

1 FURTHER RECROSS-EXAMINATION BY MR. DUDLEY:

2 Q. And my question to you was, I remember you
3 saying there was a lot of paperwork in this?

4 A. Yes, sir.

5 Q. And so did you review all the paperwork?
6 Let me just go down the list and ask you. I don't know if
7 you have this. This was a -- did you ever read this
8 complaint to the Public Service Commission that was dated
9 November the 7th, 2003?

10 A. I believe, yes.

11 Q. If you did, did it state \$2,510?

12 A. As I stated previously, the very last
13 sentence on the second page clearly states in addition to
14 the 2,510 on the first page that the amount in dispute is
15 2,099.96.

16 Q. Okay. I think we're looking at the wrong
17 complaint.

18 A. Am I?

19 JUDGE RUTH: I also want to remind you that
20 these questions all have to be limited to the second set
21 of questions from the Bench.

22 MR. DUDLEY: Right. Right. And my
23 question is, the document that he reviewed -- and this is
24 just -- and let me show it. This was Mr. Dudley, James
25 Dudley's complaint, November the 7th, 2003, which was --

1 it was typewritten in.

2 THE WITNESS: I believe I have the
3 handwritten. Isn't this the handwritten?

4 JUDGE RUTH: No. That is the November 13th
5 I believe that you're holding up, Mr. Russo.

6 THE WITNESS: I apologize.

7 JUDGE RUTH: The November 7th looks a
8 little different.

9 MR. COOPER: I think it's Schedule 16 to
10 surrebuttal testimony.

11 THE WITNESS: Okay. I have that, and I did
12 review that.

13 BY MR. DUDLEY:

14 Q. And did the 2,500 change your mind any?

15 A. I'm sorry. What's that, sir?

16 Q. When you reviewed this document, did the
17 \$2,510 change anything?

18 A. Well, it wasn't \$2,510. That's what was in
19 Sara Chappelow's name.

20 Q. Okay. But --

21 A. So no, the 2,510 is just a number in this
22 case. The amount in Sara Chappelow's name that we've
23 talked about, and it's on many other documents, is
24 2,099.96.

25 Q. Okay. So the --

1 A. All that 2,510 requires me as auditor, I
2 had to reconcile that, and I had to figure out what the
3 differences were.

4 Q. So you made your own?

5 A. I made a reconciliation.

6 Q. And did you review the Exhibit 5,
7 Schedule 1?

8 A. I don't have these exhibits in front of me.

9 JUDGE RUTH: I need to see which one.

10 MR. DUDLEY: Exhibit 5, Schedule 1.

11 JUDGE RUTH: Okay. You may approach.

12 THE WITNESS: I do have that. I have a set
13 of these. Yes. This document here (indicating), the
14 first time I've seen this document I would say would
15 probably be today.

16 BY MR. DUDLEY:

17 Q. Okay. Page 2, did you review that one?

18 A. Today.

19 Q. Page 3?

20 A. Same answer.

21 Q. Page 4?

22 A. That's been reviewed.

23 Q. The question is, did you read this document
24 when they sent it to you?

25 A. Well, I don't know if I read it immediately

1 when it was sent, but I have reviewed it, yes, sir.

2 Q. And let's go to schedule --

3 MR. COOPER: Your Honor, I object to going
4 through an inventory of the documents in this case. I
5 don't -- at this time. I don't think that it relates back
6 to Commissioner Clayton's question.

7 JUDGE RUTH: I need you to explain to me,
8 Mr. Dudley, how this does relate back to Commissioner
9 Clayton's questions, because it does not appear to. It
10 appears to go beyond the scope of the questions asked from
11 the second round of Bench questions.

12 MR. DUDLEY: He asked Mr. Russo about the
13 documents that he relied on in making his decision, and
14 I'm -- and then MGE's attorney --

15 JUDGE RUTH: That was in the first round of
16 questions.

17 MR. DUDLEY: So MGE --

18 JUDGE RUTH: Sir, that was in the first
19 round of Bench questions. The second round of Bench
20 questions is what we're having recross on now.

21 MR. DUDLEY: Okay. So I have one question.

22 BY MR. DUDLEY:

23 Q. After all the documents that you reviewed,
24 you just feel that \$2,099 was the issue from all the
25 documents, from the -- from the records?

1 A. I have no doubt that the 2,099.96 was the
2 issue. The 104.63 may or may not have been.

3 MR. DUDLEY: Okay. Thank you.

4 JUDGE RUTH: Staff, do you have some
5 redirect based on the second round of Bench questions and
6 recross?

7 MR. BERLIN: Yes, your Honor.

8 JUDGE RUTH: Please proceed.

9 Oh, that's right. I didn't allow you
10 redirect on the first round since we -- I wasn't expecting
11 a second round. Since we had that we did the recross
12 then, so your redirect is actually for all of it.

13 MR. BERLIN: Thank you, your Honor. I do
14 have a question from the first set of questions to clarify
15 the review of documents.

16 REDIRECT EXAMINATION BY MR. BERLIN:

17 Q. Mr. Russo, you indicated, I believe, that
18 when you were assigned this complaint, a formal complaint,
19 you made a review of documents in the EFIS system; is that
20 correct?

21 A. Yes, sir.

22 Q. Now, the documents in the EFIS system
23 reflect those filed in the formal complaint, do they not,
24 or do they include documents filed in the informal
25 complaint?

1 A. It should just be the formal complaint.
2 You're testing my knowledge of EFIS, and I'm getting
3 worried.

4 Q. Thank you. With regard to Commissioner
5 Clayton's second round of questions, he had -- you looked
6 at paragraph 8 of Mr. Hack's pleading, captioned Missouri
7 Gas Energy's answer?

