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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

HEARING

June 29, 2007

Jefferson City, Missouri

Volume 1

Lynne P. Shewmaker,)	
)	
Complainant,)	
)	
vs.)	Case No. GC-2006-0594
)	
)	
Laclede Gas Company)	
)	
Respondent.)	

RON PRIDGIN, Presiding
 SENIOR REGULATORY LAW JUDGE
 LINWARD APPLING,
 STEVE GAW,
 COMMISSIONERS.

REPORTED BY:
 LISA M. BANKS, CCR
 MIDWEST LITIGATION SERVICES

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

2 JUDGE PRIDGIN: We're on the record.
3 Good morning. This is the hearing the Lynne P.
4 Shewmaker versus Laclede Gas Company, Case No.
5 GC-2006-0549. I'm Ron Pridgin. I am the Regulatory
6 Law Judge assigned to preside over this hearing that's
7 being held at 10 a.m. on June 29th, 2007. We are in
8 the Governor Office Building in Jefferson City,
9 Missouri. I would like to get verbal entries of
10 appearance, please, beginning with the General
11 Counsel's office.

12 MR. THOMPSON: Thank you, Judge.
13 Kevin A. Thompson, General Counsel for the Staff of
14 Missouri Public Service Commission, Post Office Box
15 360, Jefferson City, Missouri, 65102.

16 JUDGE PRIDGIN: Mr. Thompson, thank you.
17 Entry of appearance from Lynne
18 Shewmaker, please?

19 MS. SHEWMAKER: Lynne P. Shewmaker,
20 7330 Maple Avenue, St. Louis, Missouri, 63143.

21 JUDGE PRIDGIN: Ms. Shewmaker, thank
22 you.

23 On behalf of Laclede Gas Company,
24 please?

25 MR. ZUCKER: Rick Zucker, here on behalf

1 of Laclede Gas Company, 720 Olive Street, St. Louis,
2 Missouri, 63101.

3 JUDGE PRIDGIN: Mr. Zucker, thank you.
4 On behalf of the Office of the Public
5 Counsel, please?

6 MR. POSTON: Thank you. Marc Poston
7 appearing today on behalf of the Office of Public
8 Counsel, P.O. Box 2230, Jefferson City, Missouri,
9 65102.

10 JUDGE PRIDGIN: Mr. Poston, thank you.
11 Any other parties wishing to enter an
12 appearance?

13 All right. Seeing none, let me go over
14 a few preliminary matters, and this is mainly for the
15 benefit of Ms. Shewmaker since she's representing
16 herself, but it's also a reminder for the other parties
17 as well. We've already received your pre-file
18 testimony. We've got your direct and your rebuttal,
19 and the main purpose of this hearing is
20 cross-examination. And that is for the parties to ask
21 each other questions concerning the testimony that has
22 been filed.

23 Those questions, because they are
24 cross-examination, should usually, if not always, be
25 leading. That is you should be suggesting the answer

1 with your question. If you're not leading the witness,
2 you probably ought to ask yourself if you should be
3 asking the question. And proper answers to leading
4 questions are such answers as "yes" and "no" and "I
5 don't know." Those aren't the only acceptable answers,
6 but that list gets pretty small.

7 I will see if the parties have any
8 desire to make opening statements. I don't see
9 anything in the pleadings, but you're certainly welcome
10 to. I believe Laclede Gas expressed a desire to make
11 an opening statement, and all the parties are welcome
12 to do that if you'd like. The opening statement again
13 is not evidence. It is simply your chance to tell the
14 Commission what your theory of the case is, what you
15 think the evidence will show.

16 After we hear opening statements, I
17 would like to take a brief recess. I believe I
18 mentioned before we went on the record that we have an
19 employee who's been here a very, very long time who's
20 retiring and having a going-away ceremony at this very
21 moment. And I would like to give some of the members
22 of the Commission who are at this hearing an
23 opportunity to bid her farewell.

24 Before I see if parties have an opening
25 statements, is there anything else that the parties

1 need to bring to my attention?

2 MR. ZUCKER: Your Honor -- I'm sorry.

3 Go ahead.

4 MR. THOMPSON: Okay. Staff filed it's
5 testimony as highly confidential because it includes
6 personally, identifiable information such as name and
7 address of Ms. Shewmaker and also her particular
8 account information.

9 I was just wondering whether the parties
10 might agree that it need not be held highly
11 confidential or perhaps the Shewmakers would prefer
12 that it would remain that way. It would simply make
13 the case perhaps easier if we don't have to keep
14 flipping in and of in-camera.

15 JUDGE PRIDGIN: And Ms. Shewmaker, the
16 Staff has filed that information as highly confidential
17 for your protection, and you don't have to decide right
18 now. But the reason he's bringing it up is if we are
19 going to keep it highly confidential, which you are
20 allowed to do -- whenever a Staff witness is on the
21 stand, I will have to take a brief break and make sure
22 we're not broadcasting this into the public forum.

23 MS. SHEWMAKER: No. I have -- I have no
24 complaint about going -- becoming not confidential.

25 JUDGE PRIDGIN: Okay. So I understand

1 you --

2 MS. SHEWMAKER: Be completely open.

3 JUDGE PRIDGIN: So you understand this
4 could be that the Staff's testimony can be discussed in
5 public. It would be broadcast over the Internet. You
6 have no objection to that?

7 MS. SHEWMAKER: No objections, your
8 Honor.

9 JUDGE PRIDGIN: All right. Thank you.
10 All right. Mr. Thompson, thank you.

11 MR. THOMPSON: Thank you, your Honor.

12 MS. SHEWMAKER: I do have one other
13 question I think regarding the Laclede file began
14 another -- provide list of issues, excluding my husband
15 from giving testimony? But I wanted to be sure that he
16 and I worked on everything together. And I feel that
17 he should be included both as a witness and be able to
18 do any cross-examination and/or both of us together.

19 JUDGE PRIDGIN: Okay.

20 MS. SHEWMAKER: And I don't see why they
21 would be a problem.

22 JUDGE PRIDGIN: Mr. Zucker, your
23 response?

24 MR. ZUCKER: In the procedural schedule
25 we set up, we provided for pre-filed written testimony,

1 the purpose of which is to give the parties an idea of
2 what a witness is going to say beforehand, so that they
3 can prepare for cross-examination. Ms. Shewmaker did
4 file direct testimony. Mr. Shewmaker did not. We
5 filed rebuttal, then there was no surrebuttal from
6 either Ms. Shewmaker or Mr. Shewmaker. And so he has
7 entered no written testimony here. So I have no idea
8 what he's going to say, and I am not prepared to
9 cross-examine him.

10 JUDGE PRIDGIN: Mr. Thompson --

11 Ms. Shewmaker, just a moment please.

12 Mr. Thompson?

13 MR. THOMPSON: Well, Judge, I realize
14 this is a departure from the way proceedings are
15 normally handled here, but I would stress that these
16 are unrepresented consumers, that they are litigating
17 against a wealthy utility company, that every
18 opportunity should be given to the consumers to state
19 their case, and clearly Laclede enjoys the protection
20 of having you presiding here. If any irrelevant or
21 immaterial matter is offered or if anything appears to
22 be truly unfair, clearly they can refer to you at that
23 time for protection. So Staff supports the Shewmakers
24 in this. Thank you.

25 JUDGE PRIDGIN: Mr. Poston?

1 MR. POSTON: I would just concur with
2 what Mr. Thompson just said.

3 JUDGE PRIDGIN: Ms. Shewmaker, anything
4 further?

5 MS. SHEWMAKER: Thank you, Mr. Thompson
6 for making that statement. That's what I wanted to
7 imply myself; that we're uninformed, non-attorneys, and
8 we worked on this all together and everything that I
9 have written has been jointly done or with both of us
10 together. So I would welcome him being -- him being
11 included as representing me together.

12 JUDGE PRIDGIN: I'm going to -- to the
13 extent that Laclede has raised an objection to
14 Mr. Shewmaker testifying, I'm going to sustain that
15 objection. He has not filed any direct testimony and
16 the proposition that Mr. Shewmaker testify was only
17 made in the last few days with no pre-filed testimony.
18 You are welcome to consult with him, obviously, anytime
19 during the hearing that you would like.

20 Also to the extent that he might be
21 allowed to cross-examine that would be in my opinion
22 the unauthorized practice of law. He's not allowed to
23 represent you. He's not allowed to practice law. You
24 are allowed to represent yourself -- absolutely.

25 MR. THOMPSON: Well, your Honor, I

1 wonder if Mr. Shewmaker shouldn't be joined as a
2 necessary and indispensable party in this matter?

3 JUDGE PRIDGIN: And that can -- again,
4 when we're doing this during the hearing, I think that
5 is not fair to the parties to change who the parties
6 are as the hearing progresses.

7 MS. SHEWMAKER: What happened at the
8 time of filing, not knowing the legalities of
9 everything -- the house is in my name alone, and that
10 is why I filed only with my name. Even though at the
11 time, I could very easily included both of us.

12 JUDGE PRIDGIN: And I understand --

13 MS. SHEWMAKER: That was the reasoning
14 behind me being the only complainant.

15 JUDGE PRIDGIN: And I understand that
16 could have been done, but my point is it was not done.
17 And now here we are on the record at the hearing, and
18 now we're wanting to add a new party who has not filed
19 testimony. And I --

20 MR. POSTON: Judge, if I may?

21 JUDGE PRIDGIN: Mr. Poston.

22 MR. POSTON: Thank you. The purpose
23 behind, you know, surprise witness, I think, is just
24 that, you avoid surprise. Doesn't seem like there
25 would be any surprise in this instance. The testimony

1 that he would be testifying to is the same testimony
2 that Mrs. Shewmaker filed. I mean, so there's no
3 surprise. The questions would all be the same.

4 JUDGE PRIDGIN: But if there's no
5 surprise, then it would be redundant if he's going to
6 say the same thing. And it would be --

7 MR. POSTON: But if he as performed the
8 analysis which is -- that's my understanding -- some of
9 the analysis that perhaps, he would be better able to
10 answer those questions. It seemed like he would be the
11 appropriate person to ask those questions.

12 JUDGE PRIDGIN: That could be, but he
13 didn't pre-file any testimony. I don't -- I have a
14 problem with allowing somebody to testify at the last
15 minute who has not pre-filed any testimony, not put the
16 Commission, not put me on notice, not put any of the
17 parties on notice that he would testify.

18 Again, he had the chance to file direct
19 or surrebuttal. And I fully believe that there's no
20 funny business going on. It's unintentional. Nobody's
21 trying to pull anything. I don't think that for one
22 second. But I'm going to sustain the objection to
23 allow him to testify and to allow him to cross-examine.

24 I will allow a lot of leeway,
25 Ms. Shewmaker, during the hearing if you need to

1 consult with him during the hearing. If you need to
2 take a recess. If you two need to speak, I will give
3 you a great deal of leeway in doing that and allowing
4 you two to talk during the hearing. But as far as
5 testimony and cross-examination, I'm not going to allow
6 it.

7 MS. SHEWMAKER: Can I make one more
8 statement?

9 JUDGE PRIDGIN: You may.

10 MS. SHEWMAKER: As a -- as a customer
11 and a consumer, not a lawyer, at no time was I informed
12 that this was required -- that he would be required to
13 be filed -- to be on the record as a complainant. If I
14 had been at any time, of course, I would have added him
15 in. I would have filed all kinds of rebuttals or
16 anything else that I have filed, we would file them all
17 together.

18 So what I'm saying is that the
19 non-lawyer, how does one get around these problems
20 so -- so that we're -- so that we're doing everything
21 the way we should be doing it. We don't really know.
22 There's no guidelines to follow, and that's exactly
23 what happened. I was unaware that we needed to file us
24 both together on this complaint.

25 JUDGE PRIDGIN: And I understand and

1 this may not be much help; I've had attorneys do the
2 same thing. In other words, be unaware that they
3 needed to pre-file testimony. And I've also excluded
4 any attempts that they've made, and they were unaware.
5 And that is the, I guess, the risk of litigation
6 sometimes, especially in this -- in an admittedly
7 unusual forum such as the Public Service Commission
8 where the testimony is filed beforehand.

9 And again, you certainly had the chance
10 to file testimony, file both direct and rebuttal. And
11 if I'm not mistaken, this complaint was filed several
12 months ago? I mean, this is not a new complaint. And
13 I don't have my dates handy.

14 MS. SHEWMAKER: I think it's a year ago.

15 JUDGE PRIDGIN: But, I mean -- it was a
16 year ago?

17 MS. SHEWMAKER: 2006.

18 JUDGE PRIDGIN: And I understand that
19 you are unfamiliar with procedure, but you've had
20 roughly a year to get up to speed. And I apologize, I
21 simply think it's improper for him to testify. I think
22 it's the unauthorized practice of law for him to
23 question. You may consult him as much as you wish
24 during the hearing, but it is your complaint to bring.

25 MS. SHEWMAKER: Okay.

1 JUDGE PRIDGIN: Okay.

2 MR. ZUCKER: Your Honor, may I address
3 that also?

4 JUDGE PRIDGIN: Yes. You may.

5 MR. ZUCKER: I understand that
6 Ms. Shewmaker and her husband are a team -- a
7 partnership. And I assume that they were also a
8 partnership when they put together the direct testimony
9 filed under Ms. Shewmaker's name. So I would assume
10 that they made the points that they want make in that
11 testimony.

12 If during the questioning of
13 Ms. Shewmaker, there's a question she doesn't know the
14 answer to but Mr. Shewmaker does, I would be fine with
15 getting the answer from him and letting him contribute
16 in that manner. But I just don't want anything new to
17 come up that I'm not prepared for.

18 JUDGE PRIDGIN: And if you want to waive
19 any type of objection to him not pre-file -- you know,
20 having pre-filed testimony then appear as a witness, I
21 understand, and I would allow that. The problem is,
22 you know, once we open the door -- well, that's your
23 decision. That's your decision.

24 MR. POSTON: Judge, if I may add just
25 one more thing. It's not uncommon for a witness to be

1 unavailable and for that witness' testimony to be
2 adopted by another witness, and sometimes that happens
3 last minute unaware to the attorneys. But it's still
4 the same -- exact same testimony that that witness is
5 testifying to. So again, I still don't see whether
6 it's any surprise where Laclede would at all be harmed
7 at all by allowing him to testify.

8 JUDGE PRIDGIN: And it sounds as though
9 Laclede is at least considering waiving some of that
10 and allowing him to testify if Ms. Shewmaker doesn't
11 know the answer and he does. And I suppose we will
12 awkwardly stumble forward with it if we want him on the
13 stand, and we'll just go by the seat of our pants.

14 MR. THOMPSON: Judge, can I have a
15 moment to confer with Mr. Poston?

16 JUDGE PRIDGIN: You may.

17 MR. POSTON: Judge, if I can make one
18 more request?

19 JUDGE PRIDGIN: Yes?

20 MR. POSTON: And that would be to ask
21 that you poll the Commissioners to resolve this
22 question of whether or not he should be allowed to
23 testify?

24 JUDGE PRIDGIN: Well, again, it sounds
25 like Mr. Zucker is -- it sounds like to the extent that

1 he may know the answer and she may not, it sounds like
2 Laclede is willing to waive that and allow him to
3 testify?

4 MR. ZUCKER: Yes, your Honor. I -- my
5 only objection is for him to come up and provide a
6 direct or, you know, volunteer new testimony on his own
7 that hasn't been filed. If he can answer a question
8 that she can't answer or -- for example, they have some
9 statistical information attached to their testimony.
10 If he's more the statistical expert, and she can't
11 answer the question on the regression analysis they
12 did, I'm happy to have him answer the question.

13 JUDGE PRIDGIN: I'm going to hold my
14 nose. I think it's improper. I'm going to allow him
15 to testify so we can move forward.

