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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

July 10, 2012

St. Louis, Missouri

Volume 1

LEI GUAN,)
) File No. GC-2012-0368
Complainant,)
)
vs.)
)
LACLEDE GAS COMPANY,)
)
Respondent.)

KENNARD L. JONES, Presiding

SENIOR REGULATORY LAW JUDGE

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

2 JUDGE JONES: This is Case No. GC-2012-0368.
3 Lei Guan versus Laclede Gas Company. It's a consumer
4 complaint case. My name is a Kennard Jones. I am the
5 regulatory law judge assigned to the matter and at
6 this time let's take entries of appearances beginning
7 with Mr. Guan who is representing himself. Just state
8 your name Mr. Guan and what part you play in the case.

9 MR. GUAN: I am the plaintiff and do you
10 want me to express my point of view?

11 JUDGE JONES: Not yet. Can you spell your
12 name for the court reporter, please?

13 MR. GUAN: My last name is Guan, G-U-A-N,
14 first name is L-E-I.

15 JUDGE JONES: All right, thank you. And an
16 entry of appearance from Laclede Gas Company, please.

17 MR. ZUCKER: This is Rick Zucker,
18 Z-U-C-K-E-R, appearing on behalf of Laclede Gas
19 Company, 720 Olive Street, St. Louis, Missouri 63101.

20 JUDGE JONES: And from the Staff of the
21 Commission?

22 MR. BERLIN: Thank you, Judge. Please let
23 the record reflect that Bob Berlin is appearing on
24 behalf of the Staff of the Missouri Public Service
25 Commission in Jefferson City. Address is post office

1 box 200, Jefferson City, Missouri 65102 and I would
2 note for the record with me in my office is Gay Fred
3 and Mary Schierman from consumers services.

4 JUDGE JONES: Okay. And I will also let you
5 know that one of our summer interns is here in the
6 conference room. This is her normal workspace and I
7 thought it might benefit her to just stay here and
8 hear what goes on. I will also say that although I
9 will leave, of course, when you all begin off the
10 record discussions, it is probably okay if she just
11 sits in here to see how that type of thing plays out.
12 Her job duties don't involve anything that I do, so if
13 anybody has a problem with that you should let me
14 know.

15 MR. GUAN: It's no problem.

16 MR. ZUCKER: It's fine with Laclede, Judge,
17 if it's fine with Dr. Guan.

18 JUDGE JONES: Yeah, he said it's no problem.
19 For primarily the benefit of Mr. Guan, this prehearing
20 conference serves a couple of purposes. One, is to
21 get some clarity on exactly what it is the complaint
22 is about, despite that I've read both documents filed
23 by parties.

24 And two, to give you all an opportunity to
25 discuss the case and perhaps reach some sort of

1 settlement or agreement to dispose of the case without
2 having to go to an evidentiary hearing. Now, if you
3 are unable to reach some type of agreement, any type
4 of agreement, then we will proceed towards an
5 evidentiary hearing and evidence will be taken,
6 testimony will be given and then the Commission will
7 issue an order.

8 Have you all had an opportunity, Mr. Guan,
9 to speak before today, you and Laclede?

10 MR. GUAN: We just said hello, that's all
11 today, so nothing substantial, nothing.

12 JUDGE JONES: So you have not spoken with
13 Mr. Zucker after the filing of your complaint until
14 today?

15 MR. GUAN: No.

16 JUDGE JONES: Well, this will be an
17 opportunity for you to do that. After I talk about a
18 few points on the case, we will go off the record, I
19 will leave the room, the court reporter will pack up
20 her stuff and leave and then you all will be left to
21 discuss the case amongst yourselves. As you know,
22 Laclede is the respondent in this case, your opponent.
23 The Staff of the Commission is an unbiased party who
24 will, to the extent that I guess they see fit and you
25 allow, will play a part in the discussions of the

1 case.

2 Now, I have read through the case and there
3 are a couple of things, there was a problem with a
4 couple of interactions that Mr. Guan had with a
5 contractor for Laclede and I think that is probably
6 one of the biggest reasons, is when there are police
7 officers brought to his home but Mr. Guan, did you
8 read Laclede's response, their answer to your
9 complaint?

10 MR. GUAN: Yes, I read it. It deviates from
11 the facts. I think this is either the person who
12 called the police, that Mr. Dave, lied to the company
13 or the company lied to the Missouri Public Service
14 Commission.

15 JUDGE JONES: Well --

16 MR. GUAN: This is the -- because the fact
17 is different from what Mr. Rick Zucker said and I
18 requested to clarify it.

