. Okay. So bottom line is you continued to
23 receive natural gas service. You continued to go ahead
24 and utilize that service to heat your home and your
25 water heaters and you paid nothing for that service

1 throughout the period?

2 A. Yes, that's correct.

3 Q. You thought the complaint process that applied
4 to a past period up through June of 2017 meant that you
5 were relieved of any obligation to pay for your natural
6 gas service after that period of time?

7 A. No, sir.

8 Q. Okay. It didn't relieve you of the obligation
9 but nonetheless you didn't pay anything over that period
10 of time?

11 A. No, I was under the assumption that because
12 there was a formal complaint filed against the way the
13 gas was being billed that it had put some kind of pause
14 on billing until the issue was worked out. I've never
15 been through this system before. But I would never
16 expect to receive any kind of service for free without
17 paying for it.

18 Q. Well, after that period of time, did you
19 contact Spire and did you say I want to let you guys
20 know that I'm still receiving gas service but you're not
21 billing it to me?

22 A. No, I did not contact Spire.

23 Q. Okay. And then ultimately your service was
24 discontinued I think you said on June 1, and was that
25 due to the fact that you had this additional usage after

1 you had supposedly been disconnected or do you know?

2 A. The service was disconnected on May 1.

3 Q. Okay. On May 1, 2018?

4 A. Correct.

5 Q. Was the explanation or was any explanation
6 given to you that that was due to not the complaint
7 period usage that you hadn't paid for but for all the
8 subsequent usage after that complaint period that you
9 hadn't paid for?

10 A. No, there was no notice given or indication
11 whatsoever one way or the other.

12 Q. Okay. So as far as you knew, you had just
13 been getting free gas service for seven or eight months
14 and then finally the free gas service stopped?

15 A. No, that was not my belief.

16 MR. PENDERGAST: Okay. Well, we'll leave it
17 at that. Thank you, Mr. Apted.

18 JUDGE GRAHAM: Does the staff have anything
19 further for the witness?

20 MS. PAYNE: No, thank you, Your Honor.

21 JUDGE GRAHAM: Mr. Apted, we've had direct
22 examination from you and we've had cross-examination
23 from you including from me. I want to give you an
24 opportunity to redirect yourself now. I'm not inviting
25 you to restate your testimony. We've heard it. I'm not

1 inviting you to restate I should say the same testimony
2 that you've given us before. We've heard that. If
3 things have come up in cross-examination here that you
4 feel that have been misleading to the Commission or not
5 clearly stated by you, this is an invitation for you to
6 straighten things up. That's what we call redirect. So
7 you're going to redirect yourself if you have anything
8 here to say.

9 MR. APTED: Sure. I'd just like to --

10 JUDGE GRAHAM: Not argue now.

11 MR. APTED: Okay. I just want to redirect
12 back to original mediation and the gas being turned off
13 without notice after an agreement was struck and no
14 settlement paperwork had arrived. We're focusing a lot
15 on the post mediation time frame.

16 JUDGE GRAHAM: Anything further?

17 MR. APTED: No, Your Honor.

18 JUDGE GRAHAM: I think we've taken your
19 exhibits. They have been accepted, 110, 111, 112. You
20 can go ahead and have a seat, Mr. Apted.

21 (Witness excused.)

22 JUDGE GRAHAM: Mr. Pendergast, are you ready
23 to proceed?

24 MR. PENDERGAST: I am, Your Honor.

25 JUDGE GRAHAM: Put your witness on.

1 MR. PENDERGAST: Spire Missouri would call
2 Danielle Holland to the stand.

3 JUDGE GRAHAM: Before we take your oath, would
4 you go ahead. Your name is Danielle Holland?

5 THE WITNESS: Yes.

6 JUDGE GRAHAM: That's D-a-n-i-e-l-l-e?

7 THE WITNESS: Yes.

8 JUDGE GRAHAM: Holland like it sounds,
9 H-o-l-l-a-n-d?

10 THE WITNESS: Correct.

11 JUDGE GRAHAM: All right. Ms. Holland, if
12 you'll raise your right hand I'll swear you in.

13 (Witness sworn.)

14 JUDGE GRAHAM: Go ahead, Mr. Pendergast. You
15 can proceed.

16 MR. PENDERGAST: Thank you.

17 DANIELLE HOLLAND, being sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. PENDERGAST:

19 Q. Ms. Holland, would you please state your
20 business address?

21 A. 800 Market, St. Louis, Missouri 63101.

22 Q. By whom are you employed?

23 A. Spire, Inc.

24 Q. And in what capacity are you employed?

25 A. Community services department.

1 Q. Okay. And in that capacity, what sort of
2 duties do you perform?

3 A. I handle escalated complaints through the
4 Missouri Public Service Commission, Better Business
5 Bureau, Attorney General's Office, processing calls,
6 processing letters, any escalated complaints that comes
7 through our department, the community services
8 department.

9 Q. Okay. And was it in that capacity that you
10 became involved in Mr. Apted's complaint against Spire
11 Missouri?

12 A. Yes.

13 Q. Okay. And have you reviewed and I believe
14 it's already included in staff's package of materials
15 but the report that you provided to the staff regarding
16 the results of that complaint?

17 A. Yes, sir.

18 Q. Okay. And to your knowledge, is everything
19 that you had in your report true and correct to the best
20 of your knowledge and belief?

21 A. Yes.

22 Q. Okay. And can you tell me what the date of
23 that report is if you have it there?

24 A. The report came in through EFIS on May 11,
25 2017.

1 Q. Okay. And then have you read the staff report
2 that was done in connection with this matter?

3 A. Yes.

4 Q. Okay. And to your knowledge, is everything in
5 staff's report true and correct to the best of your
6 knowledge and belief?

7 A. Yes, it is.

8 Q. Okay. And did you also have an opportunity to
9 review the amended answer filed by Spire Missouri in
10 this matter?

11 A. Yes.

12 Q. Okay. And did you review the material that
13 was attached to that amended answer?

14 A. Yes.

15 Q. Okay. Did that purport to provide hourly and
16 daily AMR information for the three units at 1736
17 Nicholson Place?

18 A. Yes, that's what AMR reads.

19 Q. Did that information show that there were, in
20 fact, different quantities of usage being shown for each
21 of the three units when looked at on a daily and hourly
22 basis?

23 A. Yes.

24 Q. Okay. Now, there was some questions about
25 when service was discontinued to 1736 Nicholson Place.

1 Do you recall that?

2 A. Yes.

3 Q. Okay. When was the first time that service
4 was discontinued or at least we thought it had been
5 discontinued at 1736 Nicholson Place?