16 MS. SHEWMAKER: Thank you. One other
17 question?

18 JUDGE PRIDGIN: Yes?

19 MS. SHEWMAKER: Mr. Zucker gave me an
20 addition to the list of issues just before we came in
21 this morning. I guess he emailed it to me about ten.
22 We have one here also that I would like to give back
23 to -- give it to him as well -- file -- I mean, this is
24 last minute, but his was given to me this morning. So
25 I wanted to hand that to him and to anybody else who

1 may want to see that because it hasn't actually been
2 filed with you.

3 Was yours filed yesterday afternoon, I
4 guess? Your list of issues?

5 MR. ZUCKER: Yes. I didn't add any new
6 issues. I just tried to reconcile the filing of the
7 list of issues that had been done earlier in the week
8 with discussions that we had had during the week.

9 MS. SHEWMAKER: Right. So I just have
10 an additional one here with more information that you
11 may want to see. I guess, we call it filing then?

12 JUDGE PRIDGIN: It would be nice if the
13 parties can actually agree what the issues are. I
14 mean, is there -- do you have an objection to what
15 Laclede has filed?

16 MS. SHEWMAKER: Exactly.

17 JUDGE PRIDGIN: You do have an
18 objection?

19 MS. SHEWMAKER: Well, they're just
20 extra -- there are just statement here in a different
21 format, but objections -- you call them objections.

22 JUDGE PRIDGIN: If you have -- if
23 there's something that you want the parties to see and
24 you want the Commission to see? Yes. You may do that.

25 MS. SHEWMAKER: Okay.

1 JUDGE PRIDGIN: Do you have a copy?

2 MR. THOMPSON: Thank you.

3 JUDGE PRIDGIN: Do you have a copy?

4 MS. SHEWMAKER: Yes, for the

5 Commissioner Appling.

6 JUDGE PRIDGIN: Thank you very much.

7 MS. SHEWMAKER: Yes. So what is set out
8 there is the issue that we had originally, and then --
9 and then Laclede's answer and ours in red, which is
10 just kind of giving more detail.

11 JUDGE PRIDGIN: So your additions are in
12 red?

13 MS. SHEWMAKER: Yes. Our additions in
14 red. Mr. Zucker's are in plain text, and the bold was
15 the original -- the original issue, yes. And then one
16 is fairly lengthy, of course, and then we go to 1A and
17 then from there on.

18 JUDGE PRIDGIN: All right. Is there
19 anything else? I think instead of going to opening
20 statements -- this has taken far longer than I had
21 anticipated. I'd like to take a brief recess for the
22 going-away reception.

23 Is there anything else from the parties
24 before we take a recess?

25 MR. THOMPSON: No, your Honor.

1 MS. SHEWMAKER: No, your Honor.

2 MR. ZUCKER: In fact, during the recess
3 I would like a chance to review this.

4 JUDGE PRIDGIN: Certainly. All right.
5 Let's go off the record for roughly ten minutes.

6 (OFF THE RECORD.)

7 (EXHIBIT NOS. 1 THROUGH 4 WERE MARKED
8 FOR IDENTIFICATION.)

9 JUDGE PRIDGIN: All right. We are back
10 on the record. While we were off record, I marked
11 Exhibits. With the parties' permission, I would like
12 to announce how I have marked those and give the
13 parties a chance to speak up if they have any
14 disagreement or objection. I have marked -- this is
15 only for identification purposes; nothing's been
16 admitted. Nothing's been offered yet.

17 Ms. Shewmaker's direct testimony is
18 marked as Exhibit No. 1; Mr. Chickey's rebuttal
19 testimony as Exhibit 2; Mr. Gray's rebuttal testimony
20 as Exhibit 3; Ms. Fred's rebuttal testimony as
21 Exhibit 4. Any disagreement or objection from Counsel?

22 MR. THOMPSON: No, your Honor.

23 MR. ZUCKER: No.

24 MR. POSTON: No, your Honor.

25 MS. SHEWMAKER: No, your Honor.

1 JUDGE PRIDGIN: All right. Hearing
2 none, that is how they are marked for identification
3 purposes only. And before we went off the record,
4 Ms. Shewmaker had given the parties and the Bench a
5 recent list of issues and statements of positions.

6 And Mr. Zucker, I believe, you said
7 before we went off the record you wanted the
8 opportunity to review that. Did you have any comment
9 on what she has handed out?

10 MR. ZUCKER: Yes, your Honor. What she
11 has handed out is basically a updated list of issues
12 and statement of positions. The issues that she has
13 identified are the same issues that I filed yesterday
14 as the revised list of issues. So I think we're all in
15 agreement with the issues. All she has done has
16 expanded on her statement of positions and taken the
17 opportunity to respond to my original statement of
18 positions. While that is somewhat unusual, I will not
19 object to it, and I think that this can be a pleading
20 as part of the case.

21 JUDGE PRIDGIN: And I agree. And after
22 the hearing has concluded, if someone could -- I
23 might -- bother Staff just to enter --

24 MR. THOMPSON: We'll go ahead and file
25 it, your Honor.

1 JUDGE PRIDGIN: -- and to have that
2 filed into EFIS, I would appreciate it. So this is not
3 evidence. This is simply a pleading. And it also
4 looks from that statement of positions that Issue 1B is
5 off the table. It looks like that the -- Ms. Shewmaker
6 and the company agree on that issue. Do I understand
7 that correctly?

8 MR. ZUCKER: I would say that's correct,
9 your Honor.

10 JUDGE PRIDGIN: Ms. Shewmaker, it says
11 on Issue 1B, we agree with Laclede's position.

12 MS. SHEWMAKER: I agree.

13 JUDGE PRIDGIN: All right. Thank you
14 very much.

15 And I believe Mr. Zucker has already
16 expressed the desire to make opening statements. Do
17 other parties wish to make an opening statement?

18 MS. SHEWMAKER: Yes. I do, your Honor.

19 JUDGE PRIDGIN: All right.

20 MR. THOMPSON: Staff does not.

21 JUDGE PRIDGIN: Mr. Poston?

22 MR. POSTON: No. I do not.

23 JUDGE PRIDGIN: All right. Let me all
24 Ms. Shewmaker to make an opening statement. And let me
25 remind you, this is not evidence. This is simply your

1 opportunity to speak to the Bench and to give your
2 overview or, I guess, your theory of the case. You're
3 welcome to do it either there or at the podium, as long
4 as we have you on a microphone.

5 And it's not just me being me being
6 point-headed. I want you to speak into the microphone
7 because we have Commissioners who may be listening in
8 their offices or elsewhere and that's why I want you
9 near a microphone. So wherever you're more
10 comfortable, either there or the podium, and you may
11 begin when you're ready.

12 MS. SHEWMAKER: This is fine here.
13 Thank you, your Honor.

14 JUDGE PRIDGIN: You're welcome.

15 MS. SHEWMAKER: As far as an opening
16 statement, I'm not sure. I think what I'm going to say
17 is really just the issues that we're here for. We've
18 gone on over and over again all the details of the half
19 readings and the full readings, and the AMR reading not
20 being calibrated correctly.

21 But the bottom line here -- why we're
22 here today is that we wanted really four things: One
23 was which we agreed to in Item 1B, waive the overdue
24 fees; the second one was waive the other amounts we owe
25 Laclede, which I'm not sure of the exact amount 900 --

1 \$1000. The third item is to install a new factory -- a
2 new meter in our house that is been certified as
3 correct without an AMR reader.

4 Why we have no confidence in these
5 readers is this is why we're here. We've been -- we're
6 here today because of supposedly two malfunctioning
7 readers. One being one -- the new AMR reader and one
8 the older one. We would like to try a meter that is
9 directly from the factory without any -- any kind of
10 influence from Laclede. And at some point in the time,
11 I know Cellnet Technology is the way of the future. We
12 can go with an AMR reader added to our meter. But at
13 this particular time, we would like a plain meter so
14 that we can -- we can be sure that we have -- we're
15 getting a true reading. That's all, your Honor.

16 JUDGE PRIDGIN: Ms. Shewmaker, thank you
17 very much for your opening.

18 Mr. Zucker for Laclede Gas?

19 MR. ZUCKER: I'd like to come to the
20 podium?

21 JUDGE PRIDGIN: You may.

22 MR. ZUCKER: May it please the
23 Commission.

24 JUDGE PRIDGIN: Mr. Zucker.

25 MR. ZUCKER: In June 2005, Laclede

1 installed an automated meter reading or AMR module on
2 it's meter at Ms. Shewmaker's home. Immediately her
3 bills increased substantially. The fact that became
4 especially apparent in that upcoming winter of
5 2005/2006. Ms. Shewmaker disputed her billings and
6 paid half of three bills that winter.

7 This case is about explaining this
8 unusual occurrence in order to determine if Laclede is
9 accurately billing Ms. Shewmaker. Laclede has found
10 that the current billings are accurate while the
11 pre-2005 billings actually charged are only half of the
12 customer's usage probably due to a missing magnet in
13 the trace device that was on the meter from 1997 to
14 2005.

15 The customer believes the 1997 to 2005
16 usage pattern is correct and the current usage is
17 overstated. Laclede will show that it's explanation
18 completely fits all of the facts while Ms. Shewmaker's
19 theory simply does not fit the facts.

20 So the question is this: Which gas
21 usage is correct? The reading since the AMR
22 installation in June 2005? Or the lower readings
23 obtained prior to that installation?

24 Here are the accompanying facts which
25 I'll present chronologically: The story starts in

1 1992. That's as far back as our records go -- that
2 we've been able to produce in this case. At that time
3 and until 1997, the meter at the Shewmaker's home had a
4 remote extension device, or we call it an RE, attached
5 to the meter. Both the RE and the meter itself
6 consistently showed gas usage at an annual pace of
7 about 0.5 CCF per heating degree day. So that's going
8 to be the unit that I'll talk -- the CCF is hundred
9 cubic feet. A heating degree day is the amount by
10 which the average temperature is below 65 degrees.

11 And because of -- as heating degree days
12 go up, the weather is colder, gas usage goes up. So
13 there's a pretty good relationship. They're created by
14 CCF per HDD. The Shewmakers' usage was consistently
15 0.5 CCF per HDD before 1997. In October 1997, Laclede
16 replaced the RE device with a both a new meter and a
17 trace device at the customer's home. The gas usage
18 immediately halved per the trace readings. So the
19 trace readings that we were billing on moved to 0.25
20 CCF per HDD from 0.5, or half. This pattern continued
21 consistently until 2005.

22 Meanwhile, Laclede received only a few
23 readings from the inside meter itself to which the
24 trace device was attached. Those readings differed
25 substantially from the consistent trace device

1 readings. Laclede was not able to explain this
2 difference at the time, but upon hindsight it is now
3 apparent that the trace readings were precisely half of
4 the meter readings.

5 For example, when the trace was
6 between -- was reading between 2,700 one month and
7 2,900 the next month, in between those two readings, we
8 got a reading from the actual meter inside the home of
9 5,660, which happens to be double 2,830, which is
10 between the 2,700 and the 2,900.

11 Here's a better example: On a summer
12 day when there's not much usage, the trace read 5,422.
13 The very next day, Laclede got a reading off it it's
14 inside meter of 0845. Now, what had happened was it
15 had turned over, so that reading is really 10,845 or
16 10,845 which is exactly 1 CCF more than double the
17 previous day's reading of 5,422.

18 If it's okay with the Court, I'd like to
19 show you a trace device and show you how it works -- or
20 what I'm -- let me go on first for a second here.

21 The registration of half by the trace
22 device can be explained by a rare but known occurrence.
23 The trace device has two magnets in it which revolve
24 around and trip two leads in order to register one
25 revolution of use. If one of these two magnets is

1 missing probably due to a manufacturer's defect -- in
2 other words it came without that magnet in it. Now,
3 the trace device would consistently register exactly
4 half of the meter's usage. The missing magnet is the
5 most plausible and likely the only explanation of the
6 half usage.

7 And if I could show you the trace device
8 now, your Honor?

9 JUDGE PRIDGIN: That's fine with me.
10 Any objection from Counsel or the parties?

11 MR. THOMPSON: None at all.

12 JUDGE PRIDGIN: Okay.

13 MS. SHEWMAKER: When you say trace
14 device, this is what -- the outside unit?

15 MR. ZUCKER: Right. No. This is a unit
16 that's attached -- that was attached to the meters.
17 And for example, Ms. Shewmaker's meter in 1997. And so
18 you can still see the index there, but this box here
19 has electronics in it that sends a signal that we
20 picked up in a truck. And that's how we got those
21 remote meter readings.

22 And let me show you by taking the index
23 out here. Here we go. I'll go around and show the
24 parties first.

25 Do you see that?

1 MR. THOMPSON: Can you show me how to
2 Jimmy the one at my house?

3 MR. ZUCKER: Well, we're not using these
4 anymore. There's a magnet.

5 MR. THOMPSON: Oh, I see.

6 MR. ZUCKER: And when you hit this
7 little --

8 MR. THOMPSON: Uh-huh.

9 MR. ZUCKER: -- it goes --

10 MR. THOMPSON: So if one's missing, it
11 only goes around half the way?

12 MS. SHEWMAKER: Do you have an RE as
13 well?

14 MR. ZUCKER: Yes, ma'am.

15 MS. SHEWMAKER: You do?

16 MR. ZUCKER: I'd be glad to show it you
17 also.

18 MS. SHEWMAKER: Sure. I'd like to see
19 that.

20 MR. ZUCKER: I will show this to you,
21 Judge. Here is the -- if the meter turning this, that
22 magnet right there goes around and sends a signal. So
23 two magnets around is one rotation. One magnet missing
24 goes half.

25 If I could, I'd also like to -- at

1 Ms. Shewmaker's request, show her the RE device which
2 was on her meter before -- not the exact one -- but was
3 on the meter before 1997.

4 JUDGE PRIDGIN: That's fine.

5 MR. ZUCKER: Okay. So this is the RE
6 device.

7 MS. SHEWMAKER: Does the RE device have
8 the wheels on it -- that?

9 MR. ZUCKER: Yes.

10 MS. SHEWMAKER: It is not what I had on
11 my house. No.

12 MR. ZUCKER: Right. This would be --
13 this meter had this box put on it. You can still see
14 the index in the front there, and then a wire came out,
15 went up through the roof, and this attached to the side
16 of the house.

17 So in this case, rather than have a
18 truck drive by and pick up the signal, the meter reader
19 himself would walk by and -- even though this meter's
20 inside Ms. Shewmaker's house where you can't get in, he
21 can still come to the side of the house and read. It's
22 kind of like an odometer -- read that. And that was in
23 place before 1997.

24 MS. SHEWMAKER: And you could compare,
25 and you could go --

1 trace device and put on the AMR, the usage amount went
2 up 60 percent. So not quite as high as double, but
3 much higher than were they had been. That's simply not
4 consistent with the fact that they were making efforts
5 to conserve usage. It is consistent with a drop from
6 the pre-trace era of 20 percent showing that -- the
7 effectiveness of their conservation efforts.

8 After Ms. Shewmaker complained of higher
9 bills in the winter of 2005/2006, Laclede changed both
10 the meter and the AMR device in February 2006. The
11 original meter was subjected to and passed an accuracy
12 test. And let me emphasize that, the same meter that
13 registered double the trace usage passed an accuracy
14 test. The new meter and AMR have now been in place for
15 more than a year. And the usage pattern has been about
16 0.35 CCF per HDD. Again, significantly higher than the
17 trace usage pattern but consistent with all of the
18 other measuring equipment when factoring in
19 conservation.

20 In summary, this unusual set of facts is
21 completely explained by a trace device with a missing
22 magnet. Of the three meters and four devices that have
23 been at the Shewmakers' home over the past 15 years,
24 six of these seven items reflect internal consistency.
25 The one outlier is the trace device which recorded half

1 of the usage of the accompanying meter. An amount so
2 low that the Shewmakers can not yet come close to
3 reproducing it even after extensive conservation
4 efforts.

5 With respect to the other issues in the
6 case, Laclede is willing to credit the customer's late
7 fees, since the customer in good faith paid half of the
8 three bills during the winter of 2005/2006, which
9 represented the undisputed portion of those bills.

