

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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FILED²

OCT 1 2019

Mary Jackson,

Complainant,

v.

Spire Missouri Inc. d/b/a Spire,

Respondent.

Missouri Public
Service Commission

Case No. GC-2019-0331

STAFF REPORT

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through undersigned counsel, and submits its Staff Report.

1. On April 29, 2019, Mary Jackson ("Complainant") filed a small formal complaint against Spire Missouri Inc. d/b/a Spire ("Respondent").

2. Also on April 29, 2019, the Commission issued its *Order Giving Notice of Contested Case and Orders for Small Formal Complaint*. The Order directed Staff to conduct an investigation and file a report by June 13, 2019.

3. Having concluded its investigation, Staff offers its *Staff Report*, which details Staff's investigation and analysis, and is attached hereto as Appendix A (Report). In summary, Staff concludes that the Company has not violated any applicable statutes, Commission rules, or Commission-approved Company tariffs related to the Complaint.

4. Staff's findings and analysis in the attached *Staff Report* more fully explain the circumstances that led Staff to make these conclusions.

WHEREFORE, Staff hereby tenders its *Staff Report* for the Commission's information and consideration.

RSC Exhibit No. 1
Date 9-13-19 Reporter SET
File No. GC-2019-0331



Respectfully Submitted,

/s/ Travis J. Pringle

Travis J. Pringle

Missouri Bar No. 71128

Legal Counsel for the Staff of the

Missouri Public Service Commission

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of June, 2019.

/s/ Travis J. Pringle

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. GC-2019-0331
Mary Jackson, Complainant, v. Spire Missouri Inc., d/b/a Spire, Respondent

FROM: Tammy Huber, Utility Policy Analyst II, Customer Experience Department
Dana R. Parish, Utility Policy Analyst I, Customer Experience Department

/s/ Contessa King 06/13/2019
Utility Regulatory Manager
Customer Experience Department

/s/ Robert S. Berlin 06/13/2019
Legal Counsel
Staff Counsel's Office

DATE: June 13, 2019

EXECUTIVE SUMMARY

This report provides the result of the Staff of the Missouri Public Service Commission's ("Staff") investigation concerning Mary Jackson's complaint against Spire Missouri, Inc., d/b/a Spire ("Spire" or "Company"). Ms. Jackson claims she has been overcharged by Spire. Staff has investigated Ms. Jackson's complaint and determined that Spire has not violated any tariff, rule, regulation or statute.

INTRODUCTION AND BACKGROUND

On April 29, 2019, Mary Jackson ("Complainant") filed a formal complaint with the Missouri Public Service Commission ("Commission") against Spire, and the Commission ordered Staff to investigate this complaint and file a report with the Commission no later than June 13, 2019.

Ms. Jackson alleges that the Company estimates her usage and overcharges her for service. The Complainant asserts that Spire advised that she used the same amount of gas last year and she disagrees because her furnace stopped working. Ms. Jackson indicated her meter was changed and the Company informed her something was wrong with her furnace. Ms. Jackson is seeking relief in the amount of \$700.00 to correct the alleged over-billing.

Ms. Jackson's request for relief states:

I Mary A. Jackson like investigate on Spire Gas Company for [reimburse] money that I been over charge by this Gas Company ever[y] year. I have to call on the Gas Company every winter because estimate bill Gas Company keep charging me. Gas Company tells me that I use the same amount last year (No) I use last ever year because I have been off work since 2013. Last year my furnaces stop working doing the winter las[t] year month & half. I call the Gas

company, say my furnaces not working the sent their workers to come and chang[e] the meter. Now they using that information say something wrong with my furnace because they was not getting no reading it was a filter was replace. Gas Company still sent me full bill this year. My son paid off the 12-1-12-2019 255.00 Balance was 0 next bill was 327.00. No one at my house next month 248.00 next 248.

On May 9, 13, and 14, 2019, Ms. Jackson filed supplemental information to be included in her complaint. The additional information included complaint information from the Better Business Bureau, paid invoices from furnace installation and a plumbing company, and a city permit. Ms. Jackson's gas service was disconnected on May 14, 2019, and the correspondence and disconnection notice was provided to supplement her original complaint.