6 A. June 12, 2017.

7 Q. June 12, 2017. And was that service
8 discontinued because of an unpaid balance of
9 approximately \$1,950?

10 A. Yes, it was.

11 Q. Okay. And after that service was -- well,
12 when that service was discontinued, were notices
13 provided pursuant to Commission rule?

14 A. Yes, disconnect notices were sent to the
15 premise.

16 Q. Okay. So as far as the company was concerned,
17 service had already been discontinued?

18 A. That is correct.

19 Q. Did the company subsequently determine that
20 there was still usage at those particular units?

21 A. Yes.

22 Q. Okay. And did the company believe that the
23 usage was unauthorized?

24 A. Yes, sir.

25 Q. Okay. And because the company determined that

1 the usage was not authorized, did it go back and
2 ultimately discontinue service at a later period of
3 time?

4 A. Yes.

5 Q. And was that around April 30, 2018?

6 A. Yes, I'm showing April 30.

7 Q. Okay. And was that discontinuance of service
8 related to the fact that additional usage was occurring
9 even though we thought service to the units had been
10 discontinued?

11 A. Yes.

12 Q. Okay. And is that commonly known as locked
13 box showing consumption?

14 A. Locked meter showing consumption, yes.

15 Q. Okay. And it was not discontinued because of
16 the prior unpaid balance of 1,950?

17 A. No.

18 Q. By the time it was discontinued, how much of a
19 balance had accumulated in total?

20 A. I know it was over 4,000.

21 Q. Okay. And part of that ultimately was the
22 complaint period 1,950 but the rest of it was just
23 additional usage that occurred?

24 A. Yes.

25 Q. Okay. And when you were advised of the effort

1 to resolve this matter relating to the complaint period,
2 not the subsequent period but the complaint period, was
3 service restored?

4 A. After the -- I believe service was restored
5 for Mr. Apted per Rick Zucker.

6 Q. Even though it had to do with subsequent usage
7 and not the complaint usage?

8 A. Correct.

9 Q. Okay. How many times do your notes show Mr.
10 Apted having contacted the company?

11 A. I'm showing three times.

12 Q. Three times in total?

13 A. Yes.

14 Q. And were those all prior to June of 2017?

15 A. Yes.

16 Q. Okay. And you don't have anything that shows
17 how long those discussions, those three discussions
18 lasted?

19 A. No, I just have note of what the conversations
20 was about. One was regarding scheduling service work.

21 Q. And on the last conversation you had, was
22 there -- did you offer to send spreadsheets and other
23 material relating to his billings?

24 A. Yes. I called him on May 23 and offered to
25 send him the bills and payment spreadsheet and other

1 documents and he declined stating he would wait for the
2 Missouri Public Service Commission to reach out to him.

3 Q. So Mr. Apted was not interested in seeing that
4 information?

5 A. Not at that time, no, sir.

6 Q. Okay. Do you know whether or not we
7 occasionally have problems with AMR just like we do with
8 any other mechanical equipment?

9 A. Yes.

10 Q. Okay. Was there anything in the facts of this
11 particular complaint that suggested that the AMR system
12 was not operating properly?

13 A. Not in this case, no, sir.

14 Q. Did we send service technicians out to 1736
15 Nicholson to determine whether or not either the meters
16 or the AMR machinery was not functioning?

17 A. Yes, we did a high bill investigation meter
18 change.

19 Q. What did that show?

20 A. It showed everything was reading in line and
21 there was no problems found, the property was being
22 rehabbed.

23 Q. Okay. Do you have any opinion as to
24 performing a rehab in a particular unit can either
25 increase or decrease the amount of utilities being used?

1 JUDGE GRAHAM: Mr. Pendergast, would you like
2 to lay a foundation for that question first?

3 MR. PENDERGAST: Sure.

4 JUDGE GRAHAM: The Commission has got to
5 develop a record on this.

6 MR. PENDERGAST: I understand.

7 BY MR. PENDERGAST:

8 Q. Are you generally familiar with the various
9 causes and factors that affect energy usage at a
10 particular location?

11 A. Yes.

12 Q. Okay. And to your knowledge and based on your
13 review of those factors, do you have any opinion as to
14 what work inside a unit can have on that energy usage?

15 A. Just in my opinion I've seen other properties
16 and stuff doing the billing in the work that I do that
17 the billing had increased when the property is being
18 rehabbed due to the traffic and sometimes the
19 contractors may turn the heat up to be a lot more
20 comfortable while they're working inside. That's my
21 opinion and things that I've noticed over the time
22 working for the gas company.

23 Q. Thank you. And in addition to testing or
24 inspecting the AMR and the meters in response to the
25 high bill complaint, were the meters replaced?

1 A. Yes, they were.

2 Q. And were the meters tested to ensure they were
3 within Commission requirements for accuracy?

4 A. Yes, two of the three were tested.

5 Q. Okay. And what was the results of those
6 tests?

7 A. They were in line. It was no problems found
8 with those two meters.

9 Q. Okay. And for the third meter was there a
10 problem that developed that prevented it from being
11 tested?

12 A. Yes. During transportation it was showing
13 that there was water found in the meter.

14 Q. Okay. And do you have any opinion on whether
15 that would have affected the accuracy of the meter while
16 it was installed?

17 A. No. I sent that information, that request
18 back to the measurement department and they stated that
19 that wouldn't have been a problem.

20 Q. Okay. And we had a discussion about the
21 magnitude of the bills received at 1736 Nicholson about
22 \$600 per each unit for approximately six months. Do you
23 recall that?

24 A. Yes.

25 Q. Okay. And just given your knowledge of bills

1 that you received for various kinds of residential
2 structures, is there anything unusual about that?

3 A. No. I actually live close to that area and I
4 wish my bills looked that low.

5 Q. And you're aware, once again, that the staff
6 performed a four-year comparative analysis of usage at
7 those three same units?

8 A. Yes, I reviewed that.

9 Q. Okay. And is it your understanding that the
10 staff determined they were consistent with the usage
11 that was experienced at those units in the past?

12 A. Yes, it was shown to be in line with the
13 usage.

14 Q. So just in conclusion, the meters were
15 inspected and tested?

16 A. Yes.

17 Q. And not found to have any problems?

18 A. That's correct.

19 Q. The AMR devices were checked and found not to
20 be having any problems?

21 A. Correct.

22 Q. And you had comparative usage information that
23 validated that this was usage you would expect to
24 receive?

25 A. Correct.

1 Q. There was some discussion about how Unit B was
2 vacated by Mr. Apted in August after the procedural
3 conference we had. Do you recall that discussion?

