

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4 TRANSCRIPT OF PROCEEDINGS  
5  
6 PREHEARING CONFERENCE  
7  
8 SEPTEMBER 21, 2005  
9 JEFFERSON CITY, MISSOURI  
10 Volume 1  
11  
12 LOISTINE STEWART AND )  
BOYCE CONWAY, )  
13 ) Case No. GC-2005-0487  
Complainant, )  
14 )  
vs. )  
15 )  
LACLEDE GAS COMPANY, )  
16 )  
Respondent. )  
17  
18 MORRIS WOODRUFF, Presiding,  
19 SENIOR REGULATORY LAW JUDGE.  
20  
21 REPORTED BY:  
22 LISA M. BANKS, CCR NO. 1081  
23 MIDWEST LITIGATION SERVICES  
24  
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## A P P E A R A N C E S

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FOR: Staff of the Missouri Public  
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## P R O C E E D I N G S

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JUDGE WOODRUFF: We're here for a

prehearing conferencing in case number GC2005-0487,

which a complaint by Loistine Stewart and Boyce Conway

against Laclede Gas Company. And we are going to begin

today by taking entries of appearance beginning with

Laclede.

MR. ZUCKER: This is Rick Zucker,

Z-U-C-K-E-R, representing the Laclede Gas Company, 720

Olive Street, Suite 1516, St. Louis, Missouri 63101.

JUDGE WOODRUFF: And for the commission

staff?

MR. FRANSON: Robert Franson, P.O. Box

360, Jefferson City, Missouri 65102, representing the

staff of the Public Service Commission.

JUDGE WOODRUFF: Thank you. And

Loistine Stewart is representing herself, I believe; is

that correct, Ms. Stewart?

MS. STEWART: That's correct.

JUDGE WOODRUFF: Okay. Is Mr. Conway

there?

MS. STEWART: No. He's not available at

the moment.

1 JUDGE WOODRUFF: All right. That's  
2 fine.

3 MS. STEWART: All right.

4 JUDGE WOODRUFF: And I believe  
5 Mr. Conway is your son; is that right?

6 MS. STEWART: That's correct.

7 JUDGE WOODRUFF: Okay. Well, I've  
8 called this conference today just to give you all a  
9 chance to decide how we want to proceed with this  
10 hearing. And I understand that Mr. Franson, for the  
11 staff, had some matters that he wanted to bring up.

12 MR. FRANSON: Yes, I do, Judge. I have  
13 reviewed this complaint and staff has done a report.  
14 Staff did not go into legal questions of standing of  
15 the complainant because we didn't think it was  
16 appropriate. However, basically for the sake of  
17 discussion, when you read this complaint, if there's  
18 merit to it, it is solely the complaint of Boyce Conway  
19 because it appear -- and I think that could easily be  
20 taken from the answer of Laclede and some of the  
21 follow-up letters from Ms. Stewart.

22 If there is merit to this complaint, it  
23 is Mr. Conway's complaint. And if there is any  
24 subsequent action of a collection nature or anything  
25 else, or cutoff of service or anything between Laclede,

1 it's going to be between Laclede, it's going to be  
2 between Laclede and Mr. Conway. Therefore, I'm trying  
3 to figure out how Ms. Stewart has standing here and why  
4 her name is on the complaint, because it would seem  
5 that it is strictly Mr. Conway's complaint, so it's a  
6 little troubling he's not here.

7 Certainly, Mr. Conway could represent  
8 himself, Ms. Stewart could represent herself. However,  
9 for her to stand in for him, I haven't heard that she's  
10 a licensed Missouri attorney, I have a little bit of  
11 concern there. And then Judge, I hesitate to go very  
12 far with this, but I think it's the time. Ms. Stewart  
13 does have power of attorney of some nature for  
14 Mr. Conway. That does not entitle her to represent  
15 him. So the rec-- so who's the proper party is where  
16 we're going with this.

17 JUDGE WOODRUFF: All right.  
18 Ms. Stewart, can you explain what the situation is  
19 between you and Mr. Conway?

20 MS. STEWART: Yes. He's my son and he's  
21 unable to manage his funds and I have been his payee,  
22 and I'm his power of attorney and I manage all of his  
23 accounts.

24 JUDGE WOODRUFF: Okay.

25 MS. STEWART: And he's not able to

1 manage them.