Prior to filing a formal complaint, Ms. Jackson contacted the Commission's Consumer Services Department ("CSD") on March 8, 2018, and filed an informal complaint (C201801374) regarding high bills since she moved to the address in 2008. Ms. Jackson indicated she has an improved home, thermostat normally set on 65, turns the heat off each night and is gone throughout each day. The meter was changed last year, but she would like the meter tested again if she does not incur charges. It appears a customer is allowed one meter test per year at no charge CSD inquired with the Company about the high bill and meter change. Spire confirmed a technician had previously been on site and did not find any indication there was concern with the gas meter's accuracy. According to the Company, the meter was replaced on March 28, 2018. Ms. Jackson was invited to attend the meter test to ensure accuracy of the meter. CSD concluded its investigation and sent a letter dated April 2, 2018. CSD concluded Spire had acted in accordance with the Commission's rules and Spire's filed and approved tariff. The informal complaint was re-opened on April 13, 2018, to submit the meter test.

On July 10, 2018, Ms. Jackson filed an informal complaint (C201900039) with CSD stating she received an energy assistance pledge and was told by Spire her account balance was zero. Ms. Jackson stated she called Spire in June and wanted to be taken off of budget billing. Ms. Jackson received a disconnection notice that scheduled discontinuance of service for July 20, 2018. Ms. Jackson informed CSD she did not understand how her bill could be \$347.51. CSD inquired about the balance and disconnection notice and the Company responded that Ms. Jackson had defaulted on the budget plan placing her account in discontinuance status. On July 12, 2018, Ms. Jackson was eligible for a pledge cancelling the disconnection notice and she would no longer be in threat of disconnection on July 20, 2018.

On April 2, 2019, Ms. Jackson filed an informal complaint (C201901329) with CSD stating her bills are still high after her meter was tested and she is not using the amount of gas Spire is charging her and she wants an investigation completed. CSD found that her usage remained the same since the meter change. According to the informal complaint history, after closure of the informal complaint Ms. Jackson wanted to speak to a supervisor at CSD. After multiple attempts and messages left, the CSD supervisor was unable to reach Ms. Jackson. A formal complaint letter and packet was mailed on April 9, 2019. CSD concluded Spire acted in accordance with the rules and regulations of the Commission and Spire's filed and approved tariff.

STAFF'S INVESTIGATION

Staff completed a thorough investigation of Ms. Jackson's formal complaint. On May 14, 2019, Staff submitted Data Requests ("DR or DRs") to Spire. Staff reviewed the data provided by the Company including the Complainant's account notes, service order and field technician notes, activity statement and billing statements. On May 14, 2019, Staff requested recorded phone conversations¹ between Ms. Jackson and Spire. Due to the timing and the length of the calls, Staff reviewed a sample of all of the calls in preparation of its report². Staff also took a statement from Ms. Jackson via telephone on May 9, 2019. In addition, Staff reviewed the report supplied by the Complainant of the complaint she filed with the Better Business Bureau (Complaint ID No. 13512593) against Spire. Staff further reviewed information from Ms. Jackson's informal complaints (C201801374, C201900039, and C201901329).

Based on its investigation, as detailed below, Staff did not discover any violation of applicable statutes, Commission rules or Spire's Commission approved tariff.

Ms. Jackson alleges she has been overcharged by Spire. Staff reviewed billing statements³ and usage history⁴ for Ms. Jackson's account for the calendar years 2016, 2017, 2018, and through April of 2019. Staff noted Ms. Jackson's usage appears to be higher in the winter months. Ms. Jackson's meter is typically read within the first few days of each month. Staff reviewed

¹ DR No. 0004. The responses were due on June 3, 2019. On June 7, 2019, Staff received the recorded calls on a USB drive. However, Staff was unable to open and listen to the calls until the afternoon of Monday, June 10, 2019, at which time the Commission's Information Services Department was able to retrieve the requested calls using a downloaded software.

² For purposes of developing the conclusions contained in this report, Staff's review of recorded calls did not find any violations in the recordings. Should Staff identify any issues after it has reviewed all of the recorded calls, Staff may file an amended report if appropriate.

³ DR Response No. 0002.

⁴ DR Response No. 0006.

the Heating Degree Days (HDD)⁵ associated with the calendar months in which Ms. Jackson's usage data was available. Staff compared the overall pattern of relative HDD against Ms. Jackson's usage to determine whether her usage appears to be weather sensitive. Staff determined that Ms. Jackson's usage appears to be weather-sensitive, meaning the usage tends to be higher when the temperature is lower.⁶ Staff attributes the higher usage to the colder months during the time period reviewed. Staff did not find any unusual activity in usage during the time period reviewed. There are multiple payments and pledges applied throughout the time period reviewed. In most instances when a payment is applied, there is a remaining balance on the account that carries over from the current month to the following month.