19 JUDGE JONES: I understand that but in my
20 reading of the complaint, it appears that Laclede
21 admitted that they simply misunderstood some
22 communications that went on and because of the
23 misunderstanding the police were notified and you
24 know --

25 MR. GUAN: This is -- I'm sorry.

1 JUDGE JONES: Go ahead.

2 MR. GUAN: Okay. This is not -- the answer
3 of the misunderstanding, from my point of view because
4 the fact was Mr. Dave approached me at my door and
5 said that I am going to install the meter and I asked
6 him if you had a paper of certification. He said no
7 and I said to him I spoke with your company and your
8 company representative told me that you are going to
9 bring the meter with certification. If you don't have
10 the certification I cannot let you install it. There
11 is no shooting, there is no violence, no verbal abuse,
12 everything was peaceful. Then he told me if you don't
13 allow me to install it I am going to call the police.

14 JUDGE JONES: Oh, I see.

15 MR. GUAN: There is nothing to do with the
16 police and since I think there is no way I can
17 communicate this with him, I just go inside my house
18 and call Laclede Company's customer service and that
19 is all. There is no violence, no verbal abuse, any
20 misunderstanding of shooting. And this Mr. Dave, he
21 called the police and reported to the police there is
22 violence happening and that's why the two police
23 officers came into my door very quickly and when they
24 come to the -- after the police come to my home, I
25 explained it to the police officer that there is

1 nothing wrong and at this moment we are still
2 peaceful. There's no arguments and I don't know where
3 the shooting came from and --

4 JUDGE JONES: You said you did read the
5 answer to the complaint?

6 MR. GUAN: Pardon me?

7 JUDGE JONES: You read the answer to the
8 complaint --

9 MR. GUAN: Yeah.

10 JUDGE JONES: -- and Laclede is pretty much
11 saying it was something you said that was
12 misunderstood.

13 MR. GUAN: No, I don't think it was
14 misunderstood --

15 JUDGE JONES: Well -- Mr. Guan, slow down.
16 You probably -- well, you obviously don't think there
17 was a misunderstanding but if someone else says they
18 misunderstood you, you're saying that they're lying,
19 is that what you're saying?

20 MR. GUAN: If someone said they
21 misunderstood me, they should have had reasonable --
22 reasonable clue to misunderstood and if I did say that
23 I have a gun or I don't want you to come in, I will
24 shoot you or something like that, then this would
25 cause a misunderstanding.

1 JUDGE JONES: Well, that actually wouldn't
2 be a misunderstanding.

3 MR. GUAN: Pardon?

4 JUDGE JONES: That wouldn't be a
5 misunderstanding. Let me give you the perfect
6 example. Right now our court reporter is recording
7 everything that is being said.

8 MR. GUAN: Yes.

9 JUDGE JONES: I am almost certain that in
10 this transcript, after your recitation of the facts,
11 there will be something that she types in there that
12 won't be exactly what you said and that will be
13 attributable to your accent. It was possible -- from
14 my understanding, the technician was on the phone with
15 Laclede and whoever he was on the phone with overheard
16 something and then when Laclede returned the next time
17 they thought there may be a problem and there was a
18 misunderstanding on their part, what if it's true that
19 there was a misunderstanding?

20 MR. GUAN: Are you the Judge or Mr. Rick
21 Zucker?

22 JUDGE JONES: No, I'm the Judge. I will
23 talk to Mr. Zucker in a moment.

24 MR. GUAN: Okay, yeah. Although the wording
25 is not exact but the shooting or this kind of

1 misunderstanding is too far. It is totally different.
2 Just like you and me talking about this case and a
3 third person comes to hear this conversation that we
4 are talking about doing something bad to the other
5 people. This kind of misunderstanding is too far, too
6 far. It is not like a reasonable misunderstanding.

7 JUDGE JONES: I understand what you're
8 saying. You're saying that there is no way possible
9 they could have gotten, from your conversation, that
10 there was any threat of violence?

11 MR. GUAN: That is correct.

12 JUDGE JONES: Okay.

13 MR. GUAN: And our conversation was totally
14 non-violent, nothing at all. It is Mr. Dave and he
15 told us that if you do not allow me to install the
16 meter I am going to call the police and I talked with
17 him. There is nothing to do with the police, I don't
18 think I need to talk with you. I am going back to
19 talk with your company and that's all. Anyone with
20 basic English would not have misunderstood that. Then
21 he called the police, there is violence here and the
22 police in response to the violence come here only to
23 find nothing wrong.