2 JUDGE STEWART: All right.

3 MR. ZUCKER: I'm sorry. I didn't hear  
4 that. Ms. Stewart, did you say he's unable to manage  
5 them?

6 MS. STEWART: Right. So I manage his  
7 bills for him.

8 JUDGE WOODRUFF: You're his payee for  
9 his Social Security?

10 MS. STEWART: I have been, yes.

11 JUDGE WOODRUFF: Okay. And you say you  
12 have power of attorney for him?

13 MS. STEWART: Yes.

14 JUDGE STEWART: All right. Does he live  
15 with you at this point?

16 MS. STEWART: No. He's not living with  
17 me at this point. He moved at the first of January  
18 '04. Prior to that, he lived with me all of the time.

19 JUDGE WOODRUFF: Okay.

20 MS. STEWART: Well, not all of his life,  
21 but like from '88, '87 on.

22 JUDGE WOODRUFF: All right. And has  
23 Laclede attempted to collect this debt from you, as  
24 well, Ms. Stewart?

25 MS. STEWART: Yes. I received letters

1 from RFC Willis and Company for that amount. Then,  
2 they would send him a letter. And then, they'd send me  
3 a letter. They just sent each one of us a letter.

4 JUDGE WOODRUFF: Okay.

5 MS. STEWART: And -- yes.

6 JUDGE WOODRUFF: And as I recall, back  
7 in July, there was a gas service was shutoff by  
8 mistake, by Laclede. Was that your gas that was  
9 shutoff?

10 MS. STEWART: No. That was Boyce  
11 Conway's gas.

12 JUDGE WOODRUFF: Okay.

13 MS. STEWART: Right. And now, I'm  
14 dealing with interest and all that, that Laclede is  
15 sending --

16 COURT REPORTER: I'm sorry. I cannot  
17 hear you very well, ma'am.

18 MS. STEWART: -- the fact he doesn't own  
19 this -- and the landlord -- I'm the only lived at my  
20 house. And I have one copy of the lease paper that I  
21 need to send you, of the residents at that time. But  
22 Boyce -- as information Mr. Zucker furnished about  
23 space heaters and about all -- this erroneous  
24 information that he has come up with in his report in  
25 not accurate.

1 JUDGE WOODRUFF: Well, we don't need to  
2 go into all that today. At the moment, I am just  
3 wondering about the relationship between you and  
4 Mr. Conway and --

5 MS. STEWART: Yes. He's under --

6 JUDGE WOODRUFF: -- your interest in  
7 this case.

8 MS. STEWART: -- doctor's care and I  
9 take care of his obligations. He's on disability by  
10 the way.

11 JUDGE STEWART: Okay.

12 MS. STEWART: Yes. He's been on  
13 disability since the '80s.

14 JUDGE WOODRUFF: Okay.

15 MS. STEWART: And he was on disability  
16 when he incurred his first gas bill from the gas  
17 company, and the last time. And you said we don't need  
18 to go into the last time he lived at 4369 West Veilwood  
19 and 88th.

20 JUDGE WOODRUFF: All right.

21 MS. STEWART: And after then, he lived  
22 at other addresses where I lived, one was 8427  
23 Bayberry.

24 JUDGE WOODRUFF: Well, let's move on to  
25 some other matters then, at this point.



1 MS. STEWART: Okay.

2 JUDGE WOODRUFF: And the question is how  
3 do we want to proceed in this case? Mr. Zucker, are  
4 you ready for a hearing or do you want to have a chance  
5 to discuss this with Ms. Stewart first?

6 MR. ZUCKER: Yeah. I would like to have  
7 a chance to meet with Ms. Stewart, informally, and try  
8 to get the facts straightened out, so that we can both  
9 agree at least -- or try to agree on who lived where,  
10 when, and why Mr. Conway's name is on these accounts.

11 Obviously, if we can't reach an  
12 agreement informally, we would then have to do some  
13 formal discovery. And you know, I anticipate probably  
14 just a couple of months are needed to get through both  
15 of those processes, if necessary.

16 And so, you know, my thought is that  
17 possibly, we can schedule a hearing for early December.  
18 And if we needed it, we would be ready to go forward.  
19 And if not, you know, we wouldn't need that date, but I  
20 think that's a good date to start with to kind of get  
21 us all going.

22 JUDGE WOODRUFF: Certainly, it's always  
23 good if you can work this out rather than having a  
24 hearing. I certainly think it would be a good idea for  
25 you two to meet; is that all right with you,

1 Ms. Stewart?

2 MS. STEWART: Yes. Would you like to  
3 meet at your office in St. Louis on Olive Street?

4 MR. ZUCKER: Yes. Would you like to  
5 come down to that? If that's too inconvenient, we can  
6 set it up some place else.