8 A. Yes, sir.

9 Q. And without commenting on the state of mind
10 of Mr. Hack as he prepared to file this pleading, you did
11 conduct an investigation into the disconnection of
12 Mr. Dudley at the Tracy address, did you not?

13 A. Yes.

14 Q. And previously you stated you reviewed
15 disconnection notices that were sent by MGE, did you not?

16 A. Yes.

17 Q. And as a result of your investigation and
18 your analysis of those disconnections, are you of the
19 opinion that the disconnection was as a result of debts
20 owed on the Tracy address?

21 A. Yes, I am.

22 MR. BERLIN: No further questions.

23 JUDGE RUTH: Okay. Mr. Russo, you may step
24 down, but again, you may be recalled, so please remain
25 available.

1 THE WITNESS: Thank you.

2 JUDGE RUTH: Okay. It's been some time
3 since we've had a break. We're going to have a short one,
4 only until a quarter 'til. Based on the clock in the
5 back, that's about seven minutes. We're off the record.

6 (A BREAK WAS TAKEN.)

7 JUDGE RUTH: Before break, we had finished
8 with Staff's witness, and we are now ready for MGE to call
9 their witness, correct?

10 MR. COOPER: Correct.

11 Your Honor, Missouri Gas Energy would call
12 Ms. Shirley Bolden.

13 JUDGE RUTH: Ms. Bolden, would you please
14 raise your right hand?

15 (Witness sworn.)

16 JUDGE RUTH: Okay. And would you state and
17 spell your name for the record.

18 THE WITNESS: My name is Shirley Bolden,
19 last name B-O-L-D-E-N.

20 JUDGE RUTH: Okay. You may proceed.

21 SHIRLEY BOLDEN testified as follows:

22 DIRECT EXAMINATION BY MR. COOPER:

23 Q. Ms. Bolden, by whom are you employed and in
24 what capacity?

25 A. I'm employed with Missouri Gas Energy, a

1 division of Southern Union, and I'm the contact center
2 manager.

3 Q. Have you caused to be prepared for the
4 purposes of this proceeding rebuttal testimony in question
5 and answer form?

6 A. I have.

7 Q. Is it your understanding that that
8 testimony has been marked as Exhibit 3 for identification
9 in this case?

10 A. I believe so.

11 Q. Work with me on that one now.

12 A. Work with me.

13 Q. Do you have any changes that you'd like to
14 make to your rebuttal testimony at this time?

15 A. There is one change on page 6.

16 Q. Okay. What is that, what line on page 6?

17 A. Line 3.

18 Q. Okay. What change do you need to make?

19 A. That date should be October 24th, 2000, not
20 2001.

21 Q. And again, that's on page 6?

22 A. That's correct.

23 Q. Is there a second change on page 11 that
24 you need to make as well?

25 A. Yes.

1 Q. What is that change?

2 A. Line 2.

3 Q. Okay. What change do you need to make?

4 A. The actual disconnection of service at
5 4231 Tracy was July 24th, 2002.

6 Q. Page please?

7 A. Page 11.

8 MR. DUDLEY: Excuse me. What was that last
9 one?

10 MR. COOPER: It's on page 11, line 2,
11 there's the number -- or the date July 30, 2002. And
12 Ms. Bolden has changed that to July 24, 2002.

13 BY MR. COOPER:

14 Q. And, Ms. Bolden, is July 24, 2002
15 consistent with the disconnection date that's used
16 elsewhere in your testimony?

17 A. That is correct.

18 Q. Do you have any other changes at this time?

19 A. No, sir.

20 Q. If I were to ask you the questions that are
21 contained in Exhibit 3 today, would your answers as
22 they've now been amended be the same?

23 A. That is correct, yes, sir.

24 Q. Are those answers as amended true and
25 correct to the best of your information, knowledge and

1 **belief?**

2 A. Yes, sir.

3 MR. COOPER: At this time, your Honor, I
4 would offer Exhibit 3 into evidence and tender the witness
5 for cross-examination.

6 JUDGE RUTH: Okay. MGE has offered
7 Exhibit 3 into the record. Are there any objections to it
8 being received in, Mr. Dudley?

9 MR. DUDLEY: No objection.

10 JUDGE RUTH: And Staff?

11 MR. BERLIN: No objections.

12 JUDGE RUTH: Okay. Exhibit 3 is received
13 into the record.

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

15 JUDGE RUTH: Staff, do you have any
16 cross-examination?

17 MR. BERLIN: Yes, your Honor.

18 JUDGE RUTH: Please proceed.

19 CROSS-EXAMINATION BY MR. BERLIN:

20 Q. **Good afternoon, Ms. Bolden.**

21 A. Good afternoon, sir.

22 Q. **Did you conduct the investigation for MGE**
23 **regarding this complaint?**

24 A. I conducted the investigation for what --
25 for the complaint through the Missouri Public Service

1 Commission on the informal complaint.

2 Q. Can you tell me when a person identified as
3 Sara Chappelow became a customer of MGE's?

4 A. In September of 2000.

5 Q. And that is for gas service at
6 4024 Prospect?

7 A. That is correct, sir.

8 Q. Do you know how this person identified as
9 Sara Chappelow initiated service?

10 A. She initiated service through a telephone
11 call to our contact center.

12 Q. And based upon that telephone call, was
13 service initiated?

14 A. Yes, sir.

15 Q. What process did MGE use to make the
16 decision on whether or not to initiate service for Sara
17 Chappelow?

18 A. When Ms. Chappelow contacted us, or that
19 person whom claimed to be Ms. Chappelow contacted the
20 company, we did take an application, and that application
21 we do ask name, address, Social Security number, try to
22 get driver's license number, some identifying information,
23 phone number, work information. We do a quick what we
24 call a credit check.

25 The information given to us according to

1 the Social Security number was that of Ms. Chappelow. We
2 did not have any outstanding debt or credit for
3 Ms. Chappelow, so therefore, we initiated service at that
4 address as requested.