24 JUDGE JONES: I understand.

25 MR. GUAN: There is nothing wrong.

1 JUDGE JONES: I --

2 MR. GUAN: Go ahead.

3 JUDGE JONES: I suspect though, that part of
4 the motivation for you filing this complaint, is
5 because you're upset with: One, Laclede calling the
6 police and two, according to your facts, when your
7 wife called when you were out of town and said the gas
8 had been shut off.

9 MR. GUAN: Actually, my purpose, the first
10 purpose, is to protect the public interest and because
11 of this removing of the spring, the motivation is to
12 increase the meter turning, so Laclede Company can get
13 more income.

14 JUDGE JONES: Let me ask you this then, this
15 happened this spring?

16 MR. GUAN: Yes.

17 JUDGE JONES: Right. Now, you have a meter
18 in your home now, correct?

19 MR. GUAN: Yes.

20 JUDGE JONES: And I am guessing it does not
21 have a spring in there?

22 MR. GUAN: No spring there.

23 JUDGE JONES: Have you noticed an inordinate
24 increase in your gas bill?

25 MR. GUAN: It's like this, right now the one

1 without a spring, it was left on the floor. Then
2 Laclede Company used another new meter installed on
3 it. Right now the meter used is the new one. The one
4 with the removed spring is already garbage, without
5 spring there and it's just I left it in my basement.

6 JUDGE JONES: Again, the meter that you
7 currently have installed does not have a spring, have
8 you noticed an increase in your gas usage?

9 MR. GUAN: At this moment it's difficult
10 because temperature is going up. I do not use gas at
11 all.

12 JUDGE JONES: Oh, I understand. You don't
13 use your gas to heat water?

14 MR. GUAN: Yeah, I don't use the gas to heat
15 water. I use the electronic one.

16 JUDGE JONES: Okay.

17 MR. GUAN: This is why Laclede Company
18 noticed that my gas usage is significantly less than
19 compared with last year. When Mr. Ken Davis came to
20 my home he said that your gas is significantly lower
21 than before, we need to check the gas meter. I
22 understand you're doing your job to check the gas but
23 I tell you that I just recently changed my boiler from
24 a gas one to an electric one, that's why the reason
25 for the use of gas to be significantly reduced and

1 also my wife and my son went to -- out of the home to
2 visit -- to visit an outside place and left the home
3 for quite a few days, so that further decreased the
4 usage but you are welcome to check it and then he
5 checked it. After he checked it I spoke with him. I
6 talked to him and said Mr. Davis, did you find
7 anything wrong, he said no, nothing wrong and I said
8 the meter is fine and he said yes, it's no problem.
9 While he's saying so he turns his back to me and is
10 turning the turning part of the meter. Then I look
11 over his shoulder and ask him what are you doing and
12 he said I am removing the spring out. I said why do
13 you need to remove the spring out of the meter, you
14 said the meter is okay, it worked fine. This raised
15 my attention.

16 JUDGE JONES: You were suspicious of that?

17 MR. GUAN: Not only suspicious but because I
18 am almost sure that every meter, the category it is
19 in, needed to have a category device. In the
20 mechanical meter this device normally is a spring, so
21 when he removed the spring the meter's adjustment for
22 categorization is gone. Without the categorization,
23 with it running with no resistance, my meter will
24 increase. I shouldn't pay more, I shouldn't. That's
25 why I feel this is not right.

1 JUDGE JONES: So what you're saying is you
2 think that Laclede, through this contract or I believe
3 it is, has tried to artificially increase your gas
4 consumption?

5 MR. GUAN: Yes. I also think that if
6 Laclede can do one meter on me, they probably can do
7 it to the other people and this will significantly
8 increase Laclede Company's income and this is not fair
9 to the public. That is why I put this case with the
10 Missouri Public Service Commission and request that
11 the Missouri Public Service Commission investigate
12 this case because this is not only my individual
13 problem or issue, this is the public's issue. And I
14 checked the meter, the meter is composed of two parts.
15 One is the axis connected to the turning part, then
16 the axis is turning to the indication part, they are
17 all mechanical and I can't find anything else that can
18 categorize this meter. The electric part --

19 JUDGE JONES: I understand your concerns.
20 Mr. Zucker?

21 MR. ZUCKER: Yes, sir?

22 JUDGE JONES: I want to ask you and I don't
23 know if you can answer this, being an attorney and not
24 a technician, in your answer you state that Laclede is
25 removing springs from any meter that has them because

1 the company that manufactured them decided the springs
2 aren't necessary.