4 A. Yes.

5 Q. And a new customer took over service?

6 A. Yes.

7 Q. Do your records reflect who called in and
8 established service under that new customer?

9 A. For Unit B?

10 Q. Yes.

11 A. For Unit B, I believe it was Jenny, Penny or
12 something to that nature.

13 Q. Is she the one that actually called in to have
14 the service switched?

15 A. That's what our records are showing, yes.

16 Q. Can you tell me what the payment history has
17 been since that person took over in August?

18 A. There hasn't been any payment.

19 Q. Okay. So how many bills have been rendered
20 over that time?

21 A. Four.

22 Q. Four. And not a single payment made on any of
23 the bills?

24 A. No payments.

25 Q. What's the balance at this point?

1 A. I want to say it's close to 200.

2 Q. 200?

3 A. I'm not exactly sure.

4 Q. Whoever is in that apartment we have a
5 difficult time getting somebody to pay for utility
6 service, don't we?

7 A. Yes.

8 Q. Finally, service work was performed by Laclede
9 or by Spire at that location; is that right?

10 A. Service work was for Unit A.

11 Q. Okay. Unit A. And that was in connection
12 with fixing a fireplace?

13 A. Yes.

14 Q. Okay. And in addition to the other unpaid
15 charges Spire has not been paid for that service work
16 either; is that correct?

17 A. No, there's been no payment for that.

18 Q. Okay. And is it basically correct that for
19 the months that were involved in the complaint process a
20 customer charge would have been assessed against each of
21 the units?

22 A. Yes.

23 Q. And that customer charge was approximately how
24 much?

25 A. The monthly customer charge during the time of

1 this complaint would have been 19.50 per month.

2 Q. Okay. And is that a charge that a customer is
3 required to pay regardless of usage?

4 A. Yes, that is.

5 Q. Whether you had a problem with meters or AMR,
6 that would have no impact on the customer charge, right?

7 A. No, it would not.

8 MR. PENDERGAST: Okay. Thank you. I have no
9 further questions.

10 JUDGE GRAHAM: Does staff have
11 cross-examination for this witness?

12 MS. PAYNE: Just one.

13 CROSS-EXAMINATION BY MS. PAYNE:

14 Q. Mr. Pendergast asked you about the
15 disconnection of service for nonpayment and there was a
16 reference to you thought it had already been
17 disconnected prior to the May 2018 date when it was. At
18 what point did you believe that service had already been
19 disconnected or at what point should it have been
20 disconnected?

21 A. June 12, 2017.

22 Q. Okay. And as far as you know, that was the
23 only date when there was an attempt made or at least the
24 company believed that it should have been disconnected?

25 A. Yes.

1 MS. PAYNE: Okay. Thank you. No further
2 questions.

3 JUDGE GRAHAM: I have a few.
4 QUESTIONS BY JUDGE GRAHAM:

5 Q. Somewhere near the beginning of your direct
6 examination you referred to some unauthorized service.
7 Do you remember that?

8 A. Yes.

9 Q. Can you explain to the Commission what you
10 meant by that or what is meant by that?

11 A. Unauthorized usage is we had the gas
12 disconnected for nonpayment June 2017, but it continued
13 to show usage so that would be unauthorized usage
14 because we finaled out the account and closed the
15 account for billing purposes.

16 Q. Are you saying the gas was turned off by the
17 company and then was turned on again by unauthorized
18 personnel?

19 A. Gas was still being used.

20 Q. Was there any investigation done of that?

21 A. It's showing -- I believe the records that I
22 looked at show that in November is when we realized that
23 it was still unauthorized use, it was showing
24 unauthorized usage. So they attempted to go out and
25 then that's when it officially got turned off April 30,

1 2018.

2 Q. Did the company ascertain in its investigation
3 that in point of fact the gas had actually, in fact,
4 physically been turned off in June?

5 A. No.

6 Q. So the company inferred that it thought it had
7 turned off the gas but the company was not in a position
8 to say that yes/no, it had, in fact, physically turned
9 off the gas?

10 A. Correct.

11 Q. It may be spread throughout this paperwork
12 here, but could you help the Commission if you can here,
13 can you tell us with respect to -- let me start this
14 way.

15 When I refer to Units A, B and C, do you know
16 what I'm referring to?

17 A. Yes.

18 Q. So we're all on the same page with that?

19 A. Yes.

20 Q. Are you in a position to tell us what the
21 average monthly bill was for A for the period of January
22 through June of 2017 or actually just tell us what each
23 of those six bills were?

24 A. For A, the bill that went out on December 2
25 was 29.52.

1 Q. \$29.52?

2 A. Correct. The bill that went out on January
3 13, 2017 was 178.06, February 10, 132.12, March 13,
4 108.39, April 12, \$90.58, and May 11, that's pretty much
5 what I have in my records because my report was done in
6 May, and I have that at 54.80.

7 Q. Would you humor me if you can and do the same
8 thing for B?

9 A. B, January 13, 249.54.

10 Q. So the first bill -- go ahead. Just complete
11 the task.

12 A. Okay. February 10, 161.99, March 13, \$70.83,
13 April 12, 35.60, May 11, 27.41.

14 Q. And can you do it for C?

15 A. February 12, 22.20.

16 Q. You're going to start in February on that one?

17 A. I'm sorry. December.

18 Q. And say again?

19 A. December 12, 2016, 22.20, January 13, 2017,
20 199.49, February 10, 2017, 132.12, March 13, 2017,
21 71.98, April 12, 2017, 74.85, May 11, 2017, 33.43.

22 Q. Okay. Now, you received what's been referred
23 to here and what you referred to here as a request for a
24 high bill investigation?

25 A. Yes.

1 Q. To your knowledge, Ms. Holland, is there any
2 tariff in place for the company that tells the company
3 what it has to do, what it must do in connection with a
4 request for a high bill investigation?

5 A. Not that I'm aware of.

6 Q. And I don't mean for you to act lawyer up
7 there, but to your knowledge is there any rule or
8 regulation from the PSC that you would be required to
9 take a look at it and then try to enforce or comply with
10 in connection with a high bill investigation?

11 A. No.

12 Q. Is there some kind of protocol that the
13 company has that you're aware of and that you follow on
14 a regular and continuing basis when these kinds of
15 requests come in for a high bill investigation?

16 A. Yes. The technicians are required to check
17 the gas lines, gas appliances, check the meter AMR to
18 make sure it's reading in line.

19 Q. Is that a protocol that's written down
20 somewhere for your technicians to take a look at and
21 check off as a checklist or something like that?

22 A. Yes.

23 Q. Are you familiar with it and have you been
24 speaking on the basis of your familiarity with it?

25 A. Yes. And because I do the complaints I asked

1 the foreman just for that information what is done
2 during a high bill investigation. So that's how I was
3 aware of that. Not just this one but just in the past
4 so I know for my records.