5 Q. Of all the information items you just
6 cited, were those items reviewed in making a determination
7 on whether to initiate service for Ms. Chappelow?

8 A. The Social Security number was reviewed,
9 and that did come up as Ms. Chappelow's.

10 Q. Was there anything else reviewed on
11 Ms. Chappelow before MGE made the decision to start
12 service?

13 A. As far as the driver's license, no, sir.
14 We did review if she had any outstanding debts with us,
15 yes, and there were none.

16 Q. Do you know if, based upon that review of
17 Ms. Chappelow, if your records reflected that
18 Ms. Chappelow had been a prior customer of MGE?

19 A. I can't say that, sir. I did not do the
20 review. I did not take the telephone call at that time,
21 sir.

22 Q. But Ms. Chappelow checked out okay and
23 service was initiated; is that correct?

24 A. That is correct, sir.

25 Q. And do you recall the date that the service

1 was initiated?

2 A. If I can look at my records.

3 Q. Sure.

4 A. That will be fine. We took an order -- the
5 call was made to us on the 25th, September the 25th, 2000,
6 and an order was initiated for September the 26th, 2000.

7 Q. Can you tell me if Ms. Chappelow was -- at
8 some point after the initiation of service if
9 Ms. Chappelow was accepted by MGE into an even-pay bill
10 plan?

11 A. I'm not aware of that, sir. I wouldn't --
12 not talking with Ms. Chappelow on an individual basis or
13 taking the customer's call, I would not know that, sir.

14 Q. Do you have any information with regard to
15 her record of payment and perhaps a payment plan while she
16 had service at 4024 Prospect Avenue?

17 A. There would be records available at the
18 company. However, I do not have those records available
19 at this present time with me, sir.

20 Q. So if I -- if I indicated that results of
21 an investigation showed that Ms. Chappelow was accepted by
22 MGE into an even-pay bill plan on December 5th of 2000,
23 you do not have knowledge of that?

24 A. I didn't go into the investigation of a pay
25 plan with Ms. Chappelow of Ms. Chappelow's account, sir.

1 Q. Are you familiar with Ms. Chappelow's
2 payment history on the account?

3 A. I did review some of the history payments,
4 and as I recall, there were two payments made on the
5 account, during the time it was in her name, sir.

6 Q. If you can recall them, please tell me when
7 she made a payment and for what amount.

8 A. I'm not going to be sure of the dates, but
9 I do recall a \$60 payment being made on the account, and
10 then another payment of \$80.34, I believe, being made on
11 the account.

12 Q. Do your records reflect a \$12 payment being
13 made on the account?

14 A. They could, sir. I don't recall all the
15 payments.

16 Q. The \$60 payment that you indicated, would
17 you believe -- would you agree that that payment was made
18 in December of 2000?

19 A. It's highly possible, sir, yes.

20 Q. Do you know in what form that payment was
21 made?

22 A. Yes. When reviewing that, that payment was
23 made by cash, in our public business office.

24 Q. What office was the payment?

25 A. In our public business office. We did have

1 an office that was located 39th and Main. That is our
2 public business office. It no longer exists, but at that
3 time that office was open and customers could come in and
4 make payments there by check, cashier's check, cash.

5 Q. And you cited an \$80 payment. Would you
6 find it possible that she made that payment in January of
7 2001?

8 A. We have a payment by check of 80.34 that
9 was made -- the check was made out for December the 29th,
10 2000. It probably would have hit our records in January
11 of 2001, sir.

12 Q. Do you have in your records a copy of the
13 check, of the check payment that was made?

14 A. I do have a copy of it, sir, yes.

15 Q. And that check, who was that signed by?

16 A. The check was signed by Margaret Williams,
17 W-I-L-L-I-A-M-S.

18 Q. But that \$80 that you referred to was for
19 payment on the account of Sara Chappelow; is that correct?

20 A. That is correct, sir.

21 Q. When did MGE disconnect gas service at
22 4024 Prospect Avenue?

23 A. We were notified by Ms. Chappelow that she
24 did not live there in April 25 of 2001 -- actually,
25 notified by her mother. Therefore, thereafter we did

1 disconnect the services. I'm not sure of the dates here.

2 I'm sorry.

3 Q. Explain, if you would just describe for me,
4 how you were notified about Ms. Chappelow.

5 A. Our conversation came on April the 25th of
6 2001. Ms. Chappelow's mother contacted us informing that
7 Sara did not live or reside at the 4024 Prospect. On
8 April 26th, it's our understanding that Ms. Chappelow
9 filed a police report, and we did receive copies of that
10 police report stating that her information from her car
11 had been stolen, including her license and Social Security
12 number.

13 At that time we were notified by
14 Ms. Chappelow she did not live there, she did not want the
15 services still in her name, so we did a disconnect per her
16 request.

17 Q. The amount of the gas service at the time
18 of disconnection that was past due for 4024 Prospect
19 Avenue in the account name of Sara Chappelow was for
20 \$2,099.96; is that correct?

21 A. I do believe that is correct, sir.

22 Q. Were you involved in investigating or
23 acquiring information on Sara Chappelow at any point in
24 time?

25 A. No. I received the information that had

1 been gathered.

2 Q. Did you ever talk with Sara Chappelow at
3 any point in time?

4 A. I did.

5 Q. And when was that?

6 A. I'm not going to know dates exactly, but I
7 did talk with her just briefly that she had already filed
8 a police report, we were receiving copies of the police
9 report, and actually she had made a trip by the home at
10 4024 Prospect.