3 MR. ZUCKER: Not exactly but close. The
4 meter index has what we call an automated meter
5 reading device on it that sends out the signal. The
6 meter manufacturers originally put a spring in there
7 to kind of hold the very first hand that was -- that
8 kind of moved in a little bit of an erratic matter and
9 made people think that it wasn't working right, so
10 they put a spring in there to make that hand move
11 smoother. In putting that spring in there, for some
12 reason our contractor thinks it contributes to
13 failures of the automated meter reading device, so
14 they would like to see the spring not in there. So we
15 checked with the manufacturer and the manufacturer
16 says it doesn't have anything to do with the operation
17 of the meter, if they want to take the spring out
18 that's fine. So then we said to our contractor, the
19 AMR operator, that's fine, go ahead and do it.

20 JUDGE JONES: I see what you're saying.
21 Now, how long have you all been dealing with this
22 problem?

23 MR. ZUCKER: I think that -- not a long time
24 but maybe -- I don't know, I really don't know how
25 long they have been -- that they have been thinking

1 that the spring somehow affects the operation of the
2 AMR device.

3 JUDGE JONES: Has this problem been on the
4 table -- does it pre-date Mr. Guan's complaint?

5 MR. ZUCKER: Sure.

6 JUDGE JONES: I mean, by years, months or
7 what?

8 MR. ZUCKER: I don't know exactly how long
9 but I think probably in the neighborhood of at least a
10 year.

11 MR. GUAN: I don't agree with Mr. Zucker's
12 point of view.

13 JUDGE JONES: Are you saying you don't agree
14 that this problem pre-dates your complaint?

15 MR. GUAN: Apparently Mr. Rick Zucker is not
16 a technician, is not a mechanical -- he is a lawyer.
17 For the technical issues, asking him about this, his
18 answer is only based on what people tell him or what
19 he has wrote in the answers and I am quite familiar
20 with this device and I request that the Judge direct
21 an order to the Missouri Public Service Commission to
22 directly contact the manufacturer of the meter to get
23 the documents to see if this is true.

24 JUDGE JONES: Okay.

25 MR. GUAN: If the manufacturer says that

1 this meter's spring is not necessary for the meter's
2 accuracy then I think that I don't want to go further
3 because there is no public risk that is involved.

4 JUDGE JONES: I understand.

5 MR. GUAN: If the manufacturer says that
6 this spring is necessary for the categorization of the
7 meter then Laclede Company should be responsible for
8 its illegal actions and it is not Mr. Zucker that can
9 answer this at this moment.

10 JUDGE JONES: I understand what you're
11 saying. Mr. Berlin?

12 MR. BERLIN: Yes, Judge?

13 JUDGE JONES: You have been listening?

14 MR. BERLIN: I do have a question, Judge.

15 JUDGE JONES: For?

16 MR. BERLIN: Mr. Guan.

17 JUDGE JONES: Okay.

18 MR. BERLIN: Mr. Guan, you mentioned that
19 you are familiar with the technical operation of this
20 meter?

21 MR. GUAN: Yes.

22 MR. BERLIN: How so?

23 MR. GUAN: It's like this: Before I became
24 a doctor I was a fitter and worked in the shipyard --

25 (Court reporter asked for clarification.)

1 JUDGE JONES: Mr. Guan, what did you say you
2 were in the shipyard?

3 MR. GUAN: My job was to install meters and
4 connections, that kind of thing.

5 JUDGE JONES: What kind of meters?

6 MR. GUAN: Shipyard meters in the ship.
7 Although it's not the gas meter but my understanding,
8 in the industrial field, is everything needed to have
9 like a reading, needed to have a categorization. Just
10 like, for example, we are not talking about like when
11 I was in the shipyard installing the meter in the
12 ship, in the diesel engine, the pressure for the
13 diesel and the air intake and that kind of thing, we
14 are not talking about this.

15 JUDGE JONES: Okay. That's fine, I think
16 you have answered Mr. Berlin's question and if I am
17 incorrect tell me, Mr. Berlin.

18 MR. BERLIN: I understand, Mr. Guan, that
19 you have installed meters that measure liquid fuel; is
20 that correct?

21 MR. GUAN: Liquid fuel and air intake and
22 that kind of thing in the diesel engine of the ship.

23 MR. BERLIN: Did you actually perform
24 service on the meters?

25 MR. GUAN: My job was to install it and --

1 MR. BERLIN: Okay. So you were installing

2 --

3 MR. GUAN: I am a fitter and every meter
4 comes in with a certification of accuracy, so when I
5 was putting it in -- my job is just to put it in and
6 for adjusting the accuracy it's the manufacturer's
7 job, it's not the installer's job.