10 Laclede is not required to remove the
11 AMR module from its meter and declines to do so. The
12 customer is free to monitor the readings on the meter
13 index and compare them to the AMR readings on her bill.
14 If the customer insists on an independent testing of
15 yet another meter, there is a clause in the
16 Commission's rules for the Commission to administer the
17 test, but the customer must pay for it unless the meter
18 registers more than two percent fast. If it measures
19 more than two percent fast, then the company will pay
20 for the test.

21 In conclusion, Laclede respectfully
22 requests that this Commission find that the billings
23 issued by the company, since installing an AMR module
24 in June 2005, are accurate and dismiss the customer's
25 complaint. Thank you.

1 JUDGE PRIDGIN: Mr. Zucker, thank you.
2 Mr. Thompson. No opening; is that
3 correct?

4 MR. THOMPSON: No opening, your Honor.

5 JUDGE PRIDGIN: Mr. Poston?

6 MR. POSTON: No opening. Thank you.

7 JUDGE PRIDGIN: Fine. Thank you.

8 Anything further before we proceed to
9 cross-examination?

10 MR. ZUCKER: Nothing, your Honor.

11 JUDGE PRIDGIN: All right. I show
12 Ms. Shewmaker being the first witness.

13 And Ms. Shewmaker, I'll ask you to come
14 forward to be sworn.

15 And Mr. Thompson, if I could trouble you
16 to ask some of those preliminary questions about her --

17 MR. THOMPSON: Certainly.

18 JUDGE PRIDGIN: -- testimony.

19 And Ms. Shewmaker, what will happen is
20 Mr. Thompson will ask you a few questions such as, are
21 you the same person who brought this complaint? Is
22 this the testimony you filed? Just in an effort to get
23 to the threshold to where your testimony could be
24 offered into evidence and give the parties a chance to
25 object to that testimony.

1 MS. SHEWMAKER: Okay. Am I able to
2 bring any paperwork with me to the witness stand?

3 JUDGE PRIDGIN: That's fine with me.
4 Counsel, may agree?

5 MR. THOMPSON: Bring it all with you.

6 JUDGE PRIDGIN: Bring whatever you may
7 bring -- whatever you'd like.

8 MR. ZUCKER: I'm willing to stipulate to
9 that -- her testimony could be admitted if that will
10 shorten the process.

11 MR. THOMPSON: Fine with me.

12 JUDGE PRIDGIN: And Ms. Shewmaker, if
13 you'll come forward to be sworn? It sounds like -- and
14 Ms. Shewmaker let me ask you: I assume you want your
15 direct testimony admitted into evidence?

16 MS. SHEWMAKER: Sure.

17 JUDGE PRIDGIN: Is that correct?

18 MS. SHEWMAKER: Yes. That's correct.

19 JUDGE PRIDGIN: All right. Any
20 objection of her testimony coming in?

21 MR. ZUCKER: No objection.

22 MR. THOMPSON: No objection.

23 JUDGE PRIDGIN: Hearing the Exhibit
24 No. 1 is offered and admitted without objection.

25 (EXHIBIT NO. 1 WAS RECEIVED INTO

1 EVIDENCE.)

2 JUDGE PRIDGIN: And Ms. Shewmaker, if I
3 could trouble you to raise your right hand, please?

4 (WITNESS SWORN.)

5 JUDGE PRIDGIN: Thank you very much.

6 And her direct testimony is admitted.

7 We will proceed to cross-examination.

8 Mr. Poston, any questions of this
9 witness?

10 MR. POSTON: No. Thank you.

11 JUDGE PRIDGIN: Mr. Thompson?

12 MR. THOMPSON: Yes. Thank you.

13 LYNNE SHEWMAKER testified as followed:

14 CROSS-EXAMINATION BY MR. THOMPSON:

15 Q. Good morning, Ms. Shewmaker. My name's
16 Kevin Thompson. I'm the General Counsel of the
17 Commission, and I'm representing the Commission's Staff
18 in this matter.

19 I understand that you're employed at
20 Lewis Rice; is that correct?

21 A. That's correct.

22 Q. What do you do there?

23 A. I'm in computer resources.

24 Q. Computer resources?

25 A. Uh-huh.

1 Q. And have you ever appeared as an expert
2 witness in any proceeding as a statistician?

3 A. Not an expert. No. Not as a
4 statistician.

5 Q. Not as a statistician?

6 A. Not as anything.

7 Q. Do you have any advanced degrees in
8 statistics?

9 A. No.

10 Q. Or in any area of natural or other
11 science relying on statistics?

12 A. No degrees in either.

13 Q. Okay. Did you perform the regression
14 analysis that --

15 A. No. I did not.

16 Q. Wait until I finish the question.

17 A. I'm sorry.

18 Q. That's okay.

19 A. Okay.

20 Q. Did you perform the regression analysis
21 that your direct testimony presents and relies on?

22 A. No. I did not.

23 Q. Who did perform that?

24 A. My husband.

25 Q. Your husband? And that is the man

1 that's here with you?

2 A. Sherman Shewmaker. Yes.

3 Q. Very good. And has Mr. Shewmaker, to
4 your knowledge, ever appeared as an expert witness as a
5 statistician in any proceeding?

6 A. No. I don't think so.

7 Q. Does he have any advanced degrees in
8 statistics?

9 A. He does -- yeah. I guess he does -- in
10 statistics?

11 Q. Or in any science relying upon
12 statistics?

13 A. Yes. I guess he does.

14 Q. What degree would that be?

15 A. He has a degree in physical geography.

16 Q. Okay.

17 A. A PhD.

18 Q. Thank you very much.

19 No further questions, your Honor.

20 JUDGE PRIDGIN: All right. Thank you.

21 Mr. Zucker, any questions from the
22 company?

23 MR. ZUCKER: Yes, your Honor.

24 CROSS-EXAMINATION BY MR. ZUCKER:

25 Q. Good morning, Ms. Shewmaker. How long

1 have you been at Lewis Rice?

2 A. Thirty years this year. Thirty years.

3 Q. Thirty years?

4 A. Uh-huh.

5 Q. And does your husband also work outside
6 the home?

7 A. Yes. He does.

8 Q. Who does he work for?

9 A. Department of Defense.

10 Q. And how long has he been there?

11 A. I'm not sure. About 12 or 15 years.

12 Something like that.

13 Q. And do you have children?

14 A. No. We're only recently married, two
15 years. We do have children, but separate ones.

16 Q. Okay. And did these children live in
17 the home?

18 A. I have one who's off-and-on from
19 college -- backwards and forwards.

20 Q. Is anyone else other than children lived
21 in -- you and your children and your husband lived in
22 your home in the last 15 years?

23 A. No. Ex-husband but --

24 Q. Okay.

25 A. Okay.

1 Q. If I ask you a question about your
2 regression analysis that you feel is too hard to
3 answer --

4 A. Okay.

5 Q. -- I'd be glad to defer it to
6 Mr. Shewmaker.

7 Your regression analysis for this --
8 that's Exhibit A to your testimony for the period 1997
9 to present, shows a consistent pattern of usage for
10 1997 to 2005. Do you agree with that?

11 A. Yes. The data supplied by you meaning?

12 Q. Well, yes. Using the data, I guess,
13 supplied by me.

14 A. Right. Yeah.

15 Q. And was your usage in fact consistent
16 during those years, 1997 to 2005?

17 A. It seems to be. Yes.

18 Q. Assume for me if you will -- and you
19 don't have to admit this, just assume it -- that your
20 usage during 1997 to 2005, the usage that was billed to
21 you, was exactly half, exactly half of the actual
22 usage.

23 A. I don't know. I haven't --

24 Q. No. I'm not asking you to admit to it,
25 just assume it for purposes of this question.

1 A. Okay.

2 Q. Would that usage also fit into a
3 consistent pattern if each month's usage was exactly
4 half of actual?

5 A. I'm not sure what you're asking me.

6 Q. Well, I guess I'm asking you is if your
7 usage fits into a very consistent pattern?

8 A. Over a period of years?

9 Q. Over 1997 to 2005.

10 A. Okay.

11 Q. Wouldn't it also fit into that same
12 consistent pattern if you just took half of that usage?

13 A. I don't know the answer to that.

14 Q. Okay. Have you read Mr. Chickey's
15 testimony?

16 A. I have. Yes.

17 Q. Do you actually have it up there with
18 you?

19 A. I don't think I do. No. I don't.

20 MR. ZUCKER: Can the court reporter lend
21 her one there?

22 THE WITNESS: Yeah. We've got one here.

23 BY MR. ZUCKER:

24 Q. No. 2. Right?

25 A. I have it with me. Yes.

1 Q. Okay. Can you turn to Page 5?

2 A. Uh-huh.

3 Q. Toward the bottom of Page 5, there's a
4 little -- kind of a table that shows pre-trace-device
5 billings from December, January, and February and a
6 post-trace-device billings for December, January, and
7 February. Do you see that?

8 A. Yes. Uh-huh. I do.

9 Q. And do you see how the post-trace-device
10 column shows a steep drop in billings from the
11 pre-trace-device column. Do you see that?

12 A. Yes. I do.

13 Q. And did you notice how low your bills
14 were in the winter of '97/'98 compared to '96/'97?

15 A. What -- what happened in '96/'97, we
16 thought that our meter which was rather elderly at the
17 time, was probably over 20-years-old, appeared to be
18 running higher -- much higher than what we had seen in
19 the past. And we requested a new meter in 1997. So
20 these pre-trace -- pre-1997 readings, which you're
21 saying were much higher, perhaps were. And that's why
22 we obtained the new meter in 1997.

23 Q. Well, would you mind turning to Schedule
24 JRC-1 at the back of Mr. Chickey's testimony?

25 A. JRC-1?

1 Q. Uh-huh.

2 A. Okay. That's the monthly -- monthly
3 readings, I guess. Is that what you mean?

4 Q. Right.

5 A. Okay.

6 Q. Do you see the first section is readings
7 from November 1992 to October 1994.

8 A. Those are annuals though as far as -- as
9 we -- we'd requested that you give us monthly, which we
10 have from '95 onwards --

11 Q. Okay.

12 A. -- but not pre-'95.

13 JUDGE PRIDGIN: And I'm sorry if I could
14 interrupt and to the best that you can, I believe the
15 question was: Do you see? And to the best that you
16 can --

17 THE WITNESS: Do I see?

18 JUDGE PRIDGIN: -- you simply answer the
19 question that you're asked?

20 THE WITNESS: I see a 1992 annual
21 reading and a '94.

22 BY MR. ZUCKER:

23 Q. Right. And do you see the last column
24 there that says CCF over HDD?

25 A. Right.

1 Q. And do you see the number in that
2 column, 0.540?

3 A. 0.540. Yep.

4 Q. And then we move to March '95 to
5 March '96 in the second -- in the next section?

6 A. Uh-huh.

7 Q. And do you see in the CCF per HDD
8 column, 0.542 for that period?

9 A. I do. Uh-huh.

10 Q. And then going to '96 -- April of '96 --
11 well, March '96 to March '97. Do you see the
12 number 0.510 in that column?

13 A. I do.

14 Q. And for the -- finally for the 12 months
15 ended in October '97 when the trace device came on, do
16 you see the number 0.488 in that column at the very
17 bottom of the page?

18 A. I do. I see that.

19 Q. So as opposed to what you just testified
20 to, which was the usage was unusually high, your usage
21 was actually pretty consistent and even slightly
22 decreasing during that period?

23 A. Well, we as consumers looking at our
24 monthly bill did not see any figures like the annuals
25 that you have here. The 5.4 -- the 0.54, the 0.542.

1 What we were looking at was our monthly amounts.

2 Q. Okay. So you were looking at the dollar
3 amounts?

4 A. Not dollar -- well, at that point back
5 in '97, perhaps we were. But there weren't many
6 variations in your rates at that point. They weren't
7 varying on an annual basis as they -- they're not up --
8 they weren't up and down all the time like they are at
9 this particular timeframe.

10 Q. Well, are you aware that gas costs do
11 change and that effects the amount of your bills?

12 A. Well, you see as I said in '97, I can't
13 remember too much detail about what the gas prices were
14 or what was happening with fluctuation. We just
15 assumed the meter was old, and it needs to be replaced.

16 Q. And if I were to tell you that there was
17 a spike in gas costs in the mid-'90s --

18 A. Well, I couldn't have --

19 Q. -- you wouldn't remember that, would
20 you?

21 And continuing on with Mr. Chickey's
22 Schedule JRC-1 there?

23 A. Uh-huh.

24 Q. If you turn to the second page --

25 A. Okay.

1 Q. -- do you see in that last column, CCF
2 per HDD?

3 A. Uh-huh. Yes.

4 Q. How the usage pattern changed from the
5 first page down immediately after the installation of
6 the trace device into the 0.25 area?

7 A. Right. Yes.

8 Q. And did you notice that your annual
9 usage which had been over 2000 a year on Page 1,
10 dropped to just over 1000 a year on Page 2?

11 A. I wouldn't have known that at the time.
12 We didn't have the annuals.

13 Q. And again you're looking at the amount
14 of the bill -- the dollar amount?

15 A. Perhaps at that point. Yes.

16 Q. Okay.

17 A. So we had eight -- nine years of a
18 lower -- of a lower amounts.

19 Q. Okay. I think that's all I have. Thank
20 you, Ms. Shewmaker.

21 JUDGE PRIDGIN: Mr. Zucker, thank you.
22 I don't have any questions.

23 Ms. Shewmaker, now this would be the
24 time that you would undergo redirect examination. That
25 is have your counsel ask you questions about

1 cross-examination, but because you're representing
2 yourself, I'm simply going to give you the opportunity
3 to make any remarks you might like to make about the
4 questions you were asked on cross or about your
5 answers. And so is there anything about
6 cross-examination only that you would like to say?

7 MS. SHEWMAKER: Regarding the questions
8 that Mr. Zucker asked me?

9 JUDGE PRIDGIN: Correct.

10 MS. SHEWMAKER: Okay.

11 JUDGE PRIDGIN: Or Mr. Thompson.

12 REDIRECT EXAMINATION PRO SE:

13 MS. SHEWMAKER: Well, the meters in
14 particular -- those devices were not the same ones that
15 as the ones that I had on my house back pre-1997. I've
16 never seen one like the CE you were saying? The one we
17 had was a panel that was black, and it just had the
18 four -- the four digits. Yeah. 7872 and you could go
19 inside and see your little wheels there at 7872. So I
20 -- I've never seen those or one like that -- either of
21 those on my house. In fact, you know, of course, it's
22 pre-1997.

23 Another thing is many things -- I lived
24 in this house for 28 years. Many things occurred over
25 time. We insulated the attic, insulated all kinds of

1 areas which would bring down usage. We -- it's a brick
2 house, but it's -- there's all kinds of things that
3 were done to it to improve the use of gas. So this is
4 all difficult to remember, you know.

5 This is -- all we can go by is what
6 happened when the trace -- when the last reading device
7 stopped working, and the AMR reader was installed and
8 the gas doubled -- not the gas. The usage doubled.

9 That's pretty much all I have to say
10 about the questions from Mr. Zucker.

11 JUDGE PRIDGIN: And Ms. Shewmaker, if
12 there's nothing further then?

13 MS. SHEWMAKER: No. Nothing further.

14 JUDGE PRIDGIN: Thank you very much.
15 You may step down.

16 MS. SHEWMAKER: Okay.

17 JUDGE PRIDGIN: And I do see that Mr. --
18 I believe we discussed this earlier in the hearing that
19 Mr. Shewmaker would be a witness, and he has not
20 pre-filed testimony.

21 And Mr. Zucker, did I understand you had
22 no objection to his testimony to the extent that he was
23 able to answer questions that Ms. Shewmaker was not
24 able to answer? Did I understand that correctly?