5 Q. In your direct examination Mr. Pendergast
6 asked you about your own familiarity, I don't mean your
7 personal familiarity but I mean your professional
8 familiarity, your experience that you've gathered in
9 connection with your jobs with respect to the impact
10 that construction work may have on utility bills or gas
11 bills. Do you remember that line of questioning?

12 A. Yes.

13 Q. Now, are those factors investigated on a
14 regular basis or on a systematic basis with respect to
15 your protocol? Maybe I should start that one again.

16 A. Okay, yes. Did I look confused?

17 Q. I'll sustain your objection.

18 A. Okay. Thank you.

19 Q. My question is, is it in the checklist of
20 things that the technician or someone does to go out to
21 the premises, take a look around, find out what kind of
22 construction work is going on, if any, and ask a few
23 questions of maybe some contractors that are standing
24 around or something. Is that part of the protocol or
25 the checklist?

1 A. Yes.

2 Q. Do you know whether that happened here?

3 A. I've had one of the -- I know I've had them
4 all three but I was looking at one in particular where
5 it has on here that customer is rehabbing this unit
6 also. And it had one furnace doesn't work, other house
7 keep the thermostat at 50 degrees for pipe safety.

8 Q. One furnace unit. Do you know which unit that
9 was?

10 A. No, I don't have that particular unit on here.

11 Q. The furnace in -- the gas furnace in one of
12 the three units was recorded as having a problem?

13 A. Correct.

14 Q. And I think you've just told me it didn't
15 work, quote, unquote?

16 A. Right.

17 Q. Does that mean it was off or it was
18 malfunctioning or do you know?

19 A. I don't know.

20 Q. You've reviewed the complaint in this case and
21 you know what it was that motivated. You may not know
22 what motivated Mr. Apted. Do you know what he stated in
23 his complaint what his concerns were?

24 A. That the billing was high.

25 Q. Well, were you also aware that he culled out

1 and was concerned about the similarity between bills for
2 A, B and C when B and C were quote, unquote unoccupied?
3 Were you aware that that was part of his concern over
4 the accuracy of the bills?

5 A. During the time that I took over the complaint
6 in May, that wasn't part of his complaint.

7 Q. May of 2017 or 2018?

8 A. 2017.

9 JUDGE GRAHAM: No further questions. Is there
10 any -- Mr. Apted, did I let you cross-examine this lady?

11 MR. APTED: Not yet, Your Honor.

12 JUDGE GRAHAM: I don't think I did. I jumped
13 in. Well, take it away.

14 MR. APTED: Thank you.

15 CROSS-EXAMINATION BY MR. APTED:

16 Q. Real quick to start us off, is there a minimum
17 monthly charge regardless of gas usage?

18 A. Yes.

19 Q. What is that amount?

20 A. Now it's \$22.

21 Q. All right. Thank you. So on my bill dated
22 June 13, 2017, Apartments A, B and C had a charge of
23 24.17. Are you aware of that bill?

24 A. No, I don't have it in front of me.

25 Q. Do you know any reason why all three of those

1 apartments would be at 24.17 exactly?

2 A. I would have to look at the bill. No, I
3 don't.

4 Q. Okay. In reference to the questioning about
5 how many calls I placed to Spire. Every time I call the
6 call center, is that recorded as a call placed?

7 A. The calls should be recorded and they should
8 be documented. Your account should be notated.

9 Q. Okay. I remember making quite a few more
10 calls than just three. I do have some questions about
11 the AMR system. I just want to get a little background.
12 How long has Laclede Spire been using AMRs?

13 A. 2005-2006.

14 Q. And where relative to the meter itself are
15 they located?

16 A. It's on the meter.

17 Q. And what is the mechanism or signal by which
18 the data is sent from the AMR to Spire? What I mean is
19 they use a microwave like a cell phone signal or a
20 classic radio signal?

21 A. The microcell.

22 Q. That data is collected by Spire how?

23 A. It goes through actually to Landis & Gyr and
24 Landis & Gyr submits us daily readings and it's read
25 every 15 minutes or so.

1 Q. So a third party is used to read the signals
2 and then translate that to you?

3 A. Correct. We have access to pull those records
4 daily.

5 Q. Is there any maintenance required on these
6 AMRs, software, hardware updates, anything like that?

7 A. I know if we're showing that maybe it's low
8 usage or anything like that we'll request to go out and
9 have somebody check for it, but for the most part I
10 wouldn't have an exact time frame that they're handled.

11 Q. So the AMRs don't have a scheduling protocol
12 that they're tested and maintained?

13 A. I'm not saying it does not. I'm saying I'm
14 not aware of what that time frame would be.

15 Q. Are you aware of any historical cases
16 regarding issues with the AMRs?

17 A. Yes, I know that we've had a few accounts that
18 had a problem with it and we were able to detect it when
19 we go out to the meter. Either the AMR is not reading
20 the same as the meter so we'll know.

21 Q. Great. Thank you. And the average life span
22 of the AMR?

23 A. I don't have that information.

24 Q. Okay. Now, what's the name of the company
25 that provides these AMRs to you?

1 A. Landis & Gyr.

2 Q. Have they noted or warned you of anything that
3 might cause an interference with the signals of the
4 AMRs?

5 A. That would be handled through another
6 department.

7 Q. Okay. So there could be something that would
8 cause an interference with the signal being set in a
9 disruption of some kind similar to a dropped call on a
10 cell phone?

11 A. I wouldn't know. I don't work on the AMR
12 devices.

13 Q. Okay. Sorry. You're the only one up there.
14 That's why I'm peppering you with questions.

15 A. You're fine. If I don't know, I don't know.

16 Q. You mentioned meter A when it was removed was
17 recorded to have had water inside of the meter, correct?

18 A. That is correct.

19 Q. What was the cause one more time of the water
20 being in the meter?

21 A. The information that I received back that it
22 got in there during transit once it was removed.

23 Q. So the time between it was taken from my house
24 and got to the testing facility it had somehow gotten
25 water in it during transit?

1 A. That is correct.

2 Q. Okay. And is the public allowed to watch the
3 meters being tested?

4 A. Yes.

5 Q. And what is the protocol with having someone
6 on site while the meters are being tested, a property
7 owner?

8 A. You would just have to request it at the time
9 the meter is changed when it's being tested you want to
10 be available.

11 Q. When the technician came out in February to
12 replace those meters, did he make any note of any
13 appliances that were inspected on the premises?