8 MR. ZUCKER: This is Rick Zucker. Let me
9 jump in here because Mr. Guan has or I'm sorry --
10 Dr. Guan has made some reasonable requests which I
11 would like to meet and one is to give him some
12 evidence from the manufacturer that the removal of the
13 spring does not affect the meter and I think I can get
14 this for him.

15 JUDGE JONES: Well, Mr. Zucker, you can go
16 ahead and work on that but I think more specifically
17 his request is that the Commission investigate the
18 matter and come to a conclusion.

19 MR. ZUCKER: Okay. That's fine too.

20 MR. BERLIN: And also --

21 JUDGE JONES: Go ahead, Mr. Guan.

22 MR. GUAN: This is a public issue and for
23 the individual who lied for the company, for Laclede,
24 or lied to the Missouri Public Service Commission
25 saying that I'm going to shoot him. We have -- the

1 police has a 911 record and my conversation with
2 Laclede Company customer service and I think that
3 Mr. Dave should be disciplined. There should be an
4 investigation to clarify what really happened because
5 this is an insult to me and this is not reflected in
6 Mr. Zucker's letter, answering letter. I read
7 Mr. Zucker's letter, it sounds like everything,
8 including delay of the gas service for more than 24
9 hours, is attributed to the misunderstanding of
10 shooting. Misunderstanding is impossible. Just like
11 we are talking about this case and someone overhears
12 our conversation and said you were talking about
13 McDonalds, it's impossible.

14 JUDGE JONES: Well, I can tell you --
15 Mr. Guan?

16 MR. GUAN: Yes?

17 JUDGE JONES: Two things are possible. I
18 know who Mr. Davis is in your story. He was there
19 representing Laclede. One, I don't know if he's
20 contracted to represent Laclede or if he is an actual
21 employee of Laclede.

22 MR. BERLIN: An actual employee.

23 JUDGE JONES: But I can tell you this: The
24 Commission can't tell Laclede to fire someone or
25 discipline them, that has to happen in-house and

1 that's just the law. We can't dictate them to that
2 extent. We can't micromanage their gas company. Now,
3 what I will say and Mr. Berlin, this is why I called
4 your name back a little while ago, is I'm guessing
5 from the tone of this discussion, you can anticipate
6 that I will issue an order directing Staff to
7 investigate.

8 MR. BERLIN: Correct and I would anticipate
9 that but it will have to go to gas safety, our
10 engineers to do that investigation but I think that
11 that would be forthcoming.

12 JUDGE JONES: Okay. And normally, Mr. Guan,
13 just so you know, I usually wait until a case looks
14 like it's going to go to hearing before I put our
15 Staff to work to investigate but because you have
16 specifically requested that, when I leave this hearing
17 today I will just go write an order and issue it today
18 for our Staff to investigate specifically the
19 necessity of the springs in the meter.

20 MR. GUAN: Thank you.

21 JUDGE JONES: And what I'm going to do at
22 this point is -- I don't know how you all can resolve
23 this matter. I will tell you that some of the
24 remedies that you're requesting, like making sure this
25 never happens again, well, how do we do that? That's

1 the whole purpose of you having filed a complaint. If
2 everyone files a complaint who has a problem similar
3 to yours, then we might see a pervasive problem with
4 Laclede and perhaps there may be some action the
5 Commission can take but the Commission doesn't have
6 not only the -- well, I don't know if we have the
7 authority, but I know we don't have the resources or
8 whereabouts to go and talk to every Laclede Gas
9 Company customer who may or may not have a spring in
10 their meter or who have had problems with Ken Davis
11 who came to -- well, actually, I don't know, let me
12 back up. Mr. Zucker, is Ken Davis a contractor or is
13 he a Laclede employee, do you know?

14 MR. ZUCKER: I don't know Mr. Davis
15 personally, but according to Dr. Guan's story Ken
16 Davis worked for the AMR Company, what we call L&G.

17 JUDGE JONES: So you contract out with them?

18 MR. ZUCKER: Right.

19 JUDGE JONES: Okay.

20 MR. GUAN: I also think that judging by the
21 behavior of the three persons involved from Laclede
22 Company, the Missouri Public Service Commission should
23 check to see if they have a license for the job
24 because the first, Mr. Ken Davis, said he can only
25 take the spring out but he cannot put the spring back

1 but the person with this kind of job should be
2 familiar with this job. If he can take the spring
3 out, he can take it back. So I doubt he has a license
4 for the job, this is the first thing. The second
5 thing is the police came by Mr. Dave, who is an
6 employee of Laclede Company and his behavior
7 apparently has caused harassment to me and I don't
8 know if this is his individual behavior or his
9 behavior represents the company.