25 MR. ZUCKER: That's correct.

1 JUDGE PRIDGIN: All right. Does Counsel
2 know if they would have any questions for
3 Mr. Shewmaker?

4 MR. ZUCKER: I do not have any.

5 MR. POSTON: I don't have any.

6 JUDGE PRIDGIN: Mr. Thompson?

7 MR. THOMPSON: I don't have any.

8 JUDGE PRIDGIN: All right.

9 Ms. Shewmaker, what is it that he could testify to that
10 you have not?

11 MS. SHEWMAKER: Details of the
12 regression analysis. How it's created. The regression
13 analysis would be data that we acquired originally from
14 Laclede.

15 JUDGE PRIDGIN: Okay. And the -- I
16 don't necessarily have a problem with that. I'm just
17 wondering what questions, if any, that Counsel might
18 have on his regression analysis?

19 MR. ZUCKER: Laclede does not have any
20 objection to his regression analysis. I think based on
21 the data that we provided, he properly performed it.

22 JUDGE PRIDGIN: No questions from
23 Counsel on the regression analysis; is that correct?

24 MR. THOMPSON: None at all, your Honor.

25 JUDGE PRIDGIN: Ms. Shewmaker, I'm not

1 trying to prevent him from testifying. I just saying
2 if he's -- if they accept his work and don't object to
3 it and don't have any problem with it, I'm not sure if
4 there's a reason for him to testify.

5 Again, I'm not telling you that he
6 cannot. I just simply am wondering what use it would
7 be if they simply accept his work, if they believe it
8 was done accurately, if they think he has the
9 qualifications to do it. I'm hearing no objection.

10 MS. SHEWMAKER: No objection.

11 JUDGE PRIDGIN: So with the parties
12 consent, I see no reason to call Mr. Shewmaker to the
13 stand unless any party objects.

14 Hearing no objections?

15 MS. SHEWMAKER: No objection.

16 JUDGE PRIDGIN: Very good. No
17 objections.

18 We'll move on to Mr. Chickey then, from
19 Laclede. Will you move forward to be sworn, please?

20 (WITNESS SWORN.)

21 JUDGE PRIDGIN: Mr. Zucker, when you're
22 ready.

23 JOHN R. CHICKEY testified as followed:

24 DIRECT-EXAMINATION BY MR. ZUCKER:

25 Q. Good morning, Mr. Chickey.

1 A. Good morning.

2 Q. Are the same John R. Chickey who filed
3 direct testimony in this case on May 18th, 2007?

4 A. I am.

5 Q. And do you have a copy of that testimony
6 in front of you?

7 A. Yes. I do.

8 Q. And does it consist of 11 pages and two
9 schedules?

10 A. Yes. It does.

11 Q. And do you have any changes to that
12 testimony?

13 A. No. I do not.

14 Q. Okay. And so if I asked you the same
15 questions contained in that testimony today, would your
16 answers be the same as those contained in that
17 testimony?

18 A. Yes. They would.

19 MR. ZUCKER: I move for admission of
20 Mr. Chickey's rebuttal testimony. If I said direct
21 testimony, I meant rebuttal testimony.

22 JUDGE PRIDGIN: I believe it is
23 rebuttal. Thank you.

24 MR. THOMPSON: No objection, your Honor.

25 JUDGE PRIDGIN: Any objections to

1 Exhibit No. 2 being admitted?

2 MS. SHEWMAKER: No.

3 JUDGE PRIDGIN: All right. Hearing
4 none, Exhibit No. 2 is admitted.

5 (EXHIBIT NO. 2 WAS RECEIVED INTO
6 EVIDENCE.)

7 JUDGE PRIDGIN: All right. Thank you
8 very much.

9 Mr. Thompson, any cross?

10 MR. THOMPSON: Why, yes, your Honor.
11 Thank you.

12 CROSS-EXAMINATION BY MR. THOMPSON:

13 Q. Mr. Chickey, you have examined records
14 of the Shewmakers' gas usage and bills; is that
15 correct?

16 A. Yes, sir.

17 Q. Back how far?

18 A. As shown as JRC-1 schedule.

19 Q. Okay. You're not going to tell me?
20 You're going to make me look at the schedule?

21 A. I'm sorry. We had -- the majority of
22 readings started in 1995, although there were two
23 readings; one in '92 and one in 1994.

24 Q. Okay. Now, looking at JRC-1 and bearing
25 in mind the theory that Counsel has announced, which is

1 that the trace device, in fact, was transmitting
2 readings that were only half of actual usage, am I
3 understanding your schedule accurately that that's
4 reflected by the figures in the very right-hand column
5 which seem to show an average of, well, 0.542, and then
6 0.510, 0.488, on the next page dropping down to 0.256
7 and then 0.264?

8 Am I understanding those figures
9 correctly as demonstrating the theory that as announced
10 by Counsel for Laclede?

11 A. Correct. But you mentioned trace
12 device. Those -- those numbers were based on --
13 correct. They were based on the trace device, excuse
14 me.

15 Q. The lower readings?

16 A. Correct.

17 Q. Starting with the 0.256 that we see on
18 Page 2; is that correct?

19 A. Correct.

20 Q. And is that an average figure for some
21 period of time?

22 A. Yes. Generally a year.

23 Q. Generally a year. Okay. Then we see
24 that the AMR was installed, am I correct -- on
25 Page 3 -- around June the 24th, 2005?

1 A. Correct.

2 Q. And after that, readings rose again to
3 0.473, 0.476, and so forth?

4 A. Correct.

5 Q. Okay. You have a background in
6 statistics; is that correct?

7 A. Through classes I took as a engineering
8 student. Yes.

9 Q. Okay. And you performed -- what is this
10 on this last page here -- this graph? Is that a
11 regression analysis?

12 A. Yes. It is.

13 Q. Okay. And can you tell me what it
14 means?

15 A. What it -- what it shows is that it
16 takes the data that we received over multiple years and
17 tries to apply a best-fit line to that data. And what
18 we have pointed out are three different time periods
19 and put in three separate lines indicate --

20 Q. Is that -- let me interrupt you as I
21 may, and I apologize for being rude.

22 But is that because there is no single
23 line that would fit that data?

24 A. You -- you could put a single line with
25 that data but the correlation would not be as high as

1 they are by separating out the three lines.

2 Q. Okay.

3 A. And one other point about the
4 correlation data: Generally you -- you apply a
5 straight-fit line to data that you feel would be
6 consistent. If there are changes that have occurred,
7 then you would not expect consistent data. So you
8 would do a separate line if you think some change has
9 made.

10 Q. Okay. Now, there's really two competing
11 theories that have been advanced here; isn't that
12 right?

13 A. Correct.

14 Q. One theory that was advanced by
15 Mr. Zucker is that the trace device malfunctioned and
16 simply registered half of the actual usage. Isn't that
17 one theory?

18 A. Correct.

19 Q. Okay. And the other theory is the
20 theory of the Shewmakers; is it not? Which is that the
21 AMR reader and/or the meter installed in June of '05
22 malfunctioned --

23 A. Correct.

24 Q. -- and showed a higher reading than the
25 actual usage?

1 A. Correct.

2 Q. Now, looking at the data that you've
3 collected here, does this data -- does your statistical
4 data show that the Shewmakers' theory cannot be true?

5 A. Repeat the question?

6 Q. Does your data show that the Shewmakers'
7 theory which is that it was the AMR reader and/or the
8 meter installed in '05 that malfunctioned, does your
9 data show that that theory cannot be true?

10 A. My -- my analysis is looking at the data
11 to try to interpret what is going on. By looking at my
12 data and to say that the AMR device was not working --
13 you know, I can't determine from the data that the AMR
14 device was not working.

15 I can look at the data and suggest that
16 based on previous usage, these numbers make sense based
17 on the characteristics of the home. And this data is
18 consistent with -- with the feeling that something
19 happened in that mid-period that does not make sense
20 from a usage point of view.

21 In other words, from looking at the
22 data, the changes in the CCF per heating degree day
23 going from low to high between the '97 period and '02
24 versus after '02, some change occurred. So you go and
25 try to figure out what that change is. I can't infer

1 from that to say that the AMR device was not working
2 after the fact if that's what you're asking.

3 Q. What I'm asking is whether your data
4 will help the Commission pick between these two
5 theories?

6 A. Of course, it will.

7 Q. Okay. And how does it do that?

8 A. From -- from the comparison -- the --
9 the most -- the easiest suggestion is the fact that --
10 that there's something going on here. And no one's
11 contesting that -- that the early data is incorrect.
12 So if you go by inference, if that data is correct and
13 then you look at the most recent data and it is fairly
14 consistent with that early data, then you assume that
15 it's correct after the fact with the new AMR.

16 Q. Is it possible that usage patterns
17 change?

18 A. Of course, it is. But --

19 Q. Could that account for the difference?

20 A. Between -- prior to '97 and after 2002?
21 The fact that it went from 0.5 down to say 0.4 after
22 2002? Yes.

23 Q. Well, let me ask you this: We've heard
24 that she is recently married to Mr. Shewmaker, and
25 she's lived in this house for 28 years. So she must

1 have lived there with a previous husband. Would you
2 agree with me?

3 A. Yes, sir.

4 Q. And we don't know how he used the gas,
5 do we?

6 A. No. We do not.

7 Q. We haven't heard a word about what he
8 did with gas.

9 A. No. So we assume it's the same.

10 Q. Well, I don't know. Do we? Or do we
11 just say we don't know? And we know she's got kids,
12 but we don't know how many. Maybe she's got 20. If
13 she had 20 kids in that house prior to 1997, would that
14 account for the higher gas usage at that time?

15 A. The -- the primary -- the primary use of
16 gas -- the primary piece of equipment in the house
17 would be heating, so having 20 kids would not effect
18 the heating.

19 Q. Really?

20 A. Not significantly. No.

21 Q. Do you know if she has a gas hot water
22 heater?

23 A. Well, I -- I didn't say that. What I
24 said was --

25 Q. Do you know if she has a gas hot water

1 heater, sir?

2 A. Yes. I believe that was in her
3 testimony.

4 Q. Okay. And if hot water was being used
5 at a greater rate at a previous time, would that not
6 effect the amount of gas used by that household?

7 A. Sure.

8 Q. Thank you. No further questions.

9 JUDGE PRIDGIN: Thank you, Mr. Thompson.

10 Mr. Poston?

11 CROSS-EXAMINATION BY MR. POSTON:

12 Q. Thank you. I just have a few quick
13 questions going back to the -- your schedule that
14 Mr. Thompson was asking questions about. And I just
15 want to ask you where this data has come from on the
16 first page of your schedule? I see there's a lot of
17 detail starting in 1995. Can you explain why there's
18 no detail in the 1992 to 1994 data?

19 A. Those records aren't kept. The -- the
20 most -- the most recent data -- there's multiple
21 sources that -- on how we store data. We can go into a
22 system and go back roughly two or three years on the
23 terminal. It's easily accessible. Anything prior to
24 that, then you have to go physically look at hand
25 records that are in a file, and then we have to pull

1 those records. And that's how we're able to get data
2 further back than '95.

3 The data from '92 and '94 was not in the
4 meter-read records, but actually part of comments that
5 are made when a serviceman goes out to the home to
6 perform service. Most times they will take a meter
7 reading while they're out there. And these -- and
8 they'll list that in the comment section. So we're
9 able to glean two more pieces of data from those
10 comment section.

11 Q. So that's based on two comment cards
12 from meter readers?

13 A. Yes, sir. Or servicemen, not meter
14 readers.

15 Q. Okay. And I believe Mr. Zucker
16 mentioned, and correct me if I'm wrong, that during the
17 time that the trace meter was malfunctioning that there
18 was an actual meter reading on the meter inside the
19 basement; is that correct?

20 A. Yes, there was.

21 Q. And is there an explanation why there
22 was no correction made at that time -- there was those
23 two different readings?

24 A. I don't know.

25 Q. Thank you. That's all I have.

1 JUDGE PRIDGIN: Mr. Poston, thank you.

2 Ms. Shewmaker, do you have any questions
3 for Mr. Chickey?

4 MS. SHEWMAKER: Just a moment, your
5 Honor.

6 JUDGE PRIDGIN: Certainly.

7 MS. SHEWMAKER: Can I ask questions from
8 here or --

9 JUDGE PRIDGIN: Yes, ma'am. Wherever
10 you are more comfortable.

11 CROSS-EXAMINATION BY MS. SHEWMAKER:

12 Q. Mr. Chickey.

13 A. Yes.

14 Q. You make the statement that it was
15 plausible -- that the -- there's an assumption out
16 there regarding the eight years the magnet was missing
17 from the reader? There was never a reader recovered
18 from my house that was ever shown to be missing a
19 magnet?

20 A. Not to my knowledge.

21 Q. Not to your knowledge? Okay. So it's
22 all an assumption for this eight-year period when I --
23 when I had the lower readings that -- that it was
24 something to do with Laclede's device -- it's reading
25 device; is that right? Is that correct?

1 A. Correct.

2 Q. You cannot say for certain that that it
3 was because there was no -- there was no recovered
4 reader from the house that at the time it was changed
5 in 1997?

6 A. Correct. We did not have the device.
7 All we had was the meter readings that were not
8 consistent with the trace devices and --

9 JUDGE PIDGIN: That answers the question
10 correctly.

11 THE WITNESS: Sorry.

12 JUDGE PIDGIN: That's all right.

13 BY MS. SHEWMAKER:

14 Q. So these are all assumptions and not
15 facts?

16 A. What are you referring to -- the
17 assumption?

18 Q. That -- that we -- on our house we had a
19 meter reader that was missing one magnet?

20 A. Yes. That's -- that's our assumption.

21 Q. Thank you. We have some records
22 provided to us -- just annuals going back to 1989.
23 Were you provided with those?

24 A. I -- I did not have data from '89.

25 Q. It's an annual from February of '89 to

1 November of '92. It's an annual reading. And then
2 from '92 to '94, there's another one. '94 to '96 --
3 so you were never provided with those?

4 A. No. I had a reading from 1992 that was
5 taken on 11/23. And when we take the readings, you're
6 just looking at a point in time.

7 Q. Right.

8 A. This is what the number says. You have
9 to have two dates to figure out what the usage would
10 be. So from those two dates, I only had the '92 and
11 '94.

12 Q. Okay. So those were two separate years.
13 Okay.

14 MR. SHEWMAKER: May I ask a question?

15 JUDGE PIDGIN: No. I'm sorry. You two
16 are free to consult.

17 BY MS. SHEWMAKER:

18 Q. We have this comp data that we have,
19 that you obviously weren't given, which was from '89 to
20 '92, shows that everything was consistent all the way
21 through. The ratio was in the 0.5 category --

22 A. Okay.

23 Q. -- for all periods from '89 through to
24 '02 -- for 06/28/02. But you weren't provided with
25 that? So you're aren't -- are you able to comment on

1 that?

2 A. Are you saying that the CCF per HDD was
3 in the 0.5 range?

4 Q. Right.

5 A. From '97 to 2002?

6 Q. This is comp data, not the annual like
7 we were doing on the other sheets. You were provided
8 with were annuals. Right? From -- except for -- were
9 the monthly ones -- apart from '92 and '94 when you had
10 those comp data at that point for those two years.
11 Then you went to the monthly readings from '95 on;
12 that's right?

13 A. Correct.

14 Q. Okay.

15 A. And I annualized from that monthly data.

16 Q. You did?

17 JUDGE PIDGIN: If you can try not to
18 narrate and just answer the questions that you're being
19 asked.

20 THE WITNESS: Yes, sir.

21 BY MS. SHEWMAKER:

22 Q. On the comp data that we received,
23 they're showing no drop. We also have the monthly one
24 showing a drop. Is there any explanation for that --
25 why that would be so?

1 A. I would not be able to explain the way
2 you described that.

3 Q. Okay.

4 MR. ZUCKER: Ms. Shewmaker, do you want
5 to show him that sheet?

6 MS. SHEWMAKER: Well, you gave it to us
7 Mr. Zucker.

8 MR. ZUCKER: All right.

9 MS. SHEWMAKER: He was never provided
10 with that? Let me show him.

11 MR. ZUCKER: Yeah, I mean, all of them.

12 BY MS. SHEWMAKER:

13 Q. These are that actual meter readings
14 that were in comp for years and the ratios there.
15 There was no down drop in 1997 according to that.