14 A. I just had the one that I had in front of me
15 that was showing the one furnace that wasn't working.
16 On that particular one it's not showing anything but the
17 other appliances.

18 MR. APTED: Okay. That's all I've got.

19 JUDGE GRAHAM: Mr. Pendergast, do you have any
20 redirect?

21 MR. PENDERGAST: Just very briefly.

22 REDIRECT EXAMINATION BY MR. PENDERGAST:

23 Q. You were asked about whether there can be any
24 problems with an AMR device functioning properly; is
25 that correct?

1 A. Yes.

2 Q. I'd like to just bring it back to this
3 situation. Was there any evidence showing that the AMR
4 devices were malfunctioning in this instance?

5 A. Not in this instance, no, sir.

6 Q. And were they actually inspected to make that
7 determination?

8 A. Yes.

9 MR. PENDERGAST: Okay. Thank you. I have
10 nothing further.

11 JUDGE GRAHAM: Does staff have any recross?

12 MS. PAYNE: I just had one question.

13 RECROSS-EXAMINATION BY MS. PAYNE:

14 Q. You had mentioned the report of a furnace
15 having issues or that. What date was that report?

16 A. February 17.

17 Q. Thank you. Of?

18 A. 2017.

19 MS. PAYNE: Thank you so much. That's all I
20 have.

21 JUDGE GRAHAM: Mr. Apted, I did it out of
22 order before. I'll commit the same sin again. I have
23 no recross.

24 Do you have any recross of the witness? Any
25 more questions for her?

1 MR. APTED: No, we can let her off the hook.

2 JUDGE GRAHAM: Ms. Holland, you can take your
3 seat or whatever.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 JUDGE GRAHAM: We're getting close to lunch
7 here. I want to take care of my court reporter above
8 all people in the room. The record should reflect that.
9 I assume the staff's witness is going to take more than
10 10 minutes, maybe only 11 or 12 but between all the rest
11 of us that witness is probably going to take more than
12 ten minutes.

13 MR. PAYNE: Your Honor, he's available for
14 questioning. I don't know how much questions the
15 parties have. I know as far as direct it's very little.

16 JUDGE GRAHAM: You're just going to put your
17 report in?

18 MS. PAYNE: Yes.

19 JUDGE GRAHAM: I may have some questions. Mr.
20 Apted may have some. Why don't we take a break for
21 lunch and it's -- I've got 11:50 at this point. Shall
22 we say we'll be back here at 1:15? Can we do that?
23 We're going to go off the record and come back at 1:15.

24 (The noon recess was taken.)
25

1 JUDGE GRAHAM: We're going to go back on the
2 record. Why don't we take care of this exhibit matter
3 real quick. I imagine it will be real quick.
4 Mr. Apted, I think we decided your exhibits were 110, 11
5 and 12?

6 MR. APTED: Yes, Your Honor.

7 JUDGE GRAHAM: Would you just go ahead and
8 state for us, just give each one of those a name. The
9 court reporter will put that in the record and then as
10 we read the record we'll know what it is. If you'll
11 just tell us what 110 is, just give it a name.

12 MR. APTED: Identical bills.

13 JUDGE GRAHAM: 111, would you like to give it
14 a name?

15 MR. APTED: Unit C floor plan.

16 JUDGE GRAHAM: And Exhibit No. 112?

17 MR. APTED: Unit A floor plan.

18 JUDGE GRAHAM: I believe those exhibits have
19 all been admitted into evidence. And then I don't
20 recall, Mr. Pendergast, did you offer any exhibits with
21 your witness?

22 MR. PENDERGAST: Your Honor, I did not, and
23 the only thing that I have a question about you taking
24 official notice of all the pleadings. I've had our
25 witness verify that what was stated in our answer to the

1 amended complaint is true and correct to the best of her
2 knowledge and belief. Do you think there's any need for
3 me to provide copies and make an exhibit out of that?

4 JUDGE GRAHAM: That was an EFIS item, wasn't
5 it?

6 MR. PENDERGAST: Yes.

7 JUDGE GRAHAM: That's an answer to it. I've
8 taken judicial notice of it. I don't know. I guess we
9 can just call out the EFIS number so that the record is
10 so clear that nobody could possibly be confused about
11 it. Let's take a look at that and then you can just
12 state for the record that your witness Ms. Holland was
13 speaking about that EFIS item when she endorsed it as
14 true.

15 MR. PENDERGAST: That should have been put in
16 EFIS the 15th of November, I believe.

17 JUDGE GRAHAM: Of this year?

18 MR. PENDERGAST: Of 2017. Sorry. It's awhile
19 back.

20 JUDGE GRAHAM: Okay. Is that your amended
21 answer?

22 MR. PENDERGAST: Yes.

23 JUDGE GRAHAM: Okay. I'm showing that to be
24 EFIS Item No. 13 filed November 15, 2017. For the
25 record, we're going to say what EFIS says. It's Laclede

1 Gas Company's amended answer to amended complaint. And
2 what you're telling me, Mr. Pendergast, for the record
3 is that Ms. Holland was directing her attention to that
4 item when she laid a foundation for it.

5 MR. PENDERGAST: Yes.

6 JUDGE GRAHAM: So noted. I don't believe
7 staff -- Staff's got its witnesses tendered to me, but
8 they haven't offered any yet. I'm just going to ask you
9 when you put your witness on to go ahead in the usual
10 way and have her give those exhibits names for the
11 record.

12 MS. PAYNE: Okay.

13 JUDGE GRAHAM: Okay. I guess we can go ahead
14 here. Everything is on. I'm going to switch the
15 monitor over to the witness stand and we're going to go
16 to staff's first witness. All right. We can proceed.
17 Do you want to call your witness?

18 MS. PAYNE: Sure. Staff would call Joseph
19 Roling to the stand.

20 JUDGE GRAHAM: And do you want to state your
21 full name and spell it and then I'll go ahead and swear
22 you in?

23 THE WITNESS: Joseph P. Roling. Last name
24 R-o-l-i-n-g.

25 JUDGE GRAHAM: One l?

1 THE WITNESS: One l.

2 JUDGE GRAHAM: Do you want to raise your right
3 hand and we'll swear you in.

4 (Witness sworn.)

5 JUDGE GRAHAM: Go ahead.

6 MS. PAYNE: Thank you, Mr. Roling.

7 JOSEPH ROLING, being sworn, testified as follows:

8 DIRECT EXAMINATION BY MS. PAYNE:

9 Q. Can you please state by whom you're employed
10 and in what capacity?

11 A. I'm employed by the State of Missouri Public
12 Service Commission as regulatory economist.

13 Q. And did you conduct an investigation of
14 Mr. Apted's complaint?

15 A. I did.

16 Q. Did you draft the report that was filed by
17 staff on August 15, 2017 and has been marked as Exhibit
18 100 in this matter?