11 Q. And what did MGE do upon receipt of that
12 information and disconnection of service at 4024 Prospect?

13 A. We had her information that did show that
14 she did not live there. We did inform her that she was
15 not responsible for the debt. We did continue to do our
16 investigation through our loss prevention area as to
17 possibly who would have been there. That included
18 checking with some of the other utilities and seeing just
19 what was going on at that property.

20 Q. Who made the decision that Ms. Chappelow
21 was not responsible for the service that was taken out in
22 her name back at the end of September of 2000?

23 A. I did not make that decision. I did not
24 make that decision.

25 Q. Do you know who did?

1 A. Only thing I can tell you is the loss
2 prevention department had it, and they would have made the
3 decision, and that would have probably come from our
4 credit manager, whether it was a yea or nay to keep it
5 there. We had sufficient information to prove that
6 Ms. Chappelow was not the person responsible for those
7 bills at that time.

8 Q. Do you believe it's possible that there
9 could be two people named Sara Chappelow?

10 A. I'm sure there's two people named Shirley
11 Bolden. In fact, I know there are two, the middle
12 initials separate or different. Sorry.

13 Q. The bill that was outstanding at
14 4024 Prospect Avenue, was it transferred to Mr. Dudley's
15 address on Tracy?

16 A. Eventually, yes, sir, it was.

17 Q. Do you know when?

18 A. I believe it was in June of 2002, sir.

19 Q. Now, did Mr. Dudley come to MGE and request
20 service to be turned on sometime around July of 2001?

21 A. Yes, he did.

22 Q. Was that service turned on?

23 A. The service originally was denied because
24 he had a past due debt at 4231 Tracy, and we wanted --
25 requested that that debt be taken care of prior to any

1 services being turned on at 4024 Prospect.

2 Q. And did he take care of that debt?

3 A. He did.

4 Q. And when was the service turned on again at
5 4024 Prospect Avenue?

6 A. The service was turned on for both
7 addresses on August 3rd, 2001 for both the Prospect
8 address and the Tracy address.

9 Q. And when was the service ended at
10 4024 Prospect?

11 A. For Mr. Dudley?

12 Q. Yes.

13 A. April 17, 2002.

14 Q. Why was that gas service ended or
15 disconnected?

16 A. He had a debt at that time of 104.63 or 16,
17 whatever the cents were. It would have been over our
18 collection amount of \$100.

19 Q. And if I asked you this I apologize, but
20 I'm just trying to clarify some times and dates in my
21 mind. When did MGE transfer to Mr. Dudley the amount of
22 2,099.96, that amount that we have determined to be the
23 delinquent amount of Sara Chappelow at the 4024 Prospect
24 address?

25 A. June 25, 2002.

1 Q. Ms. Bolden, does MGE have a policy of
2 transferring the past due debts of a tenant to a landlord?

3 A. We do not have that policy. We ask for
4 investigation and facts to make a determination who should
5 owe the bill.

6 Q. And if I understand correctly from your
7 previous responses, that somebody at MGE made the decision
8 to transfer the 2,099 past due debt of the tenant
9 identified as Sara Chappelow to Mr. Dudley at his Tracy
10 address; is that correct?

11 A. It was first transferred to Mr. Dudley at
12 the Prospect address when he went on service line with us
13 the first time. Okay. Then the total debt eventually
14 when Prospect was shut off in April of 2001 was -- or
15 2002, then it was eventually transferred to the Tracy
16 address.

17 Q. All right. I think I understand then.
18 You're saying that the \$104 that Mr. Dudley had taken out
19 in his name was also transferred --

20 A. Yes.

21 Q. -- to the Tracy address, and at that time
22 the past due debt of Sara Chappelow was also transferred;
23 is that correct?

24 A. That's correct, both debts were
25 transferred, sir.

1 Q. Would you agree that back in September of
2 2000, that the person who sought gas service from MGE at
3 4024 Prospect Avenue was a person identified as Sara
4 Chappelow?

5 A. According to our records and who we thought
6 we received a call from, yes, sir.

7 MR. BERLIN: No further questions, your
8 Honor.

9 JUDGE RUTH: Mr. Dudley, do you have
10 cross-examination for this witness?

11 MR. DUDLEY: Yes.

12 CROSS-EXAMINATION BY MR. DUDLEY:

13 Q. How are you doing?

14 A. I'm just fine. How are you?

15 Q. I'm all right. You said that a Sara
16 Chappelow, who you believed called the office and
17 requested service, correct?

18 A. That's correct, yes, sir.

19 Q. So honestly, you don't know if it was Sara
20 for real or not Sara at the time that the service was
21 requested, do you?

22 A. We know that a person pretending to be or
23 saying they were Sara Chappelow made a contact to our
24 office by telephone, giving us the direct information we
25 requested, sir, and we initiated service according to

1 that.

2 Q. So if you knew that, why would you send --
3 let service be restored at that property if you knew that
4 this person wasn't Sara Chappelow?

5 A. We did not know that at that time,
6 Mr. Dudley.

7 Q. That's the question that I asked you. I
8 asked you -- let me see if I can rephrase it. At that
9 time that a person named Sara Chappelow requested service
10 at 4024 Prospect, you did not know whether that was the
11 real Sara Chappelow or not?

12 A. You know what? I can't answer the
13 question. I didn't take the call.

14 Q. But you just said that -- okay.

15 A. Mr. Dudley --

16 Q. Okay.

17 A. Okay.

18 Q. Now, secondly, you said that Mr. Dudley's
19 series was disconnected at 4024 Prospect?

20 A. Yes, it was disconnected. It was shut off.

21 Q. So let me ask you this: When was Sara
22 Chappelow's bill in her name reported service
23 disconnected? You don't have to be specific.

24 A. Well, I really cannot be specific to you
25 there, sir. The gas service, once we were contacted and

1 our investigation with Ms. Chappelow indicated that she
2 was not the person of residence there, we discontinued the
3 service. According to her, she did not live there, she
4 did not want the gas in her name. Okay. Any time after
5 April 26, 2001, that gas service was discontinued per
6 Ms. Chappelow's request.