Ms. Jackson alleges⁷ she called the Company last year because the furnace was not working. The meter was changed and Ms. Jackson further alleges that now Spire is relying on her call that the furnace was broken to imply something is still wrong with her furnace. Ms. Jackson indicated a filter was replaced. Staff notes that in the Company's response to Staff DR No. 0005, the Company stated "Please note that on page 3 of the account notes (*see* DR No. 0001), there is an entry for 4/4/19 that references a furnace being old and needing cleaning. This comment was in error, as it referred to the account of a different Mary Jackson." Ms. Jackson mentioned in a phone conversation with Staff on May 9, 2019, that she was informed during a contact with the Company that her furnace was old and that statement was inaccurate. Ms. Jackson asserted she installed a new furnace at the residence in 2011. The Complainant supplemented her formal complaint on May 9, 2019, with an invoice dated February 4, 2011, that appears to be for an installation of a furnace unit at her address. Staff did not perform a site visit but based on the information provided by Ms. Jackson and the Company indicating the statement was in error, it appears a new furnace was installed and a filter was replaced.

Spire provided the meter test⁸ dated April 10, 2018, for Ms. Jackson's account and the test is in compliance with the Company's approved tariff.⁹

⁵ Weather Station: St. Louis International Airport, June 10, 2019, <https://www.weatherhq.com/weather-station/lambert-st-louis-international--airport>.

⁶ Attachment 1.

⁷ Complaint, Paragraph No. 6.

⁸ DR Response No. 0007.

⁹ Spire Missouri Inc. d/b/a Spire P.S.C. MO. No. 8, Sheet No. R-8 10.A.

The Complainant alleges Spire is estimating the usage¹⁰. However, the information received and reviewed in response to DR No. 0006, and attached hereto as Attachment 2 for the prior three years including the first four months of the current year includes actual readings.

On May 14, 2019, Ms. Jackson contacted Staff and informed Staff that her gas service was disconnected. Staff inquired about this assertion with Spire and the Company responded:¹¹

When Spire Missouri receives a formal customer complaint, it is the company's policy to hold collection and not disconnect. If there are grounds for disconnection, they will be reviewed to determine whether the dispute is related to the violation. If the violation arises out of the dispute, the Company will not proceed with disconnection activity. However, pursuant to Commission rules, where the parties cannot agree on the amount in dispute, the Company can require the customer to pay half of the disputed balance. In this case, the customer has not made a payment since February 5, so she has not made payments on her February, March, or April bills. Since her balance is now \$726.98, the Company could require her to pay in good faith \$363.49. To date, the Company has not demanded such payment. The Company inadvertently disconnected Ms. Jackson's service on May 14, but upon learning of its error, restored service on the same day.

Ms. Jackson contacted Staff on June 7, 2019, to inform Staff that she received a disconnection letter for scheduled disconnection on June 11, 2019. Staff contacted Spire to inquire about this disconnection letter and Spire indicated disconnection would not occur since the formal complaint process is still pending.

CONCLUSION

Based on Staff's review of the information provided by the Company and Ms. Jackson, Staff is of the opinion that the Company complied with its current approved tariff. Staff's investigation did not find violations by the Company of any applicable statutes, Commission rules, or Commission-approved Company tariffs related to this Complaint.

The Company's response to DR No. 0001 includes an entry in the account notes for Ms. Jackson on 04-04-2019 that states, "Reviewing the account revealed that in the past we found that her furnace was old and needed cleaning as well as issues with the water heater. I advised that

¹⁰ Complaint, Paragraph No. 6.

¹¹ DR Response No. 0008.

I was not sure if any of her appliance[s] had been replaced but the usage since the meter change has remained the same, so the issue was not with the meter.” The Company’s response to DR No. 0005 identified the statement about the furnace being old and in need of cleaning was in error and recorded in the wrong Ms. Jackson’s account history. Because Spire initially identified the wrong account under the same name as the Complainant, Staff recommends the Company put in place an additional review procedure to reduce the possibility of account misidentification in the future.

If Ms. Jackson wishes to provide additional information substantiating her claims against the Company, she may do so by submitting evidence into this case via the Commission’s Electronic Filing and Information System (EFIS) and/or by presenting information at the evidentiary hearing, if applicable.

RECOMMENDATION

Because Spire initially identified the wrong account under the same name as the Complainant, Staff recommends the Company put in place an additional review procedure to reduce the possibility of account misidentification.