10 JUDGE JONES: Well, you do -- Mr. Guan, you
11 do know that it's individual behavior, you don't know
12 whether it represents the company, right?

13 MR. GUAN: If it's the individual behavior
14 then he provided the wrong information for the
15 company, so what should the company do and the company
16 already provided the wrong information to the Missouri
17 Public Service Commission, this is from one point of
18 view. If Laclede Company knows that they presented
19 the wrong information or the company does not know the
20 facts and if they presented this kind of wrong
21 information to the Missouri Public Commission, then
22 this kind of employee should have some discipline.

23 JUDGE JONES: I understand that and Mr.
24 Guan, you do realize that it appears that Mr. Davis
25 works for a company that handles the meters for

1 Laclede.

2 MR. GUAN: The second person, not the first
3 Davis. The first Davis is the one who came to my home
4 and removed the spring. We had nothing -- he was very
5 cooperative, he was very honest and he told me that I
6 have to my call my boss to see if the spring can be
7 put back. Then I asked him to call that boss and he
8 called his boss and he told me the spring cannot be
9 put back, I don't know how to do it. That is the
10 story. Then I go back to call Laclede Company, the
11 Laclede Company says okay, we will send another
12 person, an employee to come here and with a paper of
13 certification to show accurate readings. And then the
14 second person, Mr. Dave, come in. Mr. Dave is an
15 employee and comes to my home at about twelve o'clock.

16 JUDGE JONES: So there is a Mr. Davis and
17 then there's a Mr. Dave?

18 MR. GUAN: Yeah, Mr. Dave is the second
19 person that came to my door and said I am going to
20 install the meter and then I said do you have the
21 paper of certification and he said no, I don't have
22 it. I said if you don't have it then you will not
23 install it because I spoke with your company and your
24 company promised me I will get a meter with a paper
25 certification. Then --

1 JUDGE JONES: I understand. You don't have
2 to recite the facts again. I was unclear about those
3 two different people. Apparently Mr. Dave does work
4 for Laclede and he's the person you had the problem
5 with?

6 MR. GUAN: Yes, that is correct.

7 JUDGE JONES: Okay. Now, what I will tell
8 you is that let's assume the worse, let's assume that
9 Mr. Dave did everything improperly as far as customer
10 service is concerned, as far as calling the police is
11 concerned. The Public Service Commission cannot
12 direct Laclede to discipline Mr. Dave.

13 MR. GUAN: Okay.

14 JUDGE JONES: That's something that Laclede
15 has to handle on their own and I don't know what the
16 Commission can do if -- Ms. Fred?

17 MS. FRED: Yes.

18 JUDGE JONES: Is there anything that --
19 Mr. Guan, just so you know, Gay Fred is the consumer
20 services department head with the Commission and
21 that's who I am asking this question of -- if the
22 Commission, through either informal or formal
23 complaints, saw a particular employee of Laclede that
24 constantly shows up in complaints, what do you think
25 could be the extent of your action?

1 MS. FRED: Generally our action is to ask
2 the company to look into that matter with that
3 employee, perhaps go through a reintroduction of the
4 training policies and procedures and we basically have
5 to leave it up to the company to take any further
6 action on that employee.

7 JUDGE JONES: Okay. This leads me back to
8 the point of simply issuing the order directing our
9 Staff to investigate this matter, particularly the
10 necessity of the springs in the meters.

11 MR. GUAN: And the third thing, the third
12 thing is that Laclede Company leave my home without
13 gas supply for more than 24 hours. And when we -- at
14 first we don't know that. The next morning we request
15 and they did not come until the afternoon and then
16 after the request for an explanation, they attribute
17 it to my shooting. This is not true. I never said
18 anything and there is no possibility of a shooting
19 there. I don't know where this came from. I don't
20 have a gun at home. This kind of manipulation of the
21 system by the company to the Missouri Public Service
22 Commission should be stopped. I don't know how we can
23 stop it but if this can happen to me, then it can
24 happen to my neighbor and can happen to other people
25 in the city and can happen to anyone in the Laclede

1 Company's service area and I think the problem needs
2 to be solved with the Missouri Public Service
3 Commission.

4 JUDGE JONES: Okay. Let me talk briefly to
5 Mr. Zucker and I heard someone else trying to speak
6 and I will come right back to you. Mr. Zucker, in
7 your answer to the complaint, Laclede says the
8 interruption of gas service was caused by Mr. Guan's
9 decision to refuse Laclede access to his home to
10 perform a mandatory safety inspection.