16 MR. THOMPSON: Your Honor, if I can ask:
17 Is this document in evidence?

18 MS. SHEWMAKER: I'm not sure. Is that?

19 JUDGE PIDGIN: No.

20 MR. THOMPSON: I wonder if it could be
21 marked and received?

22 MS. SHEWMAKER: Uh-huh.

23 JUDGE PRIDGIN: Assuming I get a copy
24 and see it. That's fine.

25 MR. THOMPSON: Perhaps we could recess,

1 and I'll make copies?

2 MS. SHEWMAKER: Well, we can -- I mean,
3 we can certainly -- as long as I'm allowed to see it.
4 I don't see any reason to recess. As long as I'm
5 allowed to see it, and obviously parties have a chance
6 to look at it and object. We can keep going and we can
7 make copies at the break.

8 MR. THOMPSON: Thank you, your Honor.

9 THE WITNESS: It appears to have similar
10 data, than what's in my schedule.

11 BY MS. SHEWMAKER:

12 Q. Uh-huh.

13 A. The ratio is a calculated number which I
14 would have to --

15 Q. Uh-huh.

16 A. -- double check where that came from to
17 understand if that matches the data that I have. But
18 it seems to be doing similar calculations of what's
19 been done here.

20 Q. Okay. We can answer that if you like?
21 Do you want to handle that? And it's a letter from you
22 and I'll attach that as well with the annual data?

23 JUDGE PRIDGIN: Ms. Shewmaker, if I
24 could trouble you. Yeah. I'm sorry. I need to get
25 a --

1 MS. SHEWMAKER: Show that to you?

2 JUDGE PRIDGIN: -- and let's be sure
3 that Counsel has a chance to see that. I'm sorry.

4 MR. THOMPSON: Did you want to offer
5 that Ms. Shewmaker?

6 MS. SHEWMAKER: Did I want -- I'm sorry?

7 MR. THOMPSON: Did you want to offer
8 that --

9 MS. SHEWMAKER: Yes.

10 MR. THOMPSON: -- into the record?

11 JUDGE PRIDGIN: That will need to be
12 left with the court reporter. I'll label that as
13 Exhibit No. 5.

14 MS. SHEWMAKER: Okay.

15 (EXHIBIT NO. 5 WAS MARKED FOR
16 IDENTIFICATION.)

17 JUDGE PRIDGIN: Ms. Shewmaker, when you
18 get back to the microphone, are you offering Exhibit
19 No. 5 into evidence?

20 MS. SHEWMAKER: I am offering Exhibit
21 No. 5 into evidence.

22 JUDGE PRIDGIN: Any objections?

23 MR. THOMPSON: No objection.

24 MR. ZUCKER: No objection, your Honor.

25 JUDGE PRIDGIN: Exhibit No. 5 is

1 admitted.

2 (EXHIBIT NO. 5 WAS RECEIVED INTO
3 EVIDENCE.)

4 JUDGE PRIDGIN: Any further questions
5 for this witness, Ms. Shewmaker?

6 MS. SHEWMAKER: None. Thank you.

7 JUDGE PRIDGIN: All right. Thank you
8 very much.

9 Any redirect?

10 MR. ZUCKER: Yes, your Honor.

11 REDIRECT EXAMINATION BY MR. ZUCKER:

12 Q. Good Morning again, Mr. Chickey.

13 A. Good Morning.

14 Q. Do you have Exhibit 5 in front of you?

15 A. I do not.

16 Q. Okay. Court Reporter will hand them to
17 you.

18 A. Thank you.

19 Q. If you'll look at the second page with
20 the data on it. What is the heading in that column --
21 the heading I mean to this document?

22 A. Actual meter readings.

23 Q. So in your -- does this appear to you to
24 be readings from the meter itself as opposed to any
25 devices that were on the meter?

1 A. Yes. That's what that implies.

2 Q. And in your quick view of that, does the
3 usage actually appear to be consistent between 1989 and
4 2002 on that document?

5 A. Yes. It does.

6 Q. So would that document indicate that the
7 actual usage based on the meter readings at the
8 Shewmaker home was consistent over all those years?

9 A. Yes. It does.

10 Q. And this document doesn't include the
11 trace device readings; is that true?

12 A. Correct.

13 Q. So you can't really compare the trace
14 usage to the actual meter readings on this document?

15 MR. POSTON: Your Honor, I object. He's
16 leading this witness.

17 JUDGE PRIDGIN: Sustained. Can you
18 rephrase the question?

19 BY MR. ZUCKER:

20 Q. Can you identify trace device readings
21 on this document?

22 A. No. I cannot.

23 Q. Okay. Would you turn to Exhibit JRC-2
24 of your testimony? Are you there now?

25 A. Okay.

1 Q. If the coloring is a little difficult,
2 but top line appears to be the usage between 03/28/95
3 to 10/23/97; is that correct?

4 A. Yes. It is.

5 Q. And it has a R-squared of 0.986; is that
6 correct?

7 A. Yes.

8 Q. And is that a good correlation?

9 A. Yes.

10 Q. Would you describe it as just good or
11 very good?

12 A. Very good.

13 Q. Okay. And the bottom line is that --
14 does that go with the trace device -- 10/25/97 to
15 10/24/02?

16 A. Yes. It does.

17 Q. And it has a R-squared of 0.9908; is
18 that correct?

19 A. Yes.

20 Q. And I assume that's also a very good
21 correlation?

22 A. Yes. It is.

23 Q. And it appears to me that the slope --
24 the Y is roughly half of the -- the bottom line is
25 roughly half of the slope on the top line?

1 A. That's correct.

2 Q. And that's consistent -- is that
3 consistent with your Schedule JRC-1 showing the change
4 at October 1997?

5 A. Yes. It is.

6 Q. Have -- in your view, have the -- has
7 Ms. Shewmaker provided any evidence to account for how
8 the usage pattern suddenly divided by two in 1997?

9 A. No. There has been none.

10 Q. Would the missing magnet from the trace
11 device explain that?

12 A. Yes. It would.

13 Q. Since the AMR was placed on the meter at
14 the Shewmakers' home in 2005, do you know how many
15 meters have been at that home?

16 A. When the AMR was installed, a meter
17 change -- that meter had been in place since 1997. And
18 that meter was not changed until February 2006. So
19 one.

20 Q. Well, since 2005 to now?

21 A. I'm sorry. 2005 there has -- there was
22 a meter change in 2006. So there's been two meters
23 since 2005.

24 Q. And are those two meters both
25 represented on your Schedule JRC-2 by the middle line?

1 A. Yes. They would be.

2 Q. So the data on that middle line
3 represents data from two different meters?

4 A. Correct.

5 Q. And the R-squared there is 0.9381; is
6 that correct?

7 A. Yes. It is.

8 Q. And is that a good correlation?

9 A. It's a good correlation.

10 Q. Is it very good?

11 A. Anything over 90 is -- is very good.

12 Q. By 90, do you mean 0.9?

13 A. 0.9, exactly.

14 Q. The Shewmakers have testified that
15 recently they have made some efforts to conserve the
16 use of gas. Did you read that in their testimony?

17 A. Yes. I did.

18 Q. Would the middle line indicate
19 conservation if the bottom line was correct?

20 A. No. Not if the bottom line is correct.

21 Q. Would the middle line indicate
22 conservation if the top line is correct?

23 A. Yes. It would.

24 MR. ZUCKER: No further questions.

25 JUDGE PRIDGIN: Mr. Zucker, thank you

1 very much.

2 Mr. Chickey, thank you, sir. You may
3 step down.

4 Mr. Thompson, is Ms. Fred ready to
5 testify?

6 MR. THOMPSON: She is.

7 JUDGE PRIDGIN: Ms. Fred, if you'll come
8 forward to testify, please?

9 MS. SHEWMAKER: Mr. Gray's next.

10 JUDGE PRIDGIN: I had it on my order on
11 the revised list that Ms. Fred -- it doesn't matter if
12 Counsel want to call Mr. Gray.

13 MR. THOMPSON: Doesn't matter to me
14 Judge. Does it matter to you guys?

15 MS. FRED: Nope.

16 MR. THOMPSON: Step on up there.

17 JUDGE PRIDGIN: If you'll raise your
18 right hand to be sworn, please.

19 (WITNESS SWORN.)

20 JUDGE PRIDGIN: Thank you very much.
21 Please have a seat.

22 Mr. Thompson, when you're ready, sir.

23 MR. THOMPSON: Thank you, your Honor.

24 CAROL GAY FRED testified as followed:

25 DIRECT EXAMINATION BY MR. THOMPSON:

1 Q. State your name please?

2 A. Carol Gay Fred.

3 Q. How are you employed?

4 A. I'm the consumer services manager for
5 the Missouri Public Service Commission.

6 Q. Did you prepare or cause to be prepared
7 certain testimony in this case which has been by
8 identification purposes as Exhibit 4?

9 A. Yes. I did.

10 Q. And if you were to give these same
11 answers today, would they be substantially the same?

12 A. Yes. They would.

13 Q. To the best of your knowledge and belief
14 are those answers true?

15 A. Yes.

16 MR. THOMPSON: At this time I would
17 offer Exhibit 4.

18 JUDGE PRIDGIN: Exhibit No. 4 is
19 offered. Any objections?

20 MR. ZUCKER: No objection.

21 MS. SHEWMAKER: I don't think I've seen
22 it.

23 JUDGE PRIDGIN: This is Ms. Fred's
24 pre-file testimony.

25 MS. SHEWMAKER: No. No.

1 memory, had you questioned Ms. Fred about her
2 testimony?

3 MR. THOMPSON: I did ask the standard
4 introductory questions, your Honor. I had offered the
5 testimony. It was at that point that complainants
6 indicated they had not received a service copy.

7 I investigated the circumstances of
8 service over the lunch break, your Honor. And I
9 discovered that on May 18th of this year my DPA
10 electronically served a copy of the testimony on
11 everyone except the Shewmakers. She advised her that
12 it is her invariable practice to mail copies to those
13 persons for whom the service list does not include an
14 electronic address.

15 And she is certain that she did so on
16 this occasion. However, there is no log book or other
17 document that evidences that, in fact, that was done.
18 I did speak to Mr. Poston by telephone and he
19 acknowledged that he did receive a copy of Staff's
20 testimony. I think he had originally stated he had not
21 on the record before we closed for lunch.

22 He authorized me to make that
23 correction. And I believe Mr. Zucker will say that he
24 has received a copy.

25 MR. ZUCKER: I will say that.

1 MR. THOMPSON: I have no idea what
2 became of the copies that I believe were mailed to the
3 Shewmakers. Certainly I do not contend that the
4 Shewmakers are making a false statement or anything of
5 that sort. I can only report what I did discover.
6 Thank you, your Honor.

7 JUDGE PRIDGIN: Mr. Thompson, thank you.
8 And that -- part of the reason for the break was to
9 allow the Shewmakers an opportunity to review that
10 testimony.

11 And I have certainly no reason to think
12 that Ms. Shewmaker that you've been anything but
13 truthful. I am certain that you did not receive the
14 copies. So please understand nobody's upset with you
15 and certainly believe that you simply did not receive
16 those copies.

17 MS. SHEWMAKER: Well, I'm a little upset
18 because they're extremely detailed information in there
19 which we really only had an hour to go over it. And I
20 feel that we're being somewhat prejudiced by not
21 receiving those. I don't know what went wrong. I
22 mean, I had two electronic addresses, but I guess they
23 haven't been used by the PSC. Most of it were received
24 in the mail and could have gone astray. I didn't know
25 what happened.

1 We've had a very brief amount of time to
2 go over this information and a lot of it which we would
3 like to respond to. But we just didn't have the time
4 to fine point what was -- we may want to comment on. I
5 have a few -- we have a few outlines here and that's
6 about it. But I did want to state that this came out
7 six weeks ago, and I haven't seen it before and we're a
8 little upset because there's a lot of information in
9 there we'd like to make rebuttals about or make
10 statements, and we are unable to do that at this point.

11 So now, we're continuing with the
12 witness; is that right?

13 JUDGE PRIDGIN: That's correct. I
14 believe that Mr. Thompson you had offered?

15 MR. ZUCKER: I had offered the
16 testimony. I think that -- I think what
17 Mrs. Shewmaker's saying is that she would object to
18 your receipt of it.

19 JUDGE PRIDGIN: Yeah. That's my
20 understanding. Any response?

21 MR. THOMPSON: Well, only what I've
22 already told you that it is the practice of my office
23 to mail it when there is no electronic address. And I
24 was assured by my DPA that that is, in fact, what she
25 believes happened. But again, I have no log or other

1 document that I can point to that proves mailing in
2 this instance.

3 JUDGE PRIDGIN: Mr. Zucker, any
4 comments?

5 MR. ZUCKER: I think that Staff's
6 testimony is generally favorable to the company, and if
7 Staff doesn't have strong feelings about withdrawing
8 the witnesses, that would be okay with me, and we can
9 go on just the other two testimonies. I don't have any
10 authority to say that. I don't want to offend Staff.

11 MR. THOMPSON: No. That's not a matter
12 of offense at all. I think fairness is a fundamental
13 requirement of this hearing and whatever disposition
14 your Honor wants to make is acceptable to Staff.

15 JUDGE PRIDGIN: Well, I'm going to
16 overrule the objection and let the evidence in.

17 (EXHIBIT NO. 4 WAS RECEIVED INTO
18 EVIDENCE.)

19 JUDGE PRIDGIN: I'm going to allow
20 Ms. Shewmaker a lot of leeway on cross-examination and
21 a lot of time to consult with her husband if she
22 wishes. And also allow any type of argument that she
23 would want to make after the hearing in a brief or
24 something that she did not receive service copies.

25 I have no doubt that simply a mistake or

1 an accident -- that you did not receive those copies.
2 But it's certainly the practice of the Commission that
3 you receive those. And the Commission, I believe,
4 would want to at the end of the day review what's
5 Staff's testimony was. And they may ultimately
6 disbelieve all of it, and I don't think they'll be
7 particularly pleased that you were not served with
8 those copies.

9 But be that as it may, the Commission
10 generally does like to hear from it's Staff especially
11 in a consumer complaint to try to get some more
12 information, and that is largely the reason I'm going
13 to allow that. And again, I will allow you quite a bit
14 of leeway when you're cross-examining.

15 Mr. Zucker, any questions with this
16 witness?

17 MR. ZUCKER: No questions, your Honor.

18 JUDGE PRIDGIN: And I don't see Counsel
19 here from OPC.

20 Ms. Shewmaker, do you have any questions
21 for this witness?

22 MS. SHEWMAKER: I do have a couple of
23 questions, but we've been unable to go -- to have the
24 time to go through this in detail to cross-examine as
25 far as a lot of statements that are in here that may

1 be -- we may want to make comment on.

2 CROSS-EXAMINATION BY MS. SHEWMAKER:

3 Q. My questions are general. The first one
4 would be -- it's a question do you generally -- how
5 would you characterize a company which undercharged
6 according to Laclede's testimony, a customer of eight
7 years of gas use when they had access to the reader and
8 could have discovered the error that -- on the trace
9 device at any time during those eight years?

10 In one word, what kind of company would
11 do that and what is this character of the company in
12 one word?

13 In other words, the eight years that we
14 were supposedly undercharged by Laclede, and they had
15 the opportunity in that eight years to come in and
16 they -- you know, each year they would come in and read
17 the meter physically or twice the year sometimes in the
18 house. So why didn't they? Do you have --

19 A. I can't answer for the company on that.
20 I'm sorry.

21 Q. Okay. Now, if Laclede had -- well,
22 you're with the Commission. Right? You're not --

23 A. Right. I'm Commission Staff. Uh-huh.

24 Q. Okay. But are assessing in looking at
25 Laclede does and the consumer is -- what is happening

1 with the consumer with the corporation itself. If
2 Laclede did this for -- you know, if this happened with
3 590,000 others of their customers, what do you think
4 would be the financial state of that company -- meaning
5 Laclede?