See Attachment 1
Attachment 2

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Mary Jackson,

Complainant,

v.

Spire Missouri, Inc. d/b/a Spire,

Respondent

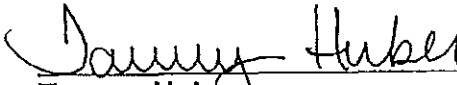
File No. GC-2019-0331

AFFIDAVIT OF TAMMY HUBER

State of Missouri)
) ss.
County of Cole)

COMES NOW Tammy Huber and on his oath declares that he is of sound mind and lawful age; that he contributed to the attached *Staff Recommendation in Memorandum form*; and that the same is true and correct according to his best knowledge and belief.

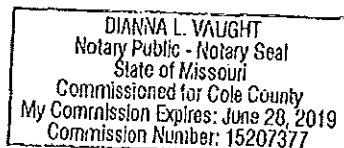
Further the Affiant sayeth not.

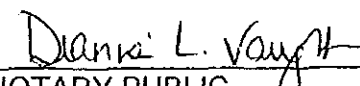


Tammy Huber

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 13th day of June, 2019.





NOTARY PUBLIC

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**


Mary Jackson,)	
)	
Complainant,)	
)	
v.)	<u>File No. GC-2019-0331</u>
)	
Spire Missouri, Inc. d/b/a Spire,)	
)	
Respondent)	

AFFIDAVIT OF DANA R. PARISH

State of Missouri)
) ss.
County of Cole)

COMES NOW Dana R. Parish and on his oath declares that he is of sound mind and lawful age; that he contributed to the attached *Staff Recommendation in Memorandum form*; and that the same is true and correct according to his best knowledge and belief.

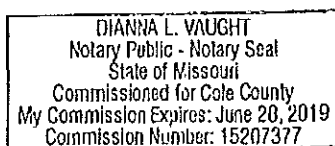
Further the Affiant sayeth not.

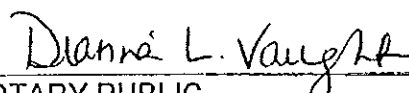


Dana R. Parish

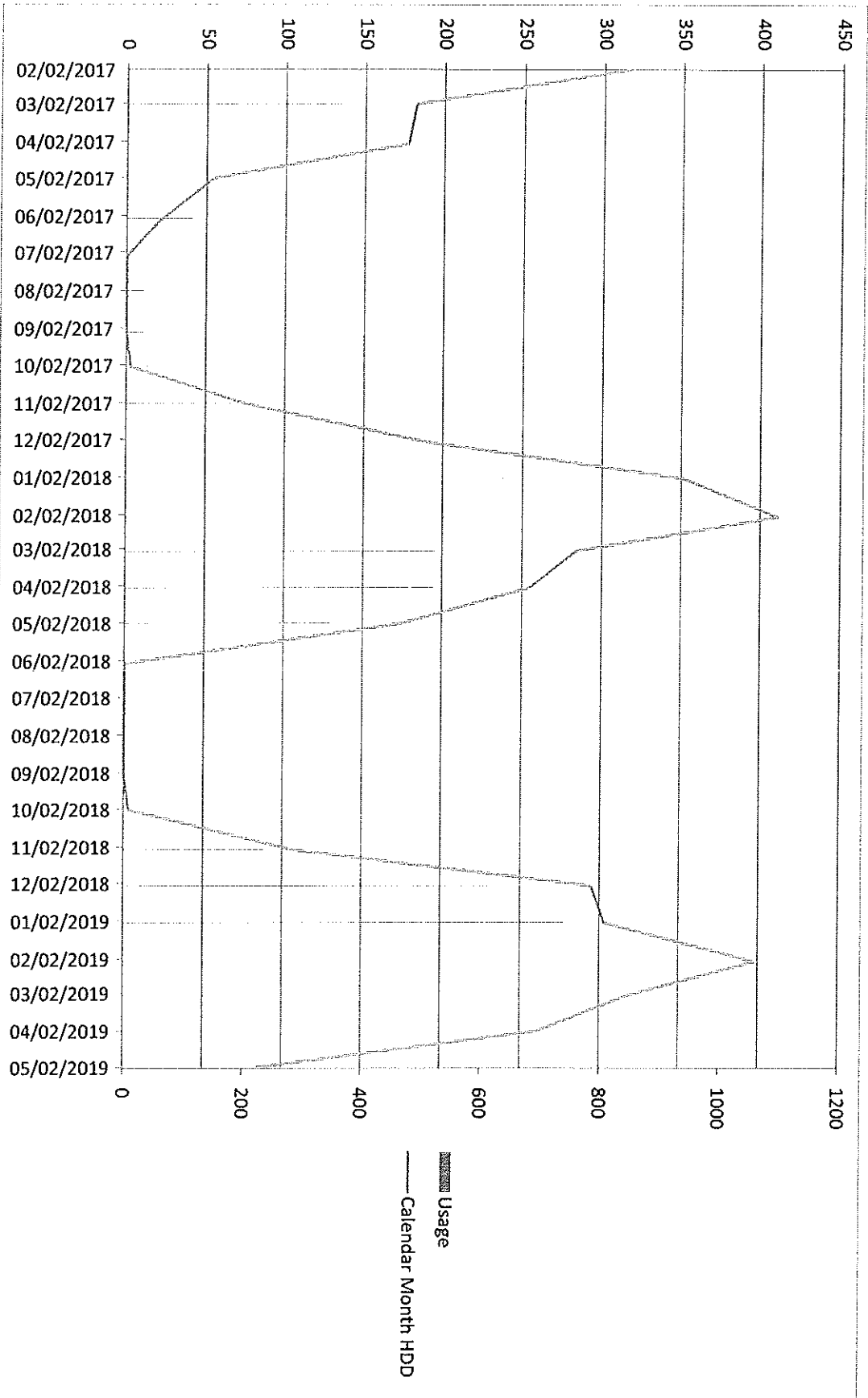
JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 13th day of June, 2019.