11 MR. ZUCKER: Correct.

12 JUDGE JONES: Okay. Now, at that time there
13 was a meter installed already, right?

14 MR. ZUCKER: Yes.

15 JUDGE JONES: And it was, I presume, working
16 and now you're coming with the meter that he
17 requested, the replacement meter that he requested.

18 MR. ZUCKER: Correct.

19 JUDGE JONES: Now, I know that if a meter is
20 replaced because there has been a disconnect in the
21 system that an inspection is mandatory to make sure
22 there are no leaks and that the meter is probably
23 working properly.

24 MR. ZUCKER: Yeah, the purpose of the
25 inspection is to make sure that gas can be turned on

1 safely.

2 JUDGE JONES: Okay. Now, his gas was turned
3 off because he didn't allow an inspection?

4 MR. GUAN: I did not --

5 JUDGE JONES: I'm not asking -- I'm asking
6 from Laclede's point of view, not that that's a fact.

7 MR. ZUCKER: The gas was turned off in order
8 to change the meter.

9 JUDGE JONES: Oh, so the gas was turned off
10 remotely?

11 MR. ZUCKER: No, the gas was turned off by
12 our technician, who is trained to change meters. In
13 order to satisfy Dr. Guan's issue with the first
14 meter, we offered him a whole new meter so he doesn't
15 have to worry about whether there's a spring in it or
16 not, it comes as a new meter. And so we came out, we
17 turned off the gas, we took off the old meter, we put
18 on the new meter, now we are ready to turn the gas
19 back on but we have to have access to the home to do
20 the required inspection before we can turn the gas on.

21 JUDGE JONES: Oh, I understand. So the
22 meter is --

23 MR. GUAN: No one told me about this and no
24 one told me about the inspection. No one told me the
25 gas was off. They speak to my mother-in-law, 82 years

1 old in the cold and this is what your company did.

2 JUDGE JONES: Just a moment. Mr. Guan,
3 you're going to have an opportunity to talk directly
4 to Mr. Zucker here in a moment. I want to be -- I'm
5 just trying to understand the facts a little bit
6 better and what I'm thinking is that the gas was cut
7 off or the meter was replaced inside the home or the
8 gas was cut off -- the meter was replaced outside the
9 home?

10 MR. ZUCKER: Yes, sir, outside the home.

11 JUDGE JONES: Okay. I understand now.
12 Well, it sounds like this is a bad customer service
13 situation and I'm not sure even given -- what the
14 Commission can do is certainly investigate the matter
15 in all regards, not just with regard to whether or not
16 a spring is necessary in the meter. As far as
17 ensuring things in the future is concerned, I know we
18 can't do that. We can only respond to things or
19 actions of this sort. We can't guarantee or ensure
20 that nothing will happen in the future. In fact, if
21 nothing happens in the future some of us may be out of
22 work, so I don't really even want to ensure that, to
23 be honest with you. As far as your mother-in-law
24 being in the cold, I suspect, Mr. Guan, a lot of your
25 being upset about that comes from receiving the phone

1 call from your wife and then having to deal with the
2 matter that you thought was dealt with while you're
3 out of town and your wife and mother-in-law are at the
4 house in the cold. That is something you have to talk
5 to Mr. Zucker about. I'm not sure how you all can
6 resolve that and I don't know that the Commission can
7 but --

8 MR. GUAN: According to the regulations, the
9 gas company cannot turn off the gas supply for no more
10 than 24 hours. If more than 24 hours, what is the
11 power of the Missouri Public Service Commission, what
12 can they do for this issue?

13 JUDGE JONES: I'm going to assume that you
14 are correct in reciting our rules and assuming that if
15 a company under our jurisdiction violates rules, there
16 are fines and penalties.

17 MR. GUAN: Well, this is -- my point is that
18 if this is a violation and then you have fines, then
19 this is what the Commission can do.

20 MR. BERLIN: This is Bob Berlin. I'm the
21 Staff attorney, Mr. Guan, for the Staff here in
22 Jefferson City and I just want to explain that our
23 state rules require Laclede to inspect the premises to
24 make sure that it's safe to turn the gas on. They are
25 required by us, by rule, to do that. It's a safety

1 rule. They cannot turn gas service back on unless
2 they inspect the inside of the home to make sure that
3 it is safe to turn the gas back on. I just wanted you
4 to know that and if they are not allowed to go into
5 the home to turn the gas on, they can't turn the gas
6 on.