6 A. Okay. Let me perhaps explain to you
7 what my role is --

8 Q. Right.

9 A. -- at the Commission. I'm the consumer
10 services manager. My primary focus is usually on
11 consumer billings and compliance of the company with
12 Commission rules on how they're billed, you know, how
13 often they're billed, notices that they're provided,
14 are they provided notices, are they given other
15 alternatives to a meter reading if they cannot access a
16 meter for reading.

17 Q. Uh-huh.

18 A. Are they -- is the company providing you
19 notice, are you being advised of other means in which
20 you can get -- you know, submit your actual meter
21 reading for proper billing. So that's my primary
22 focus. It sounds from your question if I understand it
23 correctly, you're asking what's my interpretation if
24 the company was not appropriately billing customers --

25 Q. Right.

1 A. -- all their customers in the same
2 manner as you feel like happened in your situation.
3 Correct?

4 And again, that -- that's a question
5 that's probably beyond me to answer. I wish I could,
6 but that would be a judgment call that I'm not able to
7 answer.

8 Q. So your consumer group then would not
9 investigate it if it was on a grand scale -- you know,
10 590,000 instead of just one? You know, what if you had
11 multiple complaints in this area?

12 A. Okay. And I think I can address that,
13 perhaps.

14 Q. Okay.

15 A. When we see a number of similar
16 complaints coming in to our department that would
17 indicate a trend of some -- some billing-type issue or
18 problem or circumstance that's occurring, we can take
19 all that information into account, go before the
20 Commission, present that to the Commission as
21 perhaps -- what we refer to as a Staff Complaint case
22 on any -- any ideas that we may have that the company
23 has violated a Commission Rule.

24 Then evidence has to be presented by all
25 parties involved; companies, Staff, any other parties

1 that want to intervene. And the Commission ultimately
2 makes the decision whether they feel, too, the company
3 has violated a Commission rule. Now, if your question
4 is have we done that before? Yes. We have.

5 Q. Do you have any particular statistics or
6 information regarding how many people have had trace
7 readers that are missing a magnet?

8 A. No. I don't have any specifics on that.

9 Q. Have there ever been any complaints --

10 A. There have been other complaints where
11 we've had customers who've had problems either with the
12 tracer or the RE devices on their meters before as well
13 as the current AMR. If I was to say how many, I can't
14 tell you that offhand without researching that.

15 Q. Okay. On the new AMR readers, there has
16 been some -- many complaints regarding the --

17 A. I can't say many without researching it.
18 Again, I know that I can't -- I have to honestly say we
19 have received complaints regarding that particular
20 issue.

21 Q. And are these over-reads or under-reads?
22 I mean, with trace device magnets it would be a very
23 difficult thing for anybody to ever know what was
24 causing a so-called down-read. But has there ever been
25 over-reads with -- I mean, a reader with three magnets

1 that would create an over-read. I mean is that even
2 possible?

3 A. Right. Again, I wish I could answer
4 that for you, but without researching that, I can't
5 give you specifics on, you know, if it was directly
6 related to a magnet issue or not. I can tell you that
7 we've dealt with complaints both over-estimated,
8 under-estimated, over-billed, under-billed for
9 customers in the Laclede service territory off-and-on
10 for the past several years.

11 Q. Okay. Now, I'm just reading from a news
12 report where you stated that over 600 complaints that
13 that two percent were probably overpaid. They -- the
14 consumer overpaid on the 600 complaints that you've
15 investigated -- this is from a report and ultimately
16 120 customers were overcharged. This is from a report
17 in July 5th, 2006, where you made a statement to Lisa
18 Sigmund (ph.), a reporter.

19 A. Correct.

20 Q. Does that -- and these over-charges are
21 caused by what -- our readers? Do you have any idea
22 about that or -- the general -- the 20 percent were
23 probably overpaid. Was that a reader issue? I'm
24 sorry. I just wanted to clarify it?

25 A. Okay. That statement came at the time

1 that Staff had filed a complaint case against Laclede
2 Gas Company for what we felt were rule violations
3 dealing with estimated meter reads due to the fact that
4 the company was not getting access to the meters and
5 could not get actual reads.

6 And so our major complaint was whether
7 or not that company was giving adequate notice to the
8 customers to make that determination. In other words
9 to gain access, to get an actual read. And it had
10 exceeded the rule allowance of they must get an annual
11 read from the consumer or they're not supposed to
12 estimate more than three months. So that's what that's
13 in reference to. There was a complaint case from the
14 Commission Staff filed against the company on that very
15 issue.

16 Q. Just another general question for -- as
17 a consumer, the -- if the meter is malfunctioning or
18 the reader of any sort, how does this customer find
19 out? How does Laclede this find out? Does this go on
20 for long periods of time before it's discovered? I
21 mean, the assumption with us was for eight years we had
22 a defective reader which was never picked up by
23 Laclede.

24 What is the recourse of the consumer
25 who -- you know like -- down the road like we have

1 discovered by receiving these high readings or what was
2 told to be high because we had a lower reading. How --
3 how is the consumer satisfied when these kind of things
4 are discovered? And does Laclede do that or, I mean --
5 who finds -- who finds this out?

6 A. Well, I believe you followed the proper
7 protocol if it's not discovered before. Customers are
8 not aware that their usage and their bills have dropped
9 or changed, even dropped or increased dramatically.
10 They are not recognizing that because they feel like
11 it's a normal usage and billed amount. And the company
12 doesn't notice it for whatever reason.

13 Then the customer's recourse is to file
14 a complaint with the Missouri Public Service Commission
15 for us to investigate it. If you're unsatisfied with
16 those results, then follow the normal complaint process
17 which you've currently done. Is the company completely
18 not guilty here? In my opinion, no. Both parties --

19 MR. ZUCKER: Objection, your Honor.
20 Ms. Fred is asking and answering her own questions.

21 JUDGE PRIDGIN: That's right. I'm going
22 to sustain it since it's really not responsive --

23 THE WITNESS: Okay.

24 JUDGE PRIDGIN: -- to her question.

25 THE WITNESS: I think I stated in my

1 direct testimony in this case that there's equal
2 responsibility for both consumer and utility in
3 situations where there may not -- where there may be an
4 error either with the billing or with the customers
5 noticing of a billing error.

6 BY MS. SHEWMAKER:

7 A. Well, the consumer is -- is at the other
8 end here without having any resources or any abilities
9 to test or find out, it's up to the company to do that,
10 and to test until the arrival of or what's working
11 correctly. And the average customer isn't going to do
12 anything. All they do is -- those companies just like
13 we did -- so my question is -- is what do the customers
14 do, other than like you said, file a complaint as they
15 already do and hope that the company will work with
16 them on it, which is just what we attempted to do?

17 So as us a one of the families that in
18 the one and a half to two percent category of errors
19 for the AMR readings, how -- how does the customer go
20 about proving that -- that the AMR reader may not be
21 calibrated correctly with their meter, which is what we
22 believe happened. The first AMR reader went on our old
23 meter -- the one that had a bad reader in the first
24 place. Then a new AMR reader was put on which was
25 giving a really high reading.

1 What -- what does a person do as far as
2 recourse in that case? You know, there's 6000 people
3 out there in the Metropolitan St. Louis area who are in
4 this one and a half to two percent category, and how do
5 they find out or know whether their AMR is
6 under-reading or over-reading or correct?

7 A. I believe I addressed that in my direct
8 testimony.

9 Q. I'm sorry. That's why we --

10 A. I understand.

11 Q. -- haven't had enough time to go through
12 it all.

13 A. I understand. I actually tried to
14 address it in the fact that if customers suspect that
15 they have a problem, they will file a complaint. One
16 of our processes, if we feel like there is an issue
17 with a meter, we ask the company to do another
18 inspection and replacement of the meter.

19 It's my understanding that Laclede did
20 that for you in February of '06, which would have been
21 a second meter, a second AMR installation. And at
22 that -- as a result of that replacement, there still
23 was not significant shift in usage from what the prior
24 meter and prior AMR indicated.

25 Q. Thank you.

1 A. Your welcome.

2 JUDGE PRIDGIN: Did that conclude your
3 questioning, Ms. Shewmaker?

4 MS. SHEWMAKER: Yes.

5 JUDGE PRIDGIN: All right. Thank you --
6 thank you very much.

7 Let me see if we have any questions from
8 the Bench. Commissioner Gaw?

9 COMMISSIONER GAW: Maybe, but I'll pass.

10 JUDGE PRIDGIN: Commissioner Appling,
11 any questions for this witness?

12 COMMISSIONER APPLING: Would you just
13 indulge me just for a little bit?

14 THE WITNESS: Sure.

15 COMMISSIONER APPLING: I'm sorry that
16 I'm -- I apologize for all the -- I don't have my
17 fingers on everything that I need to get. But would
18 you help me out here on what's the difference in the
19 amount of money that Mrs. Shewmaker said that Laclede
20 is -- she's overpaid or underpaid or what ever the case
21 is.

22 What's the difference between Laclede
23 and her outlying amount of money that is owed or not
24 owed? Can you clarify that please? Or would that be
25 better if I asked the attorney for Laclede?

1 MR. THOMPSON: Your Honor, I believe,
2 that the Shewmakers' testimony indicated that it was
3 about \$1400.

4 COMMISSIONER APPLING: \$1400.

5 MR. ZUCKER: I'd be glad to clarify
6 that.

7 COMMISSIONER APPLING: Okay. Can you
8 talk to that for --

9 MR. ZUCKER: Yes. The -- well, once be
10 put the AMR device on in 2005 during that winter, three
11 of the winter bills the Shewmakers paid half the bill
12 on and disputed.

13 Every other bill, the Shewmakers have
14 paid fine. So those three large winter bills, the half
15 amount came to somewhere between \$700 and \$800. On top
16 of that there's been late fees that our system has
17 applied to those of another \$200. And so the amount
18 owed today is right around \$1000.

19 However, Laclede has said that they will
20 waive the late fees because the customer in good faith
21 made payment of a non-disputed amount. So really what
22 we're fighting over today in terms of dollars is about
23 \$800.

24 COMMISSIONER APPLING: Mr. Thompson,
25 would you -- I'm sorry I wasn't here for your opening

1 statement. I apologize for that again.

2 MR. THOMPSON: I didn't make one, sir.

3 COMMISSIONER APPLING: Okay.

4 MR. THOMPSON: I was relying upon a
5 schedule here in Ms. Shewmaker's direct testimony which
6 is reproduced in such a way that it's not clear.

7 COMMISSIONER APPLING: Okay.

8 MR. THOMPSON: I believe it showed that
9 it was their contention that Laclede owes them about
10 \$1400. In fact, the figure is closer to \$450, but they
11 have advised me that they're not asking for any money
12 in this proceeding.

13 COMMISSIONER APPLING: What is she
14 seeking then?

15 MS. SHEWMAKER: Well, what we're
16 seeking -- and the problem with the whole thing has
17 been lack of communication between Laclede and us and a
18 disbelief in -- in -- in the mechanical fixtures, you
19 know -- their meters and their readers. You know, one
20 reader really was malfunctioning. And so that when we
21 got the next new reader, the AMR, you know, suddenly it
22 doubled.

23 And something -- you know, you're
24 thinking, well, something has to be wrong here. It's
25 not me. There was no -- it was a very mild winter. It

1 wasn't -- it's sort of like the readings doubled in one
2 month as soon as we had the new AMR reader put on. So
3 we assumed the new AMR reader was malfunctioning. So
4 the -- my battles with Laclede have been backwards and
5 forwards, over and over again with no satisfaction and
6 no -- and no belief in any other their equipment any
7 more.

8 So even if I had a new meter put on
9 tomorrow -- and if guaranteed from the -- certified
10 from the factory, maybe then I'd believe it. But I
11 want to try and -- my meter without any readers because
12 I'm just not sure. We just have no confidence in the
13 equipment.

14 We can't go anywhere else. It's not
15 like you go buy a -- you're unhappy with a Ford and you
16 go buy a Chevrolet. You can't -- we can't do that. We
17 have to stay with Laclede. So we're kind of stuck
18 between a rock and a hard place.

19 COMMISSIONER APPLING: Have you and
20 Laclede made any attempt to settle this issue?

21 MS. SHEWMAKER: Yes. Many times we've
22 tried to get settled. But -- and -- and we really --
23 there's been no answer at this point. Nothing that
24 satisfies -- nothing that we -- we feel -- well, we
25 have no confidence in anything that they seem to be

1 offering us right now.

2 COMMISSIONER APPLING: What is it that
3 you want right now?

4 MS. SHEWMAKER: In the very beginning, I
5 made a statement about what we want is waiver of the
6 late fees, which Laclede has agreed to. Waiver of the
7 amount that we owe just to do away, with all the time
8 we've spent to research on trying to solve the problem.

9 And perhaps a new meter -- a brand new
10 meter so that I know we've got a brand new meter from
11 the factory without an AMR reader. I want to try for a
12 year with just sending in readings from a regular
13 meter, and then maybe they can put an AMR reader on
14 because that's the way of the future. I know that.

15 That's just to prove that things are
16 working okay. And really that's all -- that's all I
17 want at this point to feel a confidence that the --
18 that it's reading the gas correctly.

19 COMMISSIONER APPLING: May I ask a
20 question of Mr. Thompson. What is Staff's position on
21 this case?

22 MR. THOMPSON: Staff's position is that
23 Laclede is correct, and that Ms. Shewmaker owes the
24 bill that Laclede says that she owes.

25 COMMISSIONER APPLING: Okay. This \$400

1 or the \$800; that's your interpretation?

2 MR. THOMPSON: That came from their --
3 how much do you guys contend that she owes you at this
4 point?

5 MR. ZUCKER: The balance is just a
6 little over 1000, of which a little over 200 of that is
7 late charges. So I'm -- rough figures --

8 COMMISSIONER APPLING: Estimated at
9 \$800?

10 MR. ZUCKER: About 800.

11 COMMISSIONER APPLING: Okay. Thank you.

12 JUDGE PRIDGIN: Commissioner Appling,
13 thank you.

14 Commissioner Gaw, any questions for
15 Ms. Fred or other questions?

16 COMMISSIONER GAW: Well, just to
17 follow-up on that for a moment. I'm not sure I
18 understood. Are you all contesting the \$800?

19 MS. SHEWMAKER: Well, I guess, yes. We
20 are because that was part of the over -- what we
21 considered the overcharge when the bill was double what
22 it had been the month before -- earlier equipment
23 doubled.

24 COMMISSIONER GAW: That's what I
25 thought, but I didn't hear --

1 MS. SHEWMAKER: But it was over in -- it
2 was a three-month compilation of the three months of
3 half the bill that we paid.

4 COMMISSIONER GAW: In '05?

5 MS. SHEWMAKER: In '05. In October,
6 November -- or maybe November, December, January -- one
7 of those three areas there.

8 COMMISSIONER GAW: About a year and a
9 half ago or so?

10 MS. SHEWMAKER: Yes. It was the winter
11 of '05 and '06.

12 COMMISSIONER GAW: Okay.

13 MS. SHEWMAKER: One of the warmest
14 winters it's been in a long time.

15 QUESTIONS BY COMMISSIONER GAW:

16 Q. Ms. Fred, in your testimony, I think
17 it's your final testimony on Page -- I don't know where
18 they are. Did you mark your --

19 A. You're right. There's only one page
20 number on Page 1.

21 Q. Okay. Well --

22 A. You're not seeing things.

23 Q. I know I don't have my glasses on, so
24 it's possible.

25 A. I'm sorry.

1 Q. Okay. Well, if you'll look on the
2 portion where you're talking about the rules for
3 CSR240-13.020? I can't remember where that page is.
4 Sort of towards the back, not completely at the back.