7 Q. Okay.

8 A. Okay.

9 Q. Now, then, in April -- we'll just say May.
10 May of 2001, the service at 4024 Prospect was disconnected
11 in Sara Chappelow's name by request because you said any
12 time after April of 2001 it was disconnected?

13 A. That's correct, sir.

14 Q. Okay. So now Mr. Dudley called and
15 requested service in July 2001, correct?

16 A. That's correct.

17 Q. Did Mr. Dudley receive service in July of
18 2001?

19 A. Once he made payment, restitution of bill
20 owing from 4231 Tracy, we turned your gas service on at
21 both addresses.

22 Q. And I may -- I had my service turned off in
23 4231 Tracy -- let me get this right, in April of 2001 at
24 4231 Tracy?

25 A. No, sir. Your service was turned off

1 July 5th, 2001 at 4231 Tracy for nonpayment. Yes, sir.

2 Q. And would you have that disconnect notice
3 bill or that turnoff bill?

4 A. No. We have it as a part of our records,
5 but I don't have the bill here, sir, no, sir.

6 Q. And you wouldn't happen to know the amount
7 neither that was reported to be turned -- for the turnoff?

8 A. I could tell that you paid \$463 to us plus
9 the turn-on charges, in order to get your gas restored at
10 both addresses on July 16, 2001.

11 Q. Excuse me. Let me get this document to
12 refresh your recollection because if I'm not mistaken, it
13 was October 2002.

14 A. No, sir, you were off in July of 2001. You
15 were disconnected then.

16 JUDGE RUTH: Do you need just a moment?

17 MR. DUDLEY: Give me just a moment.

18 BY MR. DUDLEY:

19 Q. Let me show you what's been marked as
20 Exhibit 5. I don't know if you have that.

21 A. No, sir.

22 JUDGE RUTH: To help me out, can you tell
23 me what part of Exhibit 5 you're going to be directing her
24 to?

25 MR. DUDLEY: Schedule -- if I'm not

1 mistaken, it's going to be Schedule 13.

2 JUDGE RUTH: Thanks. And you've shown that
3 to both counsel?

4 MR. DUDLEY: Right. May I approach?

5 JUDGE RUTH: Yes.

6 BY MR. DUDLEY:

7 Q. If you look at Schedule 13, page B.

8 A. Starting with the bottom date of
9 December 2, '01?

10 Q. Excuse me. Schedule 14.

11 JUDGE RUTH: You may proceed.

12 BY MR. DUDLEY:

13 Q. If you look at the contact description
14 sheet, which is the contact entry 6/10 -- 6/1, they sent
15 out a first recovery letter, correct?

16 A. Okay. Wait. I'm not on the same page you
17 are. You give me --

18 Q. Schedule 14. It's two pages back.

19 MR. COOPER: This is the document titled
20 Sara Chappelow 4024 Prospect; is that correct?

21 MR. DUDLEY: That's right. As a matter of
22 fact, it's the last document on that page.

23 JUDGE RUTH: It looks like that
24 (indicating).

25 THE WITNESS: Okay. I'm looking at it now.

1 I'm with you. Okay.

2 BY MR. DUDLEY:

3 Q. So we'll go up to 6/01, the first recovery
4 letter was sent, correct?

5 A. Yes. That means the gas service is off.

6 Q. Okay. And this was 6/01. 6/14, the second
7 recovery letter was sent?

8 A. That's correct. Gas is off.

9 Q. And if you look up there, you'll see
10 4024 Prospect, correct?

11 A. That is correct.

12 Q. So who was the recovery letter sent to?

13 A. They went to 4024 Prospect.

14 Q. For who, though?

15 A. Under Sara Chappelow's name.

16 Q. And then we go -- okay. So you're saying
17 that Mr. Dudley paid 4-- I mean, was it 480 in order to
18 get the service turned back on for Prospect and Tracy,
19 4231 Tracy, in October of 2001?

20 A. No, sir. You paid \$463 in July 16 of 2001
21 to restore services at both 4231 Tracy and 4024 Prospect.

22 Q. So at that time Mr. Dudley had -- did
23 Mr. Dudley pay that in person or how did he pay that?

24 A. I really can't tell you that, sir. I just
25 know that payment was made on July 16. I do believe you

1 came into the office at 39th and Main.

2 Q. Okay. So --

3 A. We initiated two orders at that particular
4 time.

5 Q. Okay. So when in your records,
6 Mr. Dudley -- now, Sara Chappelow's service has been
7 disconnected when I came into the office on 39th and Main
8 to receive -- to request service and pay a debt for two
9 turnoffs?

10 A. You came in and requested to get service on
11 at 4024 Prospect. At that time, we denied services
12 because we had a debt at 4231 Tracy that was outstanding.
13 We did not discuss any debt at 4024 Prospect, because you
14 didn't have a debt at that time, sir, with us, in your
15 name.

16 Q. Okay. So in recollection that when -- in
17 your documents, in your investigation, do you know if
18 anyone at that office required or inquired to Mr. Dudley
19 about this Sara Chappelow account when he came in that
20 39th and Main office to request service for 4231 Tracy --
21 I mean for 4024 Prospect?

22 A. I wasn't the one that assisted you, sir. I
23 can't make any speculation as to what that person said to
24 you. The person saw that you had a debt in your name, and
25 they requested payment on your debt at that time.

1 Q. And you're saying that you have personal
2 knowledge that Mr. Dudley's service was disconnected, or
3 do you have the documents or any records that you might be
4 able to get from the company to show that Mr. Dudley's
5 service was disconnected at 42 -- he had a bad debt at
6 4231 Tracy that prevented him from getting gas at 4024
7 Prospect?

