

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

NOV 17 2006

Missouri Public
Service Commission

R.J. LIEBE ATHLETIC
LETTERING COMPANY,

Complainant,

vs.

LACLEDE GAS COMPANY,

Respondent.

Cause No:

COMPLAINT

Complainant, R.J. LIEBE ATHLETIC LETTERING COMPANY, located at 582
Goddard Avenue, Chesterfield, Missouri, 63005, and is a Missouri corporation in good standing.

1. Respondent, LACLEDE GAS COMPANY, located at 720 Olive Street, St. Louis,
Missouri, 63101 is a public utility under the jurisdiction of the Public Service Commission of the
State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

On or about November 2005, Respondent, LACLEDE GAS COMPANY, changed the
existing meter at Complainant's business location to an automatic version. On the next billing
cycle (November 18 - December 13, 2005), Complainant received an "estimated" bill for
\$125,047.89, which was in excess of any prior monthly billing by at least \$123,000.00. On
February 13, 2006 Complainant called Respondent and was told to disregard that billing
statement. On March 3, 2006, Complainant received an "actual reading" bill for \$146,446.00.
Upon contact, Respondent stated that a new corrected bill would be issued in one week. Over
the next several billing statements Complainant received billing with errant readings and
"estimated" amounts ranging between \$1,000.00 to approximately \$7,900.00.

Complainant bases its complaint on Respondent's violation of the Service and Billing Practice Rules for Commercial Customers (4 CSR 240-10.040). Section (2) of that Rule clearly states that all bills rendered should be actual readings describing "the dates of the readings, the number of units of service supplied and the basis of charge..."

There is no provision for Respondent to issue an estimated bill to a commercial customer other than in the narrow circumstance described in Section (1) of the Rule; namely, if the Respondent is denied access to the meter. In the instant case, the meter is on the exterior of the building and Respondent has open access to it at all times.

Respondent's own refusal to either fix its meter or to make actual readings, does not warrant issuing estimated bills. Complainant, although having paid all estimated bills, is unable to verify if it has been overcharged and has paid for services not received. Complainant believes that the burden to prove actual services lies with Respondent, and further believes that Respondent may have engaged in such unauthorized estimated billing with other commercial customers.

3. The Complainant has taken the following steps to present this complaint to the Respondent:

On numerous occasions, Complainant has contacted Respondent about the overcharges and the estimated billing. The company made a series of billing "corrections" and issued a one-time \$1,077.18 credit to address discrepancies in the way it calculated the estimates. All such changes in billing were arbitrary and the company continued to fail to address the malfunctioning meter and to issue additional estimated billing.

Respondent has claimed that they are authorized to issue estimated billing under its tariff. Specifically, it cites the last paragraph of Section 10(a) of the Fifth Revised Sheet No. R-8. Complainant disagrees that this tariff provision supercedes the P.S.C. rules, and further believes such provision can not be applicable to multiple months of billing.

WHEREFORE, Complainant now requests the following relief:

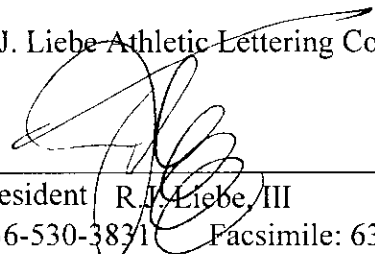
Complainant requests that Respondent be:

1. Enjoined from issuing estimated billing to commercial customers except for the narrow circumstances described in 4-CSR 240-10.040(1);
2. Required to refund to Complainant all monies paid based on estimated billing unless Respondent can accurately measure actual usage for those periods; and,
3. That the Commission issue such further fines and/or rulings to punish Respondent for willful violation of its Rules.

11/16/06
Date

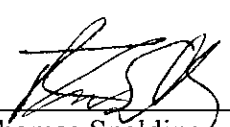
By:

R.J. Liebe Athletic Lettering Company



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