7 MS. STEWART: Right. It wouldn't be  
8 inconvenient.

9 MR. ZUCKER: Okay. We also have a --  
10 let me just give you this choice, Ms. Stewart. We also  
11 some offices at Forest Park and Vandeventer, which I  
12 think is probably not too far from where you live.

13 MS. STEWART: That would be okay.

14 MR. ZUCKER: Would that be preferable  
15 than coming downtown? I know sometimes downtown is  
16 difficult to navigate.

17 MS. STEWART: Yeah. You're right. That  
18 would be more convenient, as far as Forest Park is  
19 concerned.

20 MR. ZUCKER: Okay. Can you give me a  
21 phone number to reach you at?

22 MS. STEWART: 533-4188.

23 MR. ZUCKER: 533-4188. Is that your home  
24 number?

25 MS. STEWART: Yes.

1                   MR. ZUCKER: And are you home during the  
2 day?

3                   MS. STEWART: Yes. Yes. In and out,  
4 but I'm home.

5                   MR. ZUCKER: Do you have an answering  
6 machine?

7                   MS. STEWART: No. Yes, I do.

8                   MR. ZUCKER: Okay. And do you have any  
9 particular day here in the next week or so that is good  
10 for you?

11                  MS. STEWART: Any day is okay. I don't  
12 have any plans for the rest of the month or October.

13                  MR. ZUCKER: Okay. How about -- what is  
14 today, Wednesday the 21st? How about tomorrow?

15                  MS. STEWART: Tomorrow. Let me see?  
16 Let's make it Monday, Monday or Tuesday.

17                  MR. ZUCKER: Okay. Let's see. Monday,  
18 I'm going to be in Jefferson City, ironically. How  
19 about Wednesday, the 28th?

20                  MS. STEWART: Okay. Let me write that  
21 down, Wednesday the 28th. About 10:00.

22                  MR. ZUCKER: Is the morning or afternoon  
23 better for you?

24                  MS. STEWART: Morning. About ten  
25 o'clock again?

1 MR. ZUCKER: Okay.

2 MS. STEWART: Okay.

3 MR. ZUCKER: Okay. And I will make  
4 arrangements there at Forest Park and Vandeventer to  
5 get us a nice room to work in, and I will call you back  
6 and get directions for you.

7 MS. STEWART: Is that the former gas  
8 company building?

9 MR. ZUCKER: Yeah. That's our current  
10 Forest Park location, where we have a garage there for  
11 our vehicles and people work out of that office.

12 MS. STEWART: What is the address?

13 MR. ZUCKER: It is 3900-and-something  
14 Forest Park. Let me get that for certain for you.  
15 Hold on just a second. You think I would know this off  
16 the top of my head.

17 MS. STEWART: Well, you can call me and  
18 give it.

19 MR. ZUCKER: Yeah. I'll call and give  
20 it to here you, if I can't find it in the next minute,  
21 rather than having everybody listen to me go through  
22 our phone book here.

23 MR. FRANSON: Judge, if I may, I would  
24 request that any procedural schedule filing would be  
25 sometime well after --

1 MS. STEWART: I would like to get this  
2 staff reporter name, the one that is speaking?

3 MR. FRANSON: My name is Robert Franson.  
4 I'm an attorney for the staff of the commission.

5 MS. STEWART: Your name is Robert what?

6 MR. FRANSON: Franson, F-R-A-N-S-O-N.

7 MS. STEWART: And that's Robert?

8 MR. FRANSON: Yes.

9 MS. STEWART: Are you the one that's  
10 involved in the staff report?

11 MR. FRANSON: Yes, ma'am.

12 MS. STEWART: Well, according to the  
13 paragraph next to the last one you made, there's a  
14 statement about -- of further evidence --

15 MR. FRANSON: Ms. Stewart --

16 MS. STEWART: -- that the complainant  
17 billed for \$907.83.

18 MR. FRANSON: -- if I may suggest, I'll  
19 be happy to discuss that with you, but we need to wait  
20 until the Judge is no longer in the room.