19 A. Yes, I did.

20 Q. Are you aware of any corrections or changes
21 that would need to be made to that report?

22 A. Two slight changes. On the report of the
23 staff on page 4 the tariff numbers have changed since
24 the initial writing of this document where it reads
25 Tariff Sheet R-10 should now read R-8.2 and right below

1 there Tariff Sheet R-10A should now read R-8.3.

2 Q. And has anything changed in the substance of
3 those tariffs or that language other than the sheet
4 number?

5 A. No.

6 Q. Thank you. And with those changes, are there
7 any other corrections or problems in the report that was
8 filed?

9 A. No.

10 Q. And do you testify that it is a true and
11 accurate accounting of staff's investigation?

12 A. Yes, it is.

13 MS. PAYNE: Thank you. Your Honor, at this
14 time I would also bring to the Commission's attention
15 what has been marked as Staff's Exhibit 101.

16 JUDGE GRAHAM: All right.

17 BY MS. PAYNE:

18 Q. Mr. Roling, do you have a copy of what has
19 been marked as Staff's Exhibit 101?

20 A. I do.

21 Q. Can you tell me what that document contains?

22 A. Data request that I asked Spire to produce for
23 us in regards to investigate this matter, and it has the
24 testing of the meters as well as customer billing
25 information.

1 Q. And all of the responses that were contained
2 in here were provided to staff by Spire Missouri?

3 A. Yes.

4 Q. Okay. Thank you. And then moving on to what
5 has been marked as Staff's Exhibit 102.

6 A. Got it.

7 Q. Can you please explain to me what this
8 document contains?

9 A. This is updated usage data that was requested
10 for 1736 Nicholson Apartments, Apartments A, B and C.

11 Q. Was this provided to staff by Spire Missouri?

12 A. It was.

13 MS. PAYNE: Okay. Your Honor, with that I
14 would offer these three exhibits into evidence.

15 JUDGE GRAHAM: That's 100, 101 and 102?

16 MS. PAYNE: Yes.

17 JUDGE GRAHAM: Mr. Apted, do you have any
18 objections?

19 MR. APTED: No, Your Honor.

20 JUDGE GRAHAM: Mr. Pendergast?

21 MR. PENDERGAST: No, Judge.

22 JUDGE GRAHAM: They will be received into
23 evidence, 100, 101 and 102.

24 (STAFF'S EXHIBITS 100, 101 AND 102 WERE
25 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

1 MS. PAYNE: With that, I would offer
2 Mr. Roling for any questions regarding the staff report.

3 JUDGE GRAHAM: Mr. Apted, I'm going to try to
4 do this in the right order this time. I think you as
5 the complainant here should have the first crack at
6 cross-examination.

7 MR. APTED: Thank you.

8 CROSS-EXAMINATION BY MR. APTED:

9 Q. You just explained to me a little bit in
10 detail how your job goes, how this process goes, how you
11 do your investigation and come up with a report?

12 A. In this particular case we received the notes
13 of the informal complaint, and after the formal
14 complaint was issued I did an analysis which was used to
15 report -- to come up with the report of the staff and I
16 analyzed the usage of your apartments versus looking at
17 heating degree days, compared your usage to heating
18 degree days.

19 After doing the DR and asking information
20 about the meter test, I verified the results of Spire
21 doing the meter tests and saw that those were
22 satisfactory and those had been changed out and the
23 meter reads appear to be tracking based upon the updated
24 usage that I received with change in daily -- basically
25 daily usage information and that tracks with the bills.

1 And so that in that way I was able to verify that AMR
2 does appear to be tracking as it should be.

3 Q. Were you reviewing the documents that I
4 submitted through EFIS?

5 A. Yes. I looked at your updated memo or your
6 updated e-mail. I looked at your billing information.
7 I verified that the bills -- that the information --
8 that Spire was following the tariff, the residential
9 tariff that your apartments are under and they were.

10 Q. At any point, did you visit the premises
11 during your investigation?

12 A. I did not. And the reason was after doing the
13 initial review nothing came out of the analysis that
14 dictated that we need to go further to St. Louis to do
15 an on-site review.

16 MR. APTED: That's all I've got.

17 JUDGE GRAHAM: Okay. Mr. Pendergast, do you
18 have any cross?

19 MR. PENDERGAST: I have no questions, Your
20 Honor.

21 QUESTIONS BY JUDGE GRAHAM:

22 Q. Mr. Roling, did you actually personally
23 conduct this investigation?

24 A. I did.

25 Q. Did you have other folks working with you at

1 the PSC in the course of this investigation providing
2 some data or did you do it all?

3 A. Robin Kliethermes did help me out with the
4 initial analysis and I, you know, visited with the
5 attorneys that were a part of the case at the time and
6 with that we researched it together.

7 Q. You were asked here by Mr. Apted whether you
8 visited the premises and indicated that on the basis of
9 your investigation a trip to St. Louis or an
10 investigation in St. Louis was not deemed warranted.
11 Was that your testimony?

12 A. Yes.

13 Q. Did you directly talk with or communicate with
14 Mr. Apted other than by, what, e-mail? Did you have
15 some conversations with him?

16 A. I did not have any conversations.

17 Q. In his submissions or otherwise, were you
18 advised that there was construction work going on during
19 the time period in question here which I guess is
20 January through June of 2017? Were you advised that
21 there was construction going on in Units B and C?

22 A. Somewhat, yes, I believe there was
23 notification in some of the correspondence that there
24 was construction going on.

25 Q. Would you concur, Mr. Roling, that in this

1 case a salient point that's been called out here is that
2 we've got three units with three uncharacteristically
3 similar bills during the particular time frame. Was
4 that part of the complaint or part of the problem so to
5 speak that was submitted to you?

6 A. There was comment that there had been similar
7 usage for a couple of the complexes. In referring to
8 the information that was provided in the six months
9 usage, I found -- well, actually more than six months,
10 but there is two months in question that actually had
11 the same usage for Unit A and Unit C.

12 Q. Okay. What months were those? Could you pull
13 those out?

14 A. It was the January bill. It would have been
15 the December-January usage. It had 286 as a quantity of
16 gas consumed.

17 Q. Again that amount?

18 A. 286.

19 Q. I was writing those numbers down here this
20 morning. I asked for the numbers for each of the three
21 units for the six months in question. I don't believe I
22 heard that number. \$286 and what change?

23 A. No, it wasn't \$286. It's 286 therms.

24 Q. Let's get apples to apples here. Maybe you
25 don't have the data in front of you that concerns the

1 actual bill. Do you not have that data?

