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July 22, 2003

FILED
JUL 22 2003
Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

RE: Case No. GC-2003-0579

Dear Mr. Roberts:

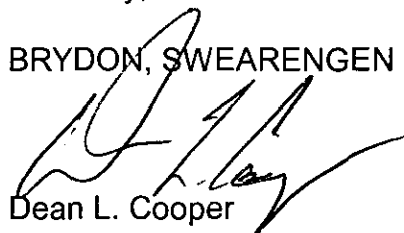
Enclosed for filing please find an original and eight (8) copies of Missouri Gas Energy's Answer to Complaint in the above-referenced case. Please file stamp the receipt copy and return it to me for my records.

If you have any questions, then please do not hesitate to contact me. Thank you very much for your cooperation.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/tli

Enclosures

cc: General Counsel's Office
Office of the Public Counsel
Mr. Michael E. McKinzy

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

JUL 22 2003

Missouri Public
Service Commission

Michael E. McKinzy, Sr.,)
)
Complainant,)
)
v.)
)
Missouri Gas Energy,)
)
Respondent.)

Case No. GC-2003-0579

MGE'S ANSWER TO COMPLAINT

COMES NOW Missouri Gas Energy, a division of Southern Union Company ("MGE"), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission ("Commission") as its answer and affirmative defenses to the Complaint filed by Michael E. McKinzy, Sr. ("Complainant"):

1. MGE admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.
2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Michael Noack
Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111
(816) 360-5560
(816) 360-5536 facsimile
Mnoack@mgemail.com

3. Mr. McKinzy states that he attempted to transfer service in April 2003, from his previous residence at 8609 E 87th St. in Raytown, Missouri to 8004 Overton Dr. also in Raytown,

Missouri.

4. Mr. McKinzy had just been married in February 2003. When he applied for new service MGE personnel checked on the past due status for both Mr. McKinzy and his wife Tamara Nance. The credit check uncovered a past due bill from a previous residence of Ms. Nance. Mr. McKinzy was informed that service could not be transferred without first resolving the past due amount of his wife in the amount of \$449.96.

5. The following is a description of MGE's understanding of the chronology of events surrounding Mr. McKinzy's Complaint:

- a) 2/16/03 -- Michael McKinzy is married to Tamara Nance;
- b) 3/2/03 -- Michael McKinzy and Tamara Nance enter into lease at 8004 Overton Drive. The gas service at this time is in the name of the property owner/landlord, Mr. & Mrs. Gerald Lee;
- c) 4/9/03 -- Michael McKinzy requests gas service with MGE at 8004 Overton Drive, Raytown, MO, Account #4590517547. Mr. McKinzy was advised that MGE would need the social security number of his wife Tamara;
- d) 6/18/03 -- The gas service is shut off at 8004 Overton Drive, Raytown, MO as per the property owners'/landlords' request. The gas service was being provided under the homeowner's name Gerald Lee. Mr. Lee contacted MGE and requested the gas to be disconnected. Mr. Lee said the tenants (Michael and Tamara McKinzy) did not connect the gas in their name after they moved in effective 3/15/02;
- e) 6/18/03 -- Michael McKinzy requested gas service with MGE be left on at 8004 Overton Drive. Mr. McKinzy provided the social security number of wife Tamara.

MGE's investigation revealed that between 12/17/98-3/30/99, Tamara Latrece Nance (now McKinzy) had gas service at 3928 Highland Avenue, Kansas City, Missouri (Account #5704570968). A debt of \$449.96 remained due on that account;

- f) 6/18/03 -- MGE personnel informed Mr. McKinzy that ½ of the debt owed under Tamara's name (\$224.98) must be paid before the gas service would be turned on at 8004 Overton Drive;
- g) 6/18/03 -- Mr. McKinzy disputed the billing stating that he was not married to Tamara at the time the gas was used and has never lived at 3928 Highland Avenue.

6. Section 3.02 on Sheets Nos. R-19 and R-20 of MGE's General Terms and Conditions specifically states that service does not have to be provided if at the time of the application, the applicant *or any member of the applicant's family* is indebted to MGE:

3.02 PRIOR INDEBTEDNESS OF CUSTOMER: Company shall not be required to commence supplying gas service if at the time of application, the applicant, or any member of applicant's household (who has received benefit from previous gas service), is indebted to Company for such gas service previously supplied at the same premises or any former premises until payment of such indebtedness shall have been made. This provision cannot be avoided by substituting an application for service at the same or at a new location signed by some other member of the former customer's household or by any other person acting for or on behalf of such customer.

7. MGE believes that it has acted in accordance with the language of its tariffs and that payment of past due charges owed by residents of 8004 Overton Drive may be required before gas

service is provided to 8004 Overton Drive. (See Section 3.12 on Sheets Nos. R-30 and R-31 of MGE's General Terms and Conditions for Gas Service (The Company may require that 100% of the outstanding balance be paid before service is reconnected. MGE has offered the customer less burdensome initial payment requirements in order to have service reconnected.))).

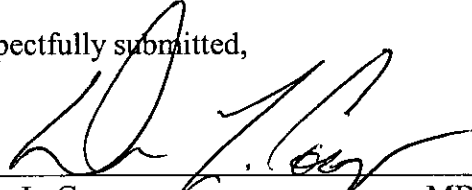
8. Except as expressly admitted in this answer, MGE denies each and every other allegation contained in Complainants' Complaint.

9. Further answering, MGE states that it has acted in accordance with its tariffs.

10. Further answering and for its first affirmative defense, Respondent states that the Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent Missouri Gas Energy prays the Commission dismiss the Complaint and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



Dean L. Cooper MBE#36592
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ATTORNEYS FOR MISSOURI GAS ENERGY

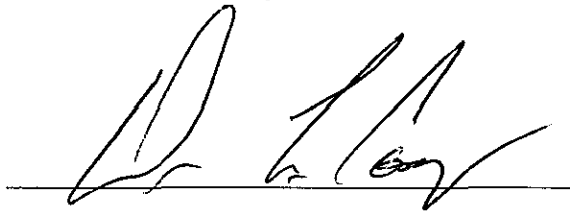
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by U.S. Mail, postage prepaid, on July ~~22~~ 2003, to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101

Michael E. McKinzy, Sr.
8004 Overton Drive
Raytown, Missouri 64138

A handwritten signature in black ink, appearing to read "M. McKinzy", is written over a horizontal line.