NOTARY PUBLIC



Mary A. Jackson
 Usage vs. Heating Degree Days by Month
 Attachment 1

Mary Jackson 5641 Summlt						
Use in ccf						
Month	2015	2016	2017	2018	2019	Average
Jan	250	273	216	339	382	292.0
Feb	301	257	136	196	348	247.6
Mar	167	120	143	195	222	169.4
Apr	46	54	60	130	76	73.2
May	31	36	41	21		32.3
June	27	21	21	15		21.0
July	20	16	12	9		14.3
Aug	6	23	11	12		13.0
Sept	0	19	14	7		10.0
Oct	27	49	82	89		61.8
Nov	148	161	151	230		172.5
Dec	236	204	285	278		250.8
Total	1259	1233	1172	1521		1357.7
Disc. For non-pay						

Read Value for Billing	Read Date	Use in CCF
9444.0	05/02/2019	76
9368.0	04/02/2019	222
9146.0	03/04/2019	348
8798.0	02/04/2019	382
8416.0	01/03/2019	278
8138.0	12/04/2018	230
7908.0	11/04/2018	89
7819.0	10/02/2018	7
7812.0	09/05/2018	12
7800.0	08/02/2018	9
7791.0	07/04/2018	15
7776.0	06/04/2018	21
7755.0	05/02/2018	130
7625.0	04/03/2018	195
4254.0	03/04/2018	196
4058.0	02/04/2018	339

Mary A. Jackson
Response to Data Request No. 006

Read Value for Billing	Read Date	Use in CCF
3719.0	01/03/2018	285
3434.0	12/04/2017	151
3283.0	11/02/2017	82
3201.0	10/03/2017	14
3187.0	09/05/2017	11
3176.0	08/02/2017	12
3164.0	07/05/2017	21
3143.0	06/04/2017	41
3102.0	05/02/2017	60
3042.0	04/04/2017	143
2899.0	03/02/2017	136
2763.0	02/02/2017	216
2547.0	01/04/2017	204
2343.0	12/04/2016	161
2182.0	11/02/2016	49
2133.0	10/04/2016	19
2114.0	09/05/2016	23
2091.0	08/02/2016	16
2075.0	07/05/2016	21
2054.0	06/02/2016	36
2018.0	05/03/2016	54
1964.0	04/04/2016	120
1844.0	03/02/2016	257
1587.0	02/02/2016	273
1314.0	01/05/2016	236
1078.0	12/02/2015	148
930.0	11/03/2015	27
903.0	10/04/2015	0
903.0	09/02/2015	6
897.0	08/04/2015	20
877.0	07/05/2015	27
850.0	06/02/2015	31
819.0	05/04/2015	46
773.0	04/05/2015	167
606.0	03/03/2015	301
305.0	02/03/2015	250
55.0	01/05/2015	