8 A. Do I have records here present?

9 Q. Uh-huh.

10 A. No, I don't. I have records that I've
11 investigated that your gas service was off during this
12 hearing.

13 Q. Don't you think that that might have been a
14 good thing to bring to show that Mr. Dudley's service was
15 off at that time?

16 MR. COOPER: Objection, argumentative.

17 JUDGE RUTH: Sustained.

18 BY MR. DUDLEY:

19 Q. Now, my question is this, and I might ask,
20 how do you know that that was not Ms. Chappelow that
21 called?

22 A. How I do know that?

23 Q. How did you know?

24 A. How do I know?

25 Q. Yeah.

1 A. I don't know, sir.

2 Q. Now, in your investigation, did you check
3 to see if Ms. Chappelow had gas service in any other
4 property?

5 A. I inquired from Ms. Chappelow.

6 Q. Well, did she, from the answer that you
7 received?

8 A. At that particular time, I believe she did
9 not have gas service with us.

10 Q. And wasn't -- Ms. Chappelow had a lease
11 agreement that she was residing on Grand or somewhere in
12 Independence?

13 A. She did provide a lease, yes, sir. She
14 provided that to the loss prevention department. I
15 received that information during my investigation of the
16 informal complaint that was filed by Mr. Dudley at the
17 time. Okay?

18 Q. Okay.

19 A. I get the back end of it. I apologize to
20 you. I'm sorry.

21 Q. And at that time did you investigate to see
22 whether she had lights at that address in her name, gas at
23 that address in her name, water in her name, since you was
24 provided a lease agreement?

25 Did you check to see if she had any of

1 those things in her name?

2 A. Mr. Dudley, I did not, because that -- most
3 of all the investigation had already been well been done
4 prior to me getting involved into it.

5 Q. Okay. Did -- at some time did you
6 investigate to find out that that lease agreement was
7 signed by a Judith Chappelow?

8 A. Yes, it was her mother.

9 Q. Which was her mother?

10 A. Yes. I saw the lease agreement.

11 Q. What about the police report?

12 A. I saw it also, sir.

13 Q. Now, and that police report -- let me back
14 up.

15 In your investigation, did you come across
16 or did you have knowledge that Ms. Chappelow was advised
17 to go and get a police report and send in the lease
18 agreement --

19 A. Ms. -- sorry.

20 Q. -- because this was a disputed deal?

21 A. Ms. Chappelow contacted us -- her mother
22 contacted us first, and stated that she did not live
23 there, that they had proof that she did not live there.
24 We asked for the proof. What proof? She said her
25 information had been stolen. We asked did she file a

1 police report.

2 Q. Okay. And did she?

3 A. She did.

4 Q. And what was the date that she told you --

5 A. Well, it was a year later or six months
6 later, but she filed a police report. We asked did she
7 file a police report. She said she did.

8 Q. But she filed it six months later. She
9 didn't file it at the time of the incident?

10 A. That is correct, sir. I can't control
11 that. I'm not Ms. Chappelow. Okay?

12 Q. But no red flag?

13 A. Well, there's -- there could be some red
14 flags, Mr. Dudley. I guess, you know -- I mean, I didn't
15 do the investigation. I got the information on the back
16 end. That information was accepted. The debt was
17 transferred through those persons who made the decisions,
18 sir. I'm only responding to the complaint to the
19 Commission and what we had done.

20 Q. So you really didn't have no knowledge or
21 prior investigation until two years later; would that be
22 fair to say, two years later? The formal complaint was
23 filed and what was it, August -- July 18th?

24 A. Of 2002.

25 Q. 2002, yeah.

1 A. Yes.

2 Q. And Ms. Chappelow's deal was back in
3 September 2000, so you really didn't have no prior
4 knowledge of anything that happened back there in 2000 or
5 2001?

6 A. Me myself?

7 Q. Yeah, you yourself.

8 A. No, sir.

9 Q. Did you have any conversation with
10 Mr. Dudley or myself?

11 A. No, I did not talk to Mr. Dudley.

12 Q. So you don't know whether I disputed the
13 bill or not? All you know is that some complaint was
14 filed and you just got the case and -- later on down the
15 line?

16 A. I thought a Mr. Dudley filed an informal
17 complaint with the Missouri Public Service Commission. I
18 handled that complaint at that particular time.

19 Q. So you really wouldn't know whether the
20 2,200 bill was removed from Mr. Dudley's gas service or
21 not?

22 A. Yes, I would know that. At the time I
23 received the complaint, gas service was already
24 discontinued at the 4231 Tracy. It was discontinued on
25 July 24th. The complaint came to me on July 30th. At

1 that complaint time, there is a note from Ms. Leonberger
2 to hold off on discontinuance. It was too late. It was
3 already off. However, I put the 2,099.96 in dispute.

4 Q. You put how much?

5 A. The 2,099.96, which was Ms. Chappelow's
6 bill, in dispute. We did not know anything. I did not
7 dispute the 104 because that was in your name.

8 Q. So you never asked Mr. Dudley was this his
9 104; you just knew that Ms. Chappelow, somebody used her
10 name, so you -- I mean, you didn't say, well, let me make
11 sure that that Mr. Dudley's bill's all right, there's been
12 funny stuff going on at that property?

13 MR. COOPER: Objection, argumentative.

14 MR. DUDLEY: I'm just asking an opinion.

15 JUDGE RUTH: You'll want to restate your
16 question to be less argumentative, and then you may
17 continue.

18 BY MR. DUDLEY:

19 Q. Okay. My question is, that knowing that
20 Ms. Chappelow had filed a complaint about someone using
21 her ID at this property for \$2,099, now, Mr. Dudley got a
22 bill of 104, and my question is, did you call to verify
23 that this \$104 was Mr. Dudley's, considering what went on?