5 A. 020, yes. There's first question -- or
6 first is the answer or reference the 020?

7 Q. Yes.

8 A. Okay.

9 Q. I'm -- that refers to the estimate being
10 done when there's not access provided to the customer's
11 premises. Correct?

12 A. Correct.

13 Q. That's generally what that's about. So
14 then if I look at -- you say that Laclede didn't follow
15 the proper procedures completely if I read your answers
16 correctly -- because they didn't send the notices
17 required. Correct?

18 A. Correct.

19 Q. Then you referred to 13.020(2)(b) in
20 regard to whether or not a utility can render a bill on
21 estimated usage for more than three months or one year
22 whichever is less. And you continue to quote the rule
23 except under conditions described Sub-section 2A of
24 this rule. You see that there?

25 A. Yes.

1 Q. Okay. Well, I'm curious where in our
2 rules does it talk about estimating bills in the event
3 that there is a breakdown or alleged breakdown of the
4 meter -- in other words where there is a meter reading?

5 A. Where there is -- where there is a meter
6 reading, we don't consider that to be breakdown. That
7 that is still transmitting a reading or their obtaining
8 a reading.

9 Q. Okay.

10 A. I think the dispute would be, you know,
11 is that reading appropriate or not.

12 Q. Well, my question is: First of all, was
13 there a meter reading for these months in dispute?

14 A. Yes.

15 Q. All right. Now, where in our rules does
16 it provide for an estimation based upon the fact --
17 when there is an actual reading?

18 A. There is nothing in our rules for that.

19 Q. Okay. So in this case we have an actual
20 reading?

21 A. Correct. Well, and actual meter
22 reading.

23 Q. We have an actual meter reading.

24 A. Right.

25 Q. Have you seen the meter that was used

1 during that time frame that's in controversy?

2 A. I've seen a like meter. Yes.

3 Q. No. Have you seen that meter? Have you
4 examined that meter?

5 A. Ms. Shewmaker's meter?

6 Q. Yes.

7 A. No.

8 Q. Has anyone with our Staff seen it?

9 A. No.

10 Q. Is it produced today?

11 A. No.

12 Q. Has -- do you know whether anyone has
13 tested that meter?

14 A. Which meter are you referring to?

15 Q. The one that was in place during the
16 time frame that's in controversy on the bill?

17 A. Not to my knowledge.

18 Q. Okay. So is there any -- have you been
19 presented with any evidence of a physical examination
20 of the meter that was in place during the time frame in
21 '05 that's in controversy that indicates that there was
22 a mechanical or some other problem with that meter?

23 A. No.

24 Q. Okay. So is it your understanding that
25 it is Laclede's position that there must have been

1 something wrong with that meter because the readings in
2 that three-month period were somehow variance of what
3 have been historical in that particular household?

4 A. That's my understanding. Yeah.

5 Q. And there is no other evidence other
6 than that variation that you are aware of?

7 A. That's true.

8 Q. Is it Staff's position that any time
9 that the limit of the evidence in a case is just simply
10 a variation without producing one shred of evidence of
11 the physical problem of the meter that we should accept
12 that at face value as sufficient evidence to say a
13 customer owes more money?

14 A. Without any further evidence?
15 Generally, yes.

16 Q. Would it not make some sense, Ms. Fred,
17 for the company to -- which has possession of the meter
18 to be able to produce some evidence that the meter was
19 misreading -- was -- had a mechanical problem?

20 A. If that meter was available, yes.

21 Q. All right. Where is this meter? Do you
22 know?

23 A. No.

24 Q. Was it stolen?

25 A. No. Not to my knowledge.

1 Q. Was it removed from the household?

2 A. The meter was --

3 Q. From the Shewmaker --

4 A. The meter, itself, was still in place.

5 It's the device that was connected to the meter that
6 was non-functioning and eventually removed and replaced
7 with a new -- what I refer to as a new generation
8 automatic meter reading device.

9 Q. What portion was removed?

10 A. The meter -- the electronic automated
11 meter reading device was removed. The meter itself is
12 the same meter and had the same meter until it was
13 replaced and changed by Commission Staff's request as a
14 part of the informal complaint process which was
15 conducted in February of 2006, I believe it was.

16 Q. All right. What happened to the portion
17 that was removed?

18 A. Well, you mean what happened to that
19 device?

20 Q. Yes.

21 A. I don't know.

22 Q. Who removed it do you know?

23 A. Laclede. I would assume.

24 Q. So you would assume that they took
25 possession of it?

1 A. I would assume that. Yes.

2 Q. Now, is the allegation that it was that
3 portion that was malfunctioning?

4 A. Yes.

5 Q. All right. And is that the part that
6 had this magnet that might have been missing?

7 A. Yes.

8 Q. Was that verified by Laclede?

9 A. I can't answer that.

10 Q. Did Staff not ask that question about
11 whether or not there was a verification of a particular
12 problem that supposedly is the theory behind the case?

13 MR. THOMPSON: Your Honor, if I may?
14 Laclede's expert testified this morning that that was
15 not verified by Laclede.

16 COMMISSIONER GAW: Thank you. That
17 helps, Mr. Thompson. Sorry, Ms. Fred, for pressing you
18 on it, but you were available.

19 THE WITNESS: Yeah.

20 COMMISSIONER GAW: Ms. Shewmaker, if I
21 could ask you a really quick question here?

22 MS. SHEWMAKER: Yes.

23 QUESTIONS BY COMMISSIONER GAW:

24 Q. In regard to what you said was your
25 request earlier. Are you asking for a new --

1 completely new meter itself -- not your-- and let's
2 push aside the AMR device for the moment.

3 A. Right.

4 Q. You're asking for a new meter?

5 A. Well --

6 Q. Is that true or not?

7 A. I guess. Yes. The meters that come
8 with the AMR readers attached I think these days -- is
9 that correct? I want just a plain meter, but I think
10 now there's no such animal.

11 Q. Well, we'll cross that bridge when we
12 come to it. But you're asking for a new meter?

13 A. Right.

14 Q. Is that correct?

15 A. Yeah. That's been straight out of the
16 factory without, you know, any kind of --

17 FURTHER QUESTIONS BY COMMISSIONER GAW:

18 Q. Ms. Fred, do you know how long this
19 particular meter has been at this residence?

20 A. A new meter was put in place on March
21 17th, 2006, and that's the kind --

22 Q. A new meter itself?

23 A. A new meter itself with an AMR device
24 equipped on it.

25 Q. The new generation --

1 A. The new generation AMR.

2 Q. Okay. So the meter that was on during
3 the time frame that's in question on the money that's
4 in controversy here, it is -- it is no longer at that
5 residence?

6 A. Correct.

7 Q. That's all I have right now. Just thank
8 you, Ms. Fred.

9 A. Sure.

10 JUDGE PRIDGIN: Commissioner, I thank
11 you.

12 Commissioner Appling?

13 COMMISSIONER APPLING: Good day. I
14 would like to follow-up on what Commissioner Gaw had to
15 say just a few minutes ago. Laclede, can you answer
16 the question of whether the old meter -- the one that
17 was taken off and replaced with the new one -- is there
18 a possibility that that old meter had a defect in it?
19 Can anybody tell you -- I have your testimony
20 evaluation that that old meter -- I don't know how long
21 it had been at this location. I assume it had been
22 there for years?

23 MR. ZUCKER: Commissioner, in -- we put
24 that meter on what we're calling the old meter in 1997
25 along with the trace device.

1 COMMISSIONER APPLING: Uh-huh.

2 MR. ZUCKER: So the meter and the trace
3 device were on at the same time. In 2005, we took the
4 trace device off and put an AMR meter -- I'm sorry --
5 an AMR device on. So now we still have the old meter
6 there and we have the AMR device. After the bills went
7 up immediately because the AMR was in our view
8 measuring accurate usage, Ms. Shewmaker complained.
9 And in February of 2006, we took that meter off -- the
10 old meter off and replaced it with another meter.

11 We then, as we testified, tested that
12 meter for accuracy in our meter shop. And the test
13 results are attached to Ms. Fred's testimony as
14 Attachment -- Schedule 2. And so we took that meter
15 that had been there through both the trace device and
16 the AMR device and tested it, and it tested to be
17 accurate. And that meter has -- I don't know where
18 that meter is today. Depending on it's condition, it
19 could have been --

20 COMMISSIONER APPLING: Replaced?

21 MR. ZUCKER: -- set back out. It could
22 have been thrown away. But that meter was tested, and
23 it was -- and according to Ms. Fred's testimony which
24 we agree with, the customer was invited to be at that
25 test to watch how we test it.

1 QUESTION BY COMMISSIONER APPLING:

2 Q. Ms. Shewmaker, is there a difference in
3 the amount of money during the same period during the
4 years before in this period here? Is there an increase
5 in the amount of money that was charged to you during
6 these three months period of time?

7 A. The three months when -- during of an
8 estimate?

9 Q. How long -- you had the meter since
10 1997?

11 A. 1997 and it was replaced in 2006 --
12 February 2006. When they brought the first AMR reader
13 on -- they just put it on the old meter. And my
14 philosophy and others was that it was miscalibrated
15 with the meter.

16 I was one of the first receivers of the
17 new generation, as they call it, AMRs, and I had an
18 older meter. And the story was that it was
19 miscalibrated. That's why it was reading very high or
20 more than double or almost double what we had received
21 the last winter with the same heating degree days --
22 similar.

23 So then we requested a new -- well, I
24 wanted the AMR device removed, and they wouldn't do
25 that. They said they could only provide a new meter

1 with everything attached. So in February 2006, we had
2 that new put on.

3 COMMISSIONER APPLING: Okay. Thank you.
4 I think I have a little better understanding now as
5 what took place. So, okay.

6 JUDGE PRIDGIN: I believe Commissioner
7 Gaw has some more questions.

8 FURTHER QUESTIONS BY COMMISSIONER GAW:

9 Q. Well, not very much. I'm just trying to
10 get this clear in my head about this one point: That
11 the three months on the 800 bucks or whatever it is,
12 were those the three months where Laclede estimated
13 that the usage was higher or is it after the
14 implementation of this new AMR device that,
15 Ms. Shewmaker, you believe that it was registering too
16 high -- which is it?

17 A. What happened was they put it on in June
18 or July of '05 under the old meter -- the new AMR
19 device.

20 Q. Yes.

21 A. And the first winter bill was I think
22 around October, and it was whoa. So we thought we'll
23 wait and see what happens next month, and the next
24 month was even double more again in usage, cost, of
25 course. So then the following bill was as well. So

1 there's three months were readings from the AMR device
2 on the old meter.

3 MR. ZUCKER: And Commissioner, I would
4 agree with Ms. Shewmaker's statement. And so when we
5 put the AMR device on the existing meter in June of
6 2005, right after that the AMR device started showing
7 increased usage from where it had been before 2005.
8 And by that winter as she said, the amounts charged
9 during that winter -- the usage charge was
10 significantly more than the winter before. And
11 Ms. Shewmaker complained at that point, and I would
12 have done the same thing.

13 COMMISSIONER GAW: Uh-huh.

14 MR. ZUCKER: And the goal there then for
15 us was to get to the bottom of it. What's the answer
16 here? We're not interested in charging Ms. Shewmaker a
17 dime more than she should be paying. And so what we
18 did in response to her complaint was change the meter.
19 We took of that old meter and the new AMR device and
20 put on another meter with an AMR device and found --
21 and, in fact, this case was filed last year. And we
22 said you know what, let's let another winter go by.

23 That's why were not here until this
24 summer. Let anther winter go by and see how the second
25 meter works, and that'll give us some more indication

1 of where the problem is. And after this winter went by
2 and showed that usage on the second meter and second
3 AMR device was consistent with the previous meter and
4 AMR device and with the pre-trace device measurements,
5 that started -- evidence then started to indicate that
6 that it was the trace device was the problem.

7 COMMISSIONER GAW: Okay.

8 MR. ZUCKER: And given the fact that
9 the -- that the trace device hadn't stopped or slowed
10 or anything, but was consistently half of what the
11 meter said, that lead us to the missing magnet theory.

12 COMMISSIONER GAW: But my -- what I
13 needed clarified which I wasn't clear on before was
14 whether or not you were asking for money additionally
15 when the older trace device was on? And you're not
16 asking for that as I understand it now.

17 MR. ZUCKER: No. During the period when
18 the trace device was on we underbilled Ms. Shewmaker,
19 and we are not asking for that money.

20 COMMISSIONER GAW: Thank you for that
21 clarification.

22 MS. SHEWMAKER: Well, let's hope not.
23 Eight years of monthly bills?

24 COMMISSIONER GAW: Ms. Shewmaker, there
25 is a reason why I ask that question, and it's not -- it

1 may not be evident in this case. This is not the only
2 case I've seen, so I needed that clarified. And I
3 apologize for having to do that but, thank you.

4 JUDGE PRIDGIN: All right. If
5 there's --

6 COMMISSIONER GAW: That's all I have.

7 JUDGE PRIDGIN: Commissioner Gaw, thank
8 you. If there's nothing further from the Bench.

9 Do we have any recross-examination?

10 Anything from Laclede Gas?

11 RECROSS-EXAMINATION BY MR. ZUCKER:

12 Q. Ms. Fred, let me just clarify. I stated
13 a few moments ago that Laclede tested the meter that
14 had been on at the Shewmakers home during the time of
15 the -- both the trace device and the first AMR. Can
16 you confirm that -- that Laclede tested that meter?

17 A. Yes. That is correct. They did test
18 the meter. The Staff, in fact, as part of our informal
19 investigative complaint, we did receive a copy of that
20 meter test to prove that the meter had been tested and
21 had tested in accordance what we refer to as within
22 Commission standards.

23 Q. And it did --

24 A. And it did test within Commission
25 standards.

1 Q. Okay. Have you seen a case before where
2 Laclede has been billing precisely half of the meter
3 readings?

4 A. I'm sure I have.

5 Q. Can you recall?

6 MR. THOMPSON: I'm going to object to
7 that question because I think it's irrelevant to this
8 case.

9 MR. ZUCKER: Well, the issue is is
10 whether or not this is a non-functioning AMR, and our
11 non-functioning AMRs either don't send a signal or send
12 the same reading every month. And so what I wanted to
13 show was that this was a very unusual case with the
14 trace device and the missing magnet. And so that's why
15 I asked her, had she seen this kind of case before.

16 MR. THOMPSON: Well, the reason I
17 objected, your Honor, was because the missing magnet is
18 an assumption. It has never been shown in fact the
19 magnet was missing, and I don't want the waters muddied
20 by reference to other cases where perhaps different
21 circumstances apply.

22 JUDGE PRIDGIN: I agree, Mr. Thompson.
23 I'll sustain.

24 BY MR. ZUCKER:

25 Q. Ms. Fred, have you seen complaints on

1 our AMR installations before?

2 A. Yes.

3 Q. And in those complaints, did those
4 complaints have to do with the fact that after the AMR
5 installation the reading stopped? We didn't get
6 readings?

7 A. Generally, that's been all the
8 complaints we've been handling is that the AMR is not
9 transmitting, therefore the customer is not being
10 billed for any usage.

11 Q. Okay. Are you familiar with a Laclede
12 tariff that allows Laclede to place AMRs on it's
13 meters?

14 A. Yes.

15 Q. Would you agree that Laclede has the
16 right to do that?

17 A. Yes. I do.

18 MR. ZUCKER: No further questions.

19 JUDGE PRIDGIN: Mr. Zucker, thank you.

20 Ms. Shewmaker, any further questions for
21 Ms. Fred?

22 MS. SHEWMAKER: One more here.

23 RE-CROSS-EXAMINATION BY MS. SHEWMAKER:

24 Q. Regarding the AMR readers, has there
25 been any complaints about miscalibration as far as

1 there's been a lot of news reports regarding the
2 miscalibration --

3 A. We have -- I'm sorry.

4 Q. -- and many people have complained
5 according to some of the news reports that I -- I have
6 spoken to two or three of them mainly business --
7 mainly business people who received extremely high
8 readings since the new reader went on.