2 A. I do.

3 Q. If we could work off of that. What exhibit
4 are you looking at for the record?

5 A. Exhibit 101.

6 Q. All right. And Exhibit 101 contains the bills
7 you think for January through June of 2017 for Units A,
8 B and C?

9 A. Yes. Actually I take that back. This is
10 information from the usage provided by Spire. So it was
11 just in the Excel format, Excel spreadsheet format. I
12 just have the usage amount.

13 Q. Okay. Fair enough.

14 A. I don't have a bill to reference.

15 Q. Okay. Fair enough. Were you able to in your
16 investigation ascertain anything specific about the
17 nature of the construction work that was going on in
18 Units B and C in that time period of January through
19 June of 2017?

20 A. No, I was not.

21 Q. To your knowledge, did Mr. Apted send any of
22 that information to the Commission or anyone?

23 A. To my knowledge, no.

24 JUDGE GRAHAM: That's all the questions I
25 have. Staff, do you have any follow up on that?

1 MS. PAYNE: Just some quick clarification.

2 REDIRECT EXAMINATION BY MS. PAYNE:

3 Q. Referring to page 3 of the staff investigative
4 report that shows a comparison of the three units over
5 the course of time that staff conducted its
6 investigation, I just wanted to ask you is it true that
7 we found identical usage between Units A and C for the
8 December-January billing period of 2013 and 2014?

9 A. That is correct.

10 Q. And then there was a similar usage, identical
11 usage reported for January and February for Units A and
12 C in 2016 and 2017?

13 A. That is correct.

14 MS. PAYNE: Okay. Thank you. That's all I
15 have.

16 JUDGE GRAHAM: Mr. Apted, did you have any
17 cross here, recross?

18 MR. APTED: No thank you.

19 JUDGE GRAHAM: Mr. Pendergast?

20 MR. PENDERGAST: Thank you, Your Honor.

21 RECROSS-EXAMINATION BY MR. PENDERGAST:

22 Q. In terms of the usage that was being recorded
23 at the various units, did you also look at information
24 provided regarding hourly usage and daily usage?

25 A. We took a look at the information you provided

1 and we made sure that we did our own calculation to make
2 sure the daily usage that you provided through the
3 billing period footed with the bill that was sent out to
4 the customer.

5 Q. Okay. My question to you is if you wrote down
6 the AMR readings and you just didn't look at it on a
7 monthly basis but you looked at it on a daily and hourly
8 basis. Were those AMR readings different for the
9 different units?

10 A. They were.

11 MR. PENDERGAST: Thank you.

12 JUDGE GRAHAM: Commissioner Coleman, do you
13 have anything?

14 COMMISSIONER COLEMAN: No questions. Thank
15 you.

16 JUDGE GRAHAM: May this witness step down?

17 (Witness excused.)

18 JUDGE GRAHAM: Have you offered the exhibit?

19 MS. PAYNE: I apologize. No, I do offer those
20 three exhibits. We did, that's right. I did at the end
21 of direct.

22 JUDGE GRAHAM: Then I've just forgotten. 100
23 through 102 have been offered and received into
24 evidence.

25 Any further testimony or evidence from staff?

1 MS. PAYNE: No, thank you, Your Honor.

2 JUDGE GRAHAM: Mr. Apted, at this point in
3 time I'm going to give you an opportunity to put on any
4 rebuttal that you would like to put on. Rebuttal
5 evidence doesn't mean that you get on the witness stand
6 and say the same thing that you said before in your
7 principal case. But I want to give you this opportunity
8 to get on the witness stand. And if you heard something
9 from the staff's witnesses or from Mr. Pendergast's
10 witnesses that you did not address in your own case in
11 chief or you do not feel was adequately addressed in
12 your own case in chief, something that's bugging you
13 that you want to respond to that you heard from them in
14 their cases that you don't think has been clarified
15 today, I invite you to take the witness stand, remind
16 you that you're still under oath and you can testify to
17 that effect. Is there anything like that that you wish
18 to do?

19 MR. APTED: I don't think I have anything that
20 would be beyond just bloviating. I think the evidence
21 speaks for itself. Thank you, Your Honor.

22 JUDGE GRAHAM: All right. I believe that
23 concludes the evidence. We're going to show that all
24 parties have submitted their case. At this time before
25 we begin closing arguments here are there any motions

1 that anyone wants to make orally? And I will ask you --
2 I'll be issuing an order after this is done that tells
3 specifically what the Commission expects to happen here
4 next. But if there's any oral motions that anyone would
5 like to make at this time, Mr. Apted, do you have any
6 oral motions?

7 MR. APTED: No, Your Honor.

8 JUDGE GRAHAM: Mr. Pendergast, do you have any
9 oral motions?

10 MR. PENDERGAST: No, Judge.

11 JUDGE GRAHAM: I'm assuming staff does not
12 have any motions?

13 MS. PAYNE: No, thank you.

14 JUDGE GRAHAM: Mr. Apted, I shut you down at
15 the beginning in your opening statement. I had to
16 remind Mr. Pendergast of what I told you that the
17 opening statements are a road map but I promised you at
18 the beginning that I would let you argue your case to
19 your heart's content within reason and this is the time
20 to do that.

21 So let me turn the camera over to you so the
22 people out there in the world are not staring at an
23 empty chair as they're listening to you. Okay.

24 We'll not zoom in on you because I don't know
25 how to do that. Go ahead and make your closing

1 argument.

2 MR. APTED: That's for the best. First off, I
3 want to apologize for how clunky this process has been
4 given my lack of experience. I thank everyone for
5 holding my hand and walking me through this. I do
6 appreciate all the time everyone has invested including
7 Spire.

8 I truly believe there are discrepancies in
9 this billing in which this case is predicated on. I
10 think the evidence of two separate months, February and
11 June, where two or more apartments and identical billing
12 proves that. I also don't think mediation was handled
13 properly. I believe both parties hold some
14 responsibility for not coming to a resolution, and I
15 certainly take ownership of my half of that.

16 But more importantly, this case is not only
17 about me. It's about every consumer, including my
18 tenants being able to count on fair billing procedures.
19 As the owner of the property, I owe that to my tenants
20 and Spire owes that to its consumers. It's also about
21 using a system set up to protect consumers from being
22 steam rolled by a utility company. Unlike the common
23 working man and woman, I'm fortunate enough to be in a
24 position where I can handle this myself and dedicate the
25 time necessary because otherwise your options are to

1 hire an attorney or pay up.