24 A. No, sir, because you made application for
25 service at 4024 Prospect in your name yourself.

1 Q. But a Sara Chappelow made a request for
2 service in her name, and her deal was transferred to
3 Mr. Dudley's account, correct?

4 A. It was transferred, yes, sir.

5 Q. Now, just you said you removed -- did you
6 personally remove the \$2,099 yourself?

7 A. What we do is what we call put it in
8 dispute. The 2,099.96 was put in dispute, and on our
9 records it shows a DB in our data showing that that bill
10 is not collectable at that time until the dispute is
11 released.

12 Q. Did you send Mr. Dudley any notice, copy,
13 to let him know that this bill was in dispute or that it
14 was removed off of his account? Did you send Mr. Dudley a
15 copy of anything?

16 A. The bill was never removed off of the
17 account. It's in dispute. All it says is that I cannot
18 collect upon it at that time. Your bill will still go out
19 accordingly with all the dollars on it, sir, but when it
20 comes time for collections, I am not able to collect on
21 that 2,099.96.

22 Q. I don't know if you have this or not.
23 We're still at Exhibit 5.

24 A. Yes.

25 Q. Schedule 5.

1 A. Show me what you're looking at, please,
2 sir.

3 Q. It has 12 on the top, Schedule 5, the
4 Utility Recovery Service, division of MGE.

5 A. You're going to have to show me. I'm
6 sorry. Me and the numbers are not getting it together.
7 I've got it.

8 Q. So you said that you put this in dispute --
9 when did you put that account in dispute?

10 A. Once I received the notification from the
11 Missouri Public Service Commission with the informal
12 complaint.

13 Q. So that would be around July the 30th?

14 A. Yes, sir.

15 Q. Did you notify the division of MGE Utility
16 Recovery Service?

17 A. No. No. I'm sorry.

18 Q. Let's do Schedule 6.

19 A. Okay.

20 Q. 8/15/2003. Did you notify the Credit
21 World, Missouri Gas Energy creditor, about this demand
22 payment, did you notify them about don't try to collect on
23 that \$2,099 because it's in dispute and stop collections
24 on it?

25 A. No, I did not.

1 Q. Do you know if anybody did?

2 A. I don't know, sir. I can only answer for
3 myself.

4 Q. Okay. Exhibit 7, which was 9/05/2003,
5 close to probably eight months later, did you -- at that
6 time, did you send a notice of something to Credit World
7 Service Industry asking them to stop collection on that
8 \$2,099 because it was in dispute?

9 A. No, I did not, sir.

10 Q. So with them having no notice of it, I
11 think this is why they kept sending -- okay. Exhibit 8.
12 This is dated is 11/11/2002, Missouri Gas Energy creditor,
13 Credit World Industry, notice of credit bureau reporting.
14 Did you send something at this time to the Credit World
15 telling them don't try collections?

16 A. No.

17 Q. And Exhibit 9, Schedule 9.

18 A. Wait a minute.

19 Q. It's the billing statement, MGE billing
20 statement. Do you have it?

21 A. Yes, of November 6, 2002?

22 Q. Right.

23 A. Yes.

24 Q. And November the 6th, we see that \$480 was
25 credited to this account, correct?

1 A. That's correct, sir.

2 Q. Did someone maybe make, like, a note saying
3 that we shouldn't send out this \$2,797 bill because it's
4 not owed to him?

5 A. No. The bill went out as stated. As I
6 said, the dispute is put on the account. That doesn't
7 stop the billing from showing the exact amount that's
8 actually out there. We just don't collect on it.

9 Q. So how was Mr. Dudley supposed to know that
10 this bill has been removed if there's no record to show
11 that a bill is being removed?

12 MR. COOPER: I object. I think Ms. Bolden
13 has stated more than once that by putting it into dispute
14 the bill is not removed, and thus I would object to the
15 question as assuming facts not in evidence.

16 MR. DUDLEY: And my response is that, how
17 was Mr. Dudley supposed to know that MGE set aside this
18 bill at the collections, collections and collections, and
19 not believe this is what MGE seeks?

20 JUDGE RUTH: I'm going to overrule the
21 objection, allow the witness to answer the question, but I
22 must say that a lot of your questioning seems to be
23 repetitive and I'm not sure where it's headed. And so
24 I'll ask you to try to tie it all together and move
25 forward.

1 but the witness can answer this question.

2 BY MR. DUDLEY:

3 Q. And my question was, if MGE never sent
4 Mr. Dudley a notice and Mr. Dudley received all of these
5 bills, how was Mr. Dudley supposed to know that MGE had
6 put this bill in dispute?

7 A. I cannot answer that for you, and the point
8 is that the bill still continued to go out. The bill is
9 in dispute. It is still in dispute as we speak today,
10 sir.

11 Q. And are the figures still adding up the way
12 they had or is -- or have MGE deducted anything or -- so
13 is the 2,000 still running with the same deal?

14 A. If the gas service is off now, whatever
15 that final bill, total bill, that was charged off, sir.

16 Q. I have a couple more questions. In this
17 contact account analysis, wouldn't you -- so again, you
18 really don't have any knowledge of this complaint other
19 than the -- when you became involved after the informal
20 complaint was filed?

21 A. That is correct, when the informal
22 complaint was filed, I was involved.

23 Q. Just give me a minute. Let me ask a
24 couple questions.

25 It was noted that Mr. Dudley came into the

1 office, correct, and asked MGE was that bill at
2 4024 Prospect still in his name, correct?

3 A. Our records indicate on October 24, 2000,
4 Mr. Dudley did make an appearance to our office at 39th
5 and Main and inquired if 4024 was in his name, and we
6 responded that it was not.

7 Q. Did anybody make any notation that he gave
8 them the information about whose name it should have been
9 in, or didn't they?