9 Have you had many complaints both
10 business and the home users regarding the AMR reader
11 miscalibrations?

12 A. We have had some situations of AMR
13 miscalibration due to inappropriate billings that were
14 reported by consumers, and they were upset and wanted
15 us to investigate those issues.

16 Q. Do you have any idea of how many?

17 A. Not off the top of my head, I'm sorry.

18 Q. Thank you.

19 JUDGE PRIDGIN: No further questions,
20 Ms. Shewmaker?

21 MS. SHEWMAKER: No further questions.

22 JUDGE PRIDGIN: All right. Thank you.

23 Redirect, Mr. Thompson?

24 MR. THOMPSON: Why, yes, your Honor.

25 Thank you.

1 REDIRECT BY MR. THOMPSON:

2 Q. I think this is an important point.
3 Would you agree with me that the situation at as we've
4 come to understand it, is that a meter was placed in
5 about 1997, and that meter first had a trace device
6 that Laclede contends was inaccurate which was later
7 replaced with an AMR device that Ms. Shewmaker contends
8 was inaccurate; is that correct?

9 A. Correct.

10 Q. And that Ms. Shewmaker complained, and
11 the meter was replaced?

12 A. Correct.

13 Q. Is that your understanding?

14 A. Correct.

15 Q. That was perhaps in 2006?

16 A. Yes.

17 Q. Now, do you know when that meter was
18 replaced -- do you know was new AMR device placed on
19 it?

20 A. Yes. It was.

21 Q. How do you know that?

22 A. No meter goes out of meter shop -- new
23 meter or change meter goes out of the meter shop
24 without it already pre-installed AMR on it. And that
25 we have verified with Laclede by actually being on-site

1 and discussing those issues with their operations
2 people.

3 Q. So it would necessarily have been a
4 different AMR device than the one that had been
5 installed on the older meter?

6 A. Yes. It would have been different.

7 Q. Okay. And do we know whether this AMR
8 device was, in fact, properly calibrated?

9 A. It would appear so given that the usage
10 readings were similar from that that was on the prior
11 meter and the test meter -- test results showed
12 everything was within standards, so I would make that
13 assumption.

14 Q. But what -- let's go back to that meter
15 test. This is the meter that had been removed?

16 A. Correct.

17 Q. The one that's been removed in 2006.
18 Right?

19 A. Correct.

20 Q. And did that test include a test of the
21 AMR device?

22 A. It's my understanding. Yes. They test
23 the AMR devices as well as the meter itself.

24 Q. Were you provided results of a test of
25 an AMR device?

1 A. They're not separated. They're just
2 shown as a total meter test.

3 Q. So you really don't know?

4 A. No. I really don't know. No.

5 MR. THOMPSON: Okay. No further
6 redirect. Thank you, your Honor.

7 JUDGE PRIDGIN: Mr. Thompson, thank you.

8 Anything further from the Bench?

9 Ms. Fred, thank you very much.

10 THE WITNESS: Thank you.

11 JUDGE PRIDGIN: You may step down.

12 I believe Mr. Gray is the final witness;
13 is that correct?

14 MR. THOMPSON: Staff calls Mr. Gray.

15 JUDGE PRIDGIN: Mr. Gray, will you come
16 forward to be sworn, sir?

17 (WITNESS SWORN.)

18 JUDGE PRIDGIN: Thank you very much,
19 sir. Please have a seat.

20 Mr. Thompson, when you're ready, sir?

21 MR. THOMPSON: Thank you, your Honor.

22 JAMES A. GRAY testified as followed:

23 DIRECT EXAMINATION BY MR. THOMPSON:

24 Q. State your name, please?

25 A. James A. Gray.

1 Q. How are you employed?

2 A. I'm a regulatory economist with the
3 Missouri Public Service Commission.

4 Q. Mr. Gray, did you prepare or cause to be
5 prepared pre-filed testimony in this case which has
6 been marked for identification purposes as Exhibit 3?

7 A. Yes. I did.

8 Q. And you prepared that yourself?

9 A. Yes. That is correct.

10 Q. And at that time you prepared that those
11 answers were true and correct to the best of your
12 knowledge and belief?

13 A. Yes.

14 Q. And if I were to ask you those questions
15 today, would your answers be substantially similar?

16 A. Yes. They would be.

17 MR. THOMPSON: At this time, I would
18 like offer Staff's Exhibit No. 3.

19 JUDGE PRIDGIN: Exhibit No. 3 has been
20 offered. Any objections? No objections.

21 MS. SHEWMAKER: No objections.

22 JUDGE PRIDGIN: Thank you. Exhibit 3 --
23 I'm sorry, Mr. Thompson?

24 MR. THOMPSON: No. Please, go ahead.

25 JUDGE PRIDGIN: Exhibit No. 3 is

1 admitted.

2 (EXHIBIT NO. 3 WAS RECEIVED INTO
3 EVIDENCE.)

4 JUDGE PRIDGIN: I'm sorry.

5 Mr. Thompson?

6 MR. THOMPSON: That's quite all right.
7 I'm nervous, your Honor. So thanks for the -- I will
8 tender this witness for cross-examination at this time.

9 JUDGE PRIDGIN: Mr. Thompson, thank you.
10 Any cross-examination from Laclede Gas?

11 MR. ZUCKER: Just a few, your Honor.

12 JUDGE PRIDGIN: Yes, sir.

13 CROSS-EXAMINATION BY MR. ZUCKER:

14 Q. Mr. Gray, have you seen the direct
15 testimony of Ms. Shewmaker in this case?

16 A. Yes.

17 Q. Do you have a copy with you?

18 A. I sure do.

19 Q. Would you please look at Exhibit A for
20 that testimony?

21 A. Okay.

22 Q. And would you agree with me that to the
23 extent between 19 -- well, would you agree with me that
24 the usage from 1997 to 2005 is internally consistent?

25 A. What do you mean by internally

1 consistent?

2 Q. Well, it's consistent so that a line can
3 be drawn with a high degree of consistency? I'm sorry,
4 a high degree of correlation, I should say?

5 A. Yes.

6 Q. Okay. And if that usage happened to be
7 half of actual usage such that all of the readings were
8 doubled, would you still be able to draw a line with a
9 high degree of correlation?

10 A. Through those points. Yes. Not -- not
11 the entire -- not the half and the double necessarily.

12 Q. Right. If you were to take all of those
13 points and double them, would you still be able to draw
14 a line with a high degree of --

15 A. I'm sorry. I didn't -- yes. That's
16 correct.

17 Q. So then in this Exhibit A, showing a
18 consistent pattern only proves that the data is -- has
19 a high degree of correlation, not that the data is
20 necessarily accurate. Would you agree with that?

21 A. Yes.

22 Q. And have you read Mr. Chickey's rebuttal
23 testimony on behalf of Laclede?

24 A. Very briefly.

25 Q. In your opinion, does his explanation

1 fit all of the facts?

2 A. It's plausible.

3 Q. And what is your opinion of
4 Ms. Shewmaker's position in this case?

5 A. Once again, it's a -- I haven't
6 looked -- as I stated in my rebuttal, I have not looked
7 at the data or anything. I just came into it rather
8 late, but it is also plausible to some extent without
9 having looked at the data myself.

10 Q. Okay. So you haven't really looked
11 at it?

12 A. No. I haven't. I stated that in my
13 rebuttal testimony that I just -- I didn't verify any
14 of those numbers.

15 Q. All right. Thank you, Mr. Gray.

16 JUDGE PRIDGIN: Thank you.

17 No Counsel here from the Office of
18 Public Counsel.

19 Ms. Shewmaker, any questions for
20 Mr. Gray?

21 MS. SHEWMAKER: I have a question, but
22 I'd like to like my husband to ask him questions
23 because it's regarding the regression analysis. He has
24 more knowledge on -- as far as -- do you think that's
25 possible after I ask my questions?

1 MR. ZUCKER: It's okay with me, your
2 Honor, if --

3 JUDGE PRIDGIN: If there are no
4 objections.

5 MS. SHEWMAKER: Next time I go through
6 this I'll -- hopefully never -- I'll know what to do as
7 far as filing both of our names here.

8 CROSS-EXAMINATION BY MS. SHEWMAKER:

9 Q. Do you have any records or info from
10 Laclede regarding any magnets missing from any trace
11 devices in the old system?

12 A. No. I sure do not.

13 Q. Okay. So you won't -- you wouldn't know
14 anything about how many were missing or if any were --

15 A. No. I would not at all.

16 Q. Okay. How about with the new AMR
17 readings, you don't know anything --

18 A. Same thing. I'm sorry. I don't know
19 anything about it.

20 Q. Okay. I'll pass you over to my husband.

21 CROSS-EXAMINATION BY MR. SHEWMAKER:

22 Q. Sir, you said you hadn't had much time
23 to look over Mr. Chickey's report?

24 A. No. I -- not very much.

25 Q. His regression analysis?

1 A. I just briefly looked at it. Yes.

2 Q. Can you tell me whether or not the
3 lowest regression line, what that R-squared means?

4 A. I happened to have a copy of his
5 rebuttal here. Hold on.

6 Q. It's the last page, I believe.

7 A. Let me get to the -- okay. I'm there.
8 That R-squared was 0.9908. Is that correct? Is that
9 the schedule?

10 Q. What does that say with respect to the
11 relationship between heating degree days and natural
12 gas usage for those data points?

13 A. That -- what is the coefficient of
14 correlation is about nine -- it counts for 99 percent
15 of the variance.

16 Q. Basically it's saying that there's a
17 very good relationship between gas usage and the
18 heating degree days?

19 A. Yes. That's correct.

20 Q. Also that the top line -- that has a --
21 would you describe that as a very good relationship --

22 A. Yes. I would.

23 Q. -- the regression coefficient? How
24 about the data line in between those two which
25 represents the data collected or the meter readings

1 since the first AMR reader was put on in 2005? In
2 other words, the AMR reader and the old meter in 2005
3 and the new AMR reader and the new meter in 2006, that
4 regression coefficient, is it indicating greater
5 scatter in the plot?

6 A. Yes. It seems to be. Yes.

7 Q. Do you have any explanation for the
8 greater scatter?

9 A. No. I haven't looked at your --

10 Q. Would it have anything to do with
11 calibration of the meter? Would it have anything to do
12 with the instrumentation?

13 A. It might very well.

14 Q. Because it seems strange to me that
15 after the new devices were put in place, that we have a
16 much greater scatter in the data than we did for the
17 old meter, which Laclede says had a good trace
18 device -- the RE device, I believe it was, and the
19 lower line which represents what Laclede says is a bad
20 trace reader.

21 And the relationships are extremely good
22 in both cases. But now with the new instrumentation
23 that we had, there's a great deal more scatter. You
24 don't have an explanation for that? Do you have any
25 idea why there would be much greater scatter since the

1 new devices were installed as compared to the old
2 devices?

3 A. I couldn't account for it. You know,
4 there's several explanations possibly. One of them
5 might be that the previous data had some estimated
6 reads which would make it more consistent. That's just
7 a -- that's just a plausible explanation.

8 MR. SHEWMAKER: That's all I have.

9 JUDGE PRIDGIN: All right. Thank you
10 very much.

11 Let's see if we have any questions from
12 the Bench? Commissioner Gaw?

13 COMMISSIONER GAW: I don't believe so,
14 thank you.

15 JUDGE PRIDGIN: Thank you. Commissioner
16 Appling?

17 COMMISSIONER APPLING: I don't think so
18 either.

19 JUDGE PRIDGIN: Thank you.

20 Anything further from Counsel?

21 MR. THOMPSON: I think I do some, sir.

22 JUDGE PRIDGIN: Redirect.

23 MR. THOMPSON: Thank you, Judge.

24 REDIRECT BY MR. THOMPSON:

25 Q. Mr. Gray, you're a regulatory economist;

1 isn't that correct?

2 A. That's correct.

3 Q. What is a regulatory economist?

4 A. I don't know if I --

5 Q. If you can answer that question quickly?

6 A. I haven't read my job description --
7 well, I read my expectations, I'm sorry. But I would
8 be unable to define it very clearly.

9 Q. Okay. Regardless of what it is and
10 we'll leave that blank, you do regularly use statistics
11 do you not --

12 A. Yes.

13 Q. -- in the course in doing regulatory
14 economics?

15 A. Yes. I do and weather normalization and
16 so forth.

17 Q. And weather normalization. Okay. And I
18 believe your testimony was that the data to the extent
19 that you looked at it is consistent -- not inconsistent
20 with both theories that we've heard.

21 A. That is correct.

22 Q. Theory A that the trace device
23 malfunctioned and the AMR devices have been accurate.
24 Theory B that the trace device was accurate and the AMR
25 devices have been miscalibrated?

1 A. Correct.

2 Q. And as a statistician or at least as
3 someone who uses statistics daily in your work, do you
4 believe that these two regression analyses and the data
5 that they're based on -- do you believe that they are
6 helpful for the Commission in picking one theory over
7 the other?

8 A. They do not disprove one or the other.
9 Absolutely.

10 MR. THOMPSON: No further questions,
11 thank you.

12 JUDGE PRIDGIN: Mr. Thompson, thank you.
13 Mr. Gray, thank you. You may step down.
14 I see no further witnesses.

15 Is there anything else from Counsel
16 before I announce or at least give you a heads up on
17 briefing schedule?

18 MR. THOMPSON: Your Honor, I would move
19 to our closing arguments at this time.

20 JUDGE PRIDGIN: That's perfectly fine.

21 And Ms. Shewmaker, now that the evidence
22 has been submitted, this would be the time if you'd
23 like, you can -- and what Mr. Thompson has asked for is
24 closing arguments. And that is a chance to sum up all
25 of the evidence and argue your case to the Commission.

1 You may do so or if you prefer to do so at a later date
2 with briefs, you may do that as well. And I don't know
3 if you have a preference, or you'd like to take a
4 moment to consult with --

5 MS. SHEWMAKER: Do you have to chose one
6 or the other at this point?

7 JUDGE PRIDGIN: I'll certainly leave
8 that up to the parties. I mean, we may very well do
9 both. In other words I might -- if you wanted to do a
10 closing argument, you may do so. And then what I
11 sometimes done in consumer complaint cases is order the
12 other parties to file briefs and then given you the
13 opportunity, but not the requirement, to file briefs.
14 In other words you could be -- you could file a brief
15 if you wanted to, but you wouldn't be punished if you
16 decided not to. So I don't know if you needed -- would
17 like a moment to --

18 MS. SHEWMAKER: Yeah. I think we prefer
19 to file a brief.

20 JUDGE PRIDGIN: That's perfectly fine,
21 and Mr. Thompson I think you'd asked for a closing
22 argument. Now that Ms. Shewmaker has said that she
23 wanted to --

24 MR. THOMPSON: Well, you Honor, I'm sure
25 this is Mrs. Shewmaker's only case. I think should be

1 able to use whatever method she prefers for the
2 Commission. So Staff would recommend that
3 Ms. Shewmaker's request be granted for briefing.

4 MR. ZUCKER: Laclede is fine with that
5 also.

6 JUDGE PRIDGIN: All right. What I will
7 do, especially because of the impending holiday, I will
8 simply wait for the transcript to arrive and then I
9 will order briefs to be due probably 15 days after the
10 transcript is filed. But just so you know. For
11 example, if the transcript came in next week, your
12 briefs would be due 15 days after that. I will issue a
13 written order. I will wait until I actually have the
14 transcript and I will issue a written order.

15 Obviously, if any party needs or wants
16 more time you are free to ask for an extension. I will
17 be quite liberal in granting additional time.

18 Is there anything else from the parties
19 before we go off the record?

20 MS. SHEWMAKER: I have nothing.

21 MR. ZUCKER: Nothing.

22 JUDGE PRIDGIN: Nothing further from the
23 Bench?

24 Very good. We will go off the record in
25 Case No. GC-2006-0549.

(WHEREUPON; the hearing was adjourned.)

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