21 MS. STEWART: Oh, okay.

22 MR. FRANSON: Because we'll be talking  
23 to you along with Mr. Zucker here in a moment.

24 MS. STEWART: All right.

25 MR. FRANSON: Judge, what I was wanting

1 to suggest is that we delay any --

2 MS. STEWART: All right.

3 MR. FRANSON: -- procedural schedule  
4 until after the 28th, when Ms. Stewart and Mr. Zucker  
5 meet.

6 JUDGE WOODRUFF: That will be fine, or  
7 we can go ahead and pick a date in December, if you want,  
8 for a hearing, or we can just wait until after.

9 MR. FRANSON: Either way, it would be  
10 fine, but I think -- are we talking about a hearing  
11 with pretrial testimony?

12 JUDGE WOODRUFF: No.

13 MR. FRANSON: Okay. What kind of  
14 hearing are you envisioning?

15 JUDGE WOODRUFF: I'm envisioning a  
16 telephone hearing where the parties can -- so  
17 Ms. Stewart will have a chance to just state her  
18 position in the case, as well as we'll have testimony  
19 from Laclede presumably, if we have to have a hearing,  
20 as well as testimony from the staff.

21 MR. FRANSON: Yes, Your Honor.

22 JUDGE WOODRUFF: I might add,  
23 Mr. Franson, if you continue to have concerns about  
24 Ms. Stewart's standing in the case, you can go ahead  
25 and file a motion to that effect and take care of that.

1                   MR. FRANSON: Judge, I raise those and I  
2 bring it to your attention. I'm not sure that I will  
3 be filing a motion, but I bring that to your attention  
4 because that is a matter more for you and the  
5 commission. It is a concern that staff brings up. I  
6 don't know that I believe motion for some kind of  
7 relief would be appropriate.

8                   JUDGE WOODRUFF: All right.

9                   MR. FRANSON: That's why I brought it  
10 up. Unless directed otherwise -- I bring that to your  
11 attention, but it does raise concerns if she's the  
12 proper one and if she would need counsel and things  
13 like that. However, I believe my role is to bring that  
14 to your attention and not to do something.

15                  JUDGE WOODRUFF: That's fine. And you  
16 have brought that to my attention. This of course, is  
17 on the record. And we'll consider that.

18                  MR. FRANSON: There's two other things,  
19 Judge. This case presents a situation where if it's  
20 not resolved, there will be some discovery discussions  
21 between staff and Laclede. There are some unresolved  
22 matters. Staff did not believe it was appropriate to  
23 deal with possible motions to compel during an  
24 investigation. However, if this is not resolved  
25 between Ms. Stewart and Laclede in the near future,

1   there will be some discovery issues and they will be  
2   going for whatever documentation Laclede still has in  
3   its possession about a very old account.

4                   Also, there is a real question, possibly  
5   of a legal nature, involving the statute of limitations  
6   and anything Laclede may be able to do of it. In that  
7   regard, if they can win here -- it's just that brings  
8   up some concerns about a very old bill.

9                   JUDGE WOODRUFF: Sure.

10                  MR. FRANSON: Was the main topic of  
11   that.

12                  JUDGE WOODRUFF: All right. Well, I'll  
13   leave that to your discussions. At this point, I'm not  
14   going to schedule a hearing. I'll just let you discuss  
15   that amongst yourself. I will say I'll let you do it  
16   by telephone, and Mondays, Wednesdays and Fridays are  
17   the best, from my standpoint.

18                  Right now, it looks like December is  
19   pretty clear, except for the 14th and 15th, and of  
20   course Christmas. So if you find that after you've had  
21   your discussions, you find that you're going to need to  
22   have a hearing date, file a motion to that effect.

23                  MR. FRANSON: And would it be acceptable  
24   to you if we waited until sometime after the 28th,  
25   maybe the first week of October, maybe even October



1 7th?

2 JUDGE WOODRUFF: Certainly. Certainly.  
3 I'm not even going to set a date for the hearing, but  
4 keep me informed. If I don't hear anything within a  
5 couple of weeks, I'll probably file a motion and ask  
6 for a status report. Excuse me, I'll file an order for  
7 a status report.

8 MR. ZUCKER: If you were to file a  
9 motion, you probably would approve it.

10 JUDGE WOODRUFF: Yes. That's right.  
11 Okay. Well, I'm going to leave the room here in a  
12 minute, as soon as I get my computer shut down. And  
13 you guys can discuss this amongst yourselves. At this  
14 point, I'm going to adjourn this part of the hearing so  
15 the court reporter can stop taking notes.

16 WHEREUPON; the on-the-record portion of  
17 the prehearing conference was concluded.

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