10 A. No. The point was noted that he inquired
11 as if it was in his name.

12 Q. Okay.

13 A. Okay.

14 Q. So he came in the office and he asked that
15 question, and no one noted that they asked Mr. Dudley,
16 well, who's name should it be in?

17 A. There was no note made of that, sir.

18 Q. Then you said. --

19 MR. DUDLEY: That's all I have.

20 JUDGE RUTH: There aren't any questions
21 from the Bench, so we'll move to the redirect, and you may
22 proceed.

23 MR. COOPER: Thank you, your Honor.

24 REDIRECT EXAMINATION BY MR. COOPER:

25 Q. Ms. Bolden, could you turn to page 6 of

1 your testimony? Do you have that in front of you?

2 A. Yes, I do.

3 Q. In response to questions from Mr. Berlin, I
4 believe you started discussing a discontinuation of
5 service at 4231 Tracy from July of 2001, correct?

6 A. That's correct.

7 Q. And that's reflected there on page 6,
8 lines 16 through 17, correct?

9 A. Correct.

10 Q. And that is a separate discontinuation, a
11 full approximately a year before the 2002 disconnection
12 that's primarily the subject of this case, correct?

13 A. That is correct.

14 Q. And so July of 2002 was not the first time
15 that 4231 Tracy had been disconnected, correct?

16 A. That is correct, sir.

17 Q. Now, just as a matter of clarification, if
18 you'd turn over to page 7, there were some questions you
19 received from Mr. Berlin about the transfer of these
20 4024 Prospect amounts. Do you remember that?

21 A. Yes.

22 Q. Okay. In looking at your testimony, I
23 guess, line 7 through 10 -- well, let's back up to line 6,
24 line 6 through 10. Can you take us through when service
25 at 4024 Prospect that had been in the name of Sara

1 Chappelow discontinued and then the two transfer steps
2 from there to when it showed up on the 4231 Tracy bill for
3 Mr. Dudley?

4 A. Yes. Service was discontinued on 4/17/2002
5 at 4024 Prospect. On 4/24/2002, the balance of 2,099.96
6 was transferred to Mr. Dudley.

7 Q. Is that Mr. Dudley's account at
8 4024 Prospect?

9 A. That is correct.

10 Q. Okay. And then what was the next step?

11 A. Then on June 25, 2002, the account balance
12 of 2,204.59 from 4024 Prospect was transferred to
13 Mr. Dudley's account at 4231 Tracy.

14 Q. Now, Mr. Dudley asked you some questions
15 about what investigation was done in regard to the lease
16 that Sara Chappelow provided to MGE, and he mentioned
17 electric and water service to that address out in
18 Independence. Does MGE provide electric or water service
19 in Independence, Missouri?

20 A. In some parts of it, sir. I'm sorry. Gas
21 only. Sorry.

22 Q. But not electric or water?

23 A. No, sir.

24 Q. That would be news to the Commission if
25 they did.

1 A. It would be news to us, too. Sorry.

2 Q. Now, you talked about the fact that the
3 2,996 had been identified as in dispute on the MGE system,
4 correct?

5 A. That is correct.

6 Q. And Mr. Dudley had asked you how would he
7 know that that had been done, correct?

8 A. That's correct.

9 Q. Okay. If an amount has been identified as
10 in dispute on the MGE system, would a discontinuance be
11 pursued on that amount?

12 A. Not on that amount, sir.

13 Q. So the person would know that, that it was
14 in dispute presumably by because they would not get any
15 disconnection notice based upon that amount, correct?

16 A. That amount would be subtracted away from
17 whatever was owing.

18 MR. COOPER: That's all the questions I
19 have.

20 JUDGE RUTH: Ms. Bolden, you may step down.
21 It's my understanding that's all of the witnesses. I
22 haven't missed anyone, have I?

23 (No response.)

24 JUDGE RUTH: No? Then let me comment that
25 for the exhibits we have Exhibits 1 through 7. They've

1 all been offered and received into the record.

2 On one of the breaks, Mr. Dudley, did you
3 verify with Staff and MGE that they have copies of your
4 exhibits?

5 MR. DUDLEY: Yes, I did.

6 MR. COOPER: The company does have copies.

7 JUDGE RUTH: And Staff does also? Staff is
8 nodding its head, his head.

9 MR. BERLIN: Yes, your Honor.

10 JUDGE RUTH: Like I said, Exhibits 1
11 through 7 have been received into the record. There were
12 not any late-filed exhibits. The transcript for this case
13 is due July 2nd, which is 10 business days and is a
14 Friday.

15 I think one round of Briefs would be
16 helpful. I propose an expedited briefing schedule,
17 however. The rule provides for 20 days after the brief or
18 after the transcript is filed, unless otherwise ordered.
19 July 16th would be two weeks after the Briefs are filed,
20 and so I'm going to make that the date July 16th.

21 If the parties get together and jointly
22 propose an earlier or later date, you may do so, and some
23 type of joint pleading, but unless I receive such a
24 pleading, the date is going to be July 16th. Of course,
25 if I receive such a pleading, I'll rule on it at that

1 time.

2 Are there any questions?

3 MR. COOPER: No, your Honor.

4 MR. BERLIN: No, your Honor.

5 JUDGE RUTH: Are there any other matters
6 that need to be addressed that I did not address?

7 (No response.)

8 JUDGE RUTH: Nothing you want to bring up
9 at this time?

10 (No response.)

11 Okay. Then that will conclude today's
12 hearing. We are now off the record.

13 WHEREUPON, the hearing was
14 adjourned.

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EXHIBIT NO. 1

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Corrected Direct Testimony of
James Russo

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2/7/03 Statement

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EXHIBIT NO. 7

7/18/02 Letter to Sheila Lumpe from
James Dudley, with attachments

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