2 In conclusion, I want to make one thing
3 perfectly clear. I have no problem paying my bills. I
4 never have. I'm not a hustler trying to steal a few
5 bucks from Spire. My time is more valuable than that.
6 I'm one man with limited resources challenging a billion
7 dollar company with lots of resources because I believe
8 in the fair operation of business. I hope the
9 exercising of my rights through this system, clumsy as
10 it has been, will not negatively impact the ruling.

11 I want to thank everyone again for being here
12 and taking the time, and I look forward to the
13 conclusion of this matter and merry Christmas.

14 JUDGE GRAHAM: Thank you very much.
15 Mr. Pendergast, do you have a closing argument?

16 MR. PENDERGAST: Thank you, Your Honor. We
17 too appreciate the opportunity to be here today and
18 discuss these issues. You know, I think as the staff,
19 they're the neutral third party as Ms. Whitney has
20 reminded us on several occasions and they've looked at
21 this, they've taken it very seriously, and we took it
22 very seriously too when we got the complaint about the
23 bills seeming to be too high. We dispatched field
24 technicians to Mr. Apted's location. They went ahead
25 and conducted, you know, an inspection. They looked at

1 the meters. They looked at the AMR. They found
2 everything in working order, but they removed the meters
3 as is the standard practice, took them back to the shop.
4 They tested two and they fell within the accuracy ranges
5 that the Commission's rules prescribe. The other
6 because it got a little water in it in transit couldn't
7 be tested but still what we know is that the usage that
8 was recorded at the three units after they were
9 purchased by Mr. Apted were in line with what the usage
10 for those apartments had been over the last four years.

11 Now, you know, there's been discussion about
12 similarities or dissimilarities in floor plans and how
13 could we have, you know, the same usage for two. Well,
14 those things happen and they probably happen all the
15 time. What we do know is that if we look at the
16 readings that came from the AMR devices themselves they
17 were not identical. If you delved into them and you
18 looked at the hourly readings, you looked at the daily
19 readings, you found that they were registering different
20 hourly readings and different daily readings for each of
21 the three units.

22 These were being measured independently.
23 There was no crossover where suddenly one unit was being
24 recorded usage from another unit. The AMRs indicated
25 exactly what was happening, and what was happening was

1 different from each unit. And it's from our perspective
2 somewhat telling that after we replaced the meters and
3 we tested them the theory kind of went from, you know,
4 maybe it's not so much a meter problem as it is an AMR
5 problem. And if it weren't for the fact that they had
6 been checked out, if it weren't for the fact they had
7 been inspected and had been found to be operating
8 correctly and if it wasn't for the fact that the usage
9 was consistent with the last four years for all three
10 units, then maybe there might be an issue here. But
11 that's not the case.

12 And you know, there was a lot made about
13 different floor plans and a lot made about some of the
14 apartments were vacant. Well, you know, we had rehab
15 work going on. We had people coming in and going out.
16 Who knows what impact that had on the usage. But to sit
17 there and say that the usage that was being recorded
18 because they had a different floor plan or because they
19 were being rehabbed instead of lived in at a given point
20 in time, it doesn't do anything to disturb the
21 fundamental fact that these were checked, they were
22 evaluated and they were found to be working properly.

23 So given that, we respectfully suggest that
24 there is no basis for this complaint and, you know,
25 we've been fairly patient on this. We've gotten, as I

1 said, a total of \$60 from Mr. Apted, maybe \$62 on a
2 balance that has now grown to about \$4,400. That
3 doesn't even pay the service initiation fees that were
4 incurred to begin service. It doesn't begin to pay for
5 the \$97 in work we did to repair his fireplace. It
6 doesn't pay for the fixed customer charges that have to
7 be paid regardless of usage.

8 And quite frankly given the complainant's
9 stated desire to reach an agreement the fact that he
10 walked away from that agreement, didn't respond to it
11 for a significant -- hasn't responded to it at all, you
12 know, I think says a lot about, you know, the
13 credibility of this witness's desire to go ahead and
14 actually get this matter resolved.

15 We think that our other customers deserve to
16 go ahead and have everybody pull their fair share. That
17 includes Mr. Apted. What that means is that he needs to
18 pay the charges that were lawfully assessed against him
19 based on proper metering and an AMR system that worked
20 just fine. So we would respectfully request that the
21 Commission deny his complaint and determine that the
22 company violated, as staff has, no tariff, rule,
23 regulation or statute in its dealings with Mr. Apted.
24 Thank you.

25 JUDGE GRAHAM: I assume the staff has no

1 closing statement or do you?

2 MS. PAYNE: No, we do not. Thank you.

3 JUDGE GRAHAM: Ordinarily, Mr. Apted, I hear
4 closing statements one time. You have the burden of
5 proof here. And sometimes we give the complainant an
6 opportunity to give a short reply closing argument. I
7 noted that Mr. Pendergast went through in his closing
8 argument a lot of data that is discussed in the evidence
9 but was not discussed from the witness stand, and I know
10 that many people go away from hearings saying gosh, if I
11 could have just said this. If you have something to
12 reply that's short, the Commission will take it. Not in
13 the way of evidence now. This is the argument.

14 MR. APTED: I just want to rebut the fact that
15 I'm trying to usurp my responsibility to carry my weight
16 as a consumer. As I mentioned, I have no problem paying
17 my bills. And I just dismiss that charge. I take my
18 responsibilities very seriously as a consumer as I could
19 have provided evidence from all my other utility bills.
20 I just -- I'm seeking a fair billing process and a fair
21 settlement given evidence I provided that I think
22 clearly shows some kind of error has occurred. That's
23 all.

24 JUDGE GRAHAM: Thank you very much, Mr. Apted.
25 We're going to take the case under advisement at this

1 point. What is our date on our transcript? Do you have
2 one?

3 THE COURT REPORTER: Well, I had December 24
4 unless you tell me differently.

5 JUDGE GRAHAM: That means by the 24th. Do you
6 need a different date?

7 THE COURT REPORTER: No, that will be fine.

8 JUDGE GRAHAM: I will issue an order that sets
9 up a briefing schedule on this and they'll be a couple
10 of issues I would like to see addressed but they will be
11 keyed from the filing of that transcript. So you
12 probably won't have to file a brief before Christmas.
13 All right. That concludes the hearing. If there's
14 anything else at this time, any further business? All
15 right. We're going to go off the record and take the
16 case under advisement then.

17 (Off the record.)
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640,
Certified Court Reporter with the firm of Tiger Court
Reporting, LLC, within the State of Missouri, do hereby
certify that I was personally present at the proceedings
had in the above-entitled cause at the time and place
set forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had; and
that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such time
and place.

Beverly Jean Bentch

Beverly Jean Bentch, CCR No. 640

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