7 MR. GUAN: I did not refuse they turn the
8 gas on. Nobody told me the gas was shut off. Nobody
9 requested the inspection. They just said that we are
10 going to -- if you don't allow us to install, we are
11 going to call the police. Then after the police come
12 they found nothing wrong. Then I did not have contact
13 with them and they did not have contact with me and
14 they just left. They leave me no gas at all. The
15 next morning when we request to have the gas turned
16 on, they tell me we will come to do the inspection and
17 turn the gas on. They needed to tell us that they
18 need the inspection. It's not that I refused him, the
19 inspection, I know this but they did not do the job on
20 purpose to give us punishment or what is the reason?
21 I don't know. This is a company issue. That's why I
22 request that the Missouri Public Service Commission
23 understand the customer's position and understand the
24 facts and know what the company can do with their
25 customer. It's not that I refused them the

1 inspection. I never refused them the inspection. I
2 never said "shoot" and this is the problem he created
3 or the individual created. This is the manipulation
4 of the facts. Manipulation of the system.
5 Manipulation of the Missouri Public Service
6 Commission.

7 JUDGE JONES: Okay. All right. I pretty
8 much have gotten what I need to get in order to know
9 what I need to do next. I'm going to go ahead --
10 we're going to go off the record. I'm going to let
11 you all talk amongst yourselves and figure out how
12 this may be resolved. I encourage you to try to get
13 along and don't speak over one another or you
14 certainly won't get anything resolved. Try to listen
15 to one another and understand what the other party's
16 position is and what their concern is and how the
17 various concerns can be addressed. So with that, like
18 I said, I'm going to issue an order directing Staff to
19 investigate and if I don't hear from anyone in a week
20 or so, aside from Staff's investigation, which I will
21 probably -- I don't know. Mr. Berlin, I am going to
22 guess maybe you need 30 to 60 days, 45 days, can you
23 give me a round number how much time you think you
24 might need?

25 MR. ZUCKER: Judge Jones, are you going to

1 ask him to investigate the meter issue or more than
2 that?

3 JUDGE JONES: Well, I'm going to specify the
4 meter issue but I don't want to exclude anything that
5 Staff may come across. The meter issue sounds like it
6 can be handled in a couple of weeks. I don't know,
7 I'm not sure. The meter issue is specifically what I
8 want to get an answer to.

9 MR. BERLIN: Judge?

10 JUDGE JONES: Yeah, Mr. Berlin?

11 MR. BERLIN: Actually, we would like to get
12 close to 60 days because what will take the longest in
13 this investigation, as I understand it, will be the
14 gas -- engineering gas safety department investigating
15 the meter, the operator training, certificate matters,
16 and the calibration of the meter and those type of
17 technical issues and I don't want to, of course, limit
18 our gas safety engineers that would be doing the
19 investigation. That would have to be part of what
20 they undertake to do a proper investigation, so that
21 is really where the time concern is.

22 JUDGE JONES: Okay.

23 MR. BERLIN: I would just suggest no less
24 than 45 days.

25 JUDGE JONES: We'll do 45 and if you need

1 more just request it.

2 MR. BERLIN: That's fine.

3 JUDGE JONES: With that then, we're going to
4 go off the record and I'm going to let you all talk.
5 And aside from the investigation, see if the complaint
6 can be resolved without the necessity of having to go
7 to an evidentiary hearing. Okay. Mr. Guan, do you
8 understand what is going to happen?

9 MR. GUAN: It means the Missouri Public
10 Service Commission will investigate the meter issue
11 and for the bad customer service, we are on our own.

12 JUDGE JONES: No, that's not true. I will
13 specifically direct Staff to investigate the meter
14 issue and everything else that has to do with the case
15 should also be investigated.

16 MR. GUAN: Okay, great. Thank you.

17 JUDGE JONES: Mr. Zucker, anything from you?

18 MR. ZUCKER: I don't know think so. This
19 has been helpful. Dr. Guan and I have been exchanging
20 messages and have not gotten to talk, so I am glad to
21 hear his side of the story.

22 JUDGE JONES: Okay. Mr. Berlin, anything
23 else from Staff?

24 MR. BERLIN: Nothing else, Judge. Thank
25 you.

1 JUDGE JONES: With that then, we will go off
2 the record and I will leave you all to talk amongst
3 yourselves. Have a great day.

4 - - - - -

5 (Prehearing concluded at 10:54 a.m.)

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CERTIFICATE OF REPORTER

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