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April 30, 2004

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED²

APR 30 2004

Missouri Public
Service Commission

RE: *James Dudley v. Missouri Gas Energy*
Case No. GC-2004-0216

Mr. Roberts:

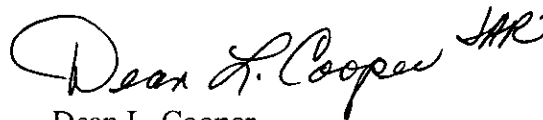
Enclosed for filing in the above-referenced matter are the original and eight (8) copies of MGE's Response to Subpoena.

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

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Dean L. Cooper

DLC/jar
Enclosures

cc: Office of the General Counsel
Office of the Public Counsel
James Dudley

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
APR 30 2004

Missouri Public
Service Commission

James Dudley,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2004-0216
)	
Missouri Gas Energy,)	
)	
Respondent.)	

MGE'S RESPONSE TO SUBPOENA

COMES NOW Missouri Gas Energy, a division of Southern Union Company ("MGE"), and, in response to the document entitled "Subpoena" filed by Complainant, states as follows to the Missouri Public Service Commission:

1. On April 22, 2004, Complainant filed a pleading with the Commission entitled "Subpoena." In this pleading, Complainant requests "that the Commission subpoena Mrs. Bussey from (MGE) for the purpose to testify at the hearing on this day June 18, 2004".

2. MGE assumes "Mrs. Buessy" is Ms. Wanda Bussey, a Senior Customer Service Representative for MGE. Ms. Bussey previously provided an affidavit concerning Mr. Dudley's accounts in a civil case initiated by Mr. Dudley in Jackson County Circuit Court. A complete copy of Ms. Bussey's affidavit is attached hereto as Appendix A. A partial copy of this affidavit was attached to Mr. Dudley's "Answer to MGE's Answer" filed in this case. However, Mr. Dudley neglected to include page 2 of the affidavit which outlined the various amounts owed by Mr. Dudley.

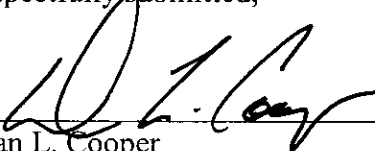
3. MGE will provide at the time of hearing a witness that will testify to the facts contained in Ms. Bussey's affidavit and that will stand cross-examination on these issues. Ms.

Bussey does not have any information concerning this situation beyond that which was included in her affidavit. That information was obtained from a review of the Company's business records.

4. Any information that Ms. Bussey could provide at a hearing of this matter would be redundant and immaterial. Therefore, MGE asks that the Commission decline to issue the requested subpoena.

WHEREFORE, Respondent, Missouri Gas Energy, for the reasons set forth above requests that the Commission decline to issue the subpoena requested by Complainant.

Respectfully submitted,



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

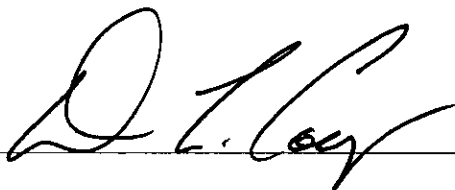
CERTIFICATE OF SERVICE

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 April ~~30~~ 2004, 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

James Dudley
4247 Agnes
Kansas City, MO 64130



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION

JAMES DUDLEY,

Plaintiff,

vs.

SOUTHERN UNION COMPANY,
MISSOURI GAS ENERGY, Division

Defendant.

Case No. 02 CV 222965
Division 25

AFFIDAVIT OF WANDA BUSSEY

STATE OF MISSOURI)
)ss.
COUNTY OF JACKSON)

I, Wanda Bussey, after being duly sworn upon my oath, do state as follows:

1. I am Senior Customer Service Representative for Southern Union Company, Missouri Gas Energy, a division ("MGE"), and am authorized to make this affidavit in that capacity. The following facts are based upon my personal knowledge and a review of the business records of MGE kept in the normal and ordinary course of business.

2. Mr. James Dudley appears to reside at 4231 Tracy Ave., Kansas City, Missouri 64110.

3. Mr. Dudley owns property located at 4231 Tracy, 4024 Prospect, 3514 Bales, and 3312 Moulton, all in Kansas City, Missouri.

4. On or about April 26, 2002, a delinquency in the amount of \$2,212.59 existed for gas service at the 4024 Prospect property from September, 2000 through April, 2002.

5. Mr. Dudley told MGE that he did not know the name of the tenant residing at 4024

Prospect during that time that the billed was owed. The service was in the name of Sara Chappelow, who allegedly resided at the 4024 Prospect property during that time. MGE requested that Mr. Dudley provide proof of Ms. Chappelow's occupancy, but he has not provided any proof to MGE that anyone other than himself or his family was living there.

6. Ms. Chappelow has provided documents to MGE, including a signed lease agreement, showing that from May, 2000 through May, 2002, Ms. Chappelow was residing in Independence, Missouri, and not at 4024 Prospect.

7. Plaintiff is delinquent in his payments to MGE for gas service at 4231 Tracy in the amount of \$305.54.

8. Plaintiff is delinquent in his payments to MGE for gas service at 3514 Bales in the amount of \$250.20.

9. Plaintiff is delinquent in his payments to MGE for gas service at 3312 Moulton in the amount of \$324.15.

10. Plaintiff does not dispute the amounts owed for the properties at 4231 Tracy, 3514 Bales and 3312 Moulton.

11. MGE's operations are governed by a tariff on file with the Missouri Public Service Commission. Certain portions of this tariff are attached hereto as Exhibit 1 and incorporated herein by reference.

12. Section 3.02 of the tariff states that MGE shall not be required to supply gas service to a customer if said customer is indebted to the gas company for service at that or another address.

13. Section 3.07(a) of the tariff states that MGE has the right to discontinue gas service

when a customer fails to pay a delinquent charge.

14. Section 3.07(B) of the tariff states that "[i]n the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these General Terms and Conditions for Gas Service, Company may transfer any unpaid balance to any other residential service account of customer and may discontinue service twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule.

Id.

15. MGE terminated service to the 4024 Prospect property on April 17, 2002.

16. The balance from the 4024 Prospect property was transferred to the 4231 Tracy account on June 25, 2002.

17. MGE notified Mr. Dudley of the balance transfer and requested that Mr. Dudley pay the indebtedness. Mr. Dudley failed to do so.

18. Gas service to the 4231 Tracy property was terminated on July 30, 2002.

19. Mr. Dudley did not file a written complaint with the Missouri Public Service Commission.

20. Mr. Dudley did not request a rehearing from the Public Service Commission.

FURTHER AFFIANT SAYETH NAUGHT.

Shanda Bussey

Subscribed and sworn to before me this 31st day of October, 2002.

Kimberly D. Lambert
KIMBERLY D. LAMBERT
Notary Public - State of Missouri
County of Platte
My Commission Expires May 28, 2003
Notary Public

My Commission Expires:

May 25, 2003