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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
December 17, 2003
Jefferson City, Missouri
Volume 1

Yolanda J. Blaylock,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2004-0171
)	
Missouri Gas Energy,)	
)	
Respondent.)	

KENNARD L. JONES, Presiding,
REGULATORY LAW JUDGE.

REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE JONES: This is the prehearing
3 conference for Case No. GC-2004-0171, Yolanda J. Blaylock,
4 Complainant vs. Missouri Gas Energy, Respondent. My name is
5 Kennard Jones. I'm the presiding judge in this matter.

6 At this time I will ask that those attorneys
7 present will introduce themselves, starting with the Public
8 Service Commission Staff.

9 MS. SHEMWELL: Thank you, Judge. Lera
10 Shemwell representing the Staff of the Missouri Public
11 Service Commission, Post Office Box 360, Jefferson City,
12 Missouri 65102.

13 MR. MCCARTNEY: Good morning. Brian T.
14 McCartney, Brydon, Swearngen & England, P.C., 312 East
15 Capitol Avenue, Jefferson City, Missouri 65101, appearing on
16 behalf of Missouri Gas Energy, a Division of Southern Union
17 Company.

18 JUDGE JONES: This is a complaint case where
19 Ms. Blaylock has been charged an arrearage amount by
20 Missouri Gas Energy. Apparently she has received benefit of
21 gas service over a number of years. Missouri Gas Energy is
22 holding her responsible for that.

23 Although Ms. Blaylock is not present today,
24 there are questions that I have for Missouri Gas Energy.
25 Mr. McCartney, I'm looking at my history of the different

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1 accounts that have accrued arrearages in this matter, and it
2 appears that only on, well, one account from a previous
3 address is in Complainant's name and at her current address
4 the account is in -- was in someone else's name.

5 I'm wondering if the company has made any
6 attempts to collect those arrearages from what appears to be
7 four other people?

8 MR. MCCARTNEY: Your Honor, I'm sorry. I'm
9 afraid that I'm not familiar enough with this case to know
10 the status of those other people. I can certainly get you
11 that answer if you'd like me to.

12 JUDGE JONES: Okay. I suppose I can -- I
13 don't know that it's legally relevant is the only reason I
14 don't want you to go through any trouble to get the answer,
15 because -- and, Ms. Shemwell, you can correct me on this.
16 Regardless of their efforts to collect from these other
17 persons involved in these arrearages, the company can still
18 collect from Complainant; is that correct?

19 MS. SHEMWELL: Judge, it's Staff's position
20 that if Ms. Blaylock benefited from the service because she
21 lived at those locations, that she is responsible for the
22 bills, and MGE can try to collect from the other people and
23 they will, but that Ms. Blaylock lived in the homes, and
24 they have verified that according to Staff's investigation,
25 MGE verified that Ms. Blaylock lived in these homes and

1 benefited from the service, so that Staff believes that she
2 can be held responsible.

3 Had she not lived in those residences, then we
4 would object to her being held responsible.

5 JUDGE JONES: Does the company have to attempt
6 to collect from those other persons?

7 MS. SHEMWELL: I think that what we can say is
8 that they can hold Ms. Blaylock responsible before they
9 connect her service since she benefited from the service
10 before she receives service at her new address or is
11 reconnected, that they can attempt to collect from her.

12 If they collect from the other parties, then
13 they could not hold her responsible, if they were able to
14 collect from these other persons. It's my understanding
15 from Ms. Blaylock that the company has contacted at least
16 one of the other parties, but that he apparently is
17 disabled.

18 JUDGE JONES: Is that Victor Abernathy or
19 Alfred Abernathy, someone's in the veterans hospital?

20 MS. SHEMWELL: That's correct, Victor.

21 JUDGE JONES: Victor. Okay. I have another
22 concern. I see that the company is charging a tampering
23 fee. My brief look at the tariff shows that the company can
24 disconnect a service for tampering, but there's no
25 indication that they can charge a fee for that tampering.

1 MS. SHEMWELL: That's right, they can
2 disconnect for tampering. I'll have Staff look through the
3 tariff, but certainly Staff believes that people should be
4 discouraged from tampering with their gas or electric
5 service because it's dangerous.

6 There's fraudulent use of service, that
7 section of the tariff as well, Judge. To collect a
8 reconnection fee under 4.10, which is the fraudulent use of
9 service. That's on their Tariff Sheet R37.

10 JUDGE JONES: Is there a difference between
11 fraudulent usage and unauthorized usage?

12 MS. SHEMWELL: I don't know. In this case, I
13 think it applied to a reconnection of service which would
14 have been unauthorized, but they define fraudulent use of
15 service, their tariff specifically says in the case of
16 unauthorized or fraudulent use of gas. So that the company
17 in its tariff actually puts them together.

18 So I don't know that there is a difference
19 between fraudulent and unauthorized. It's just under the
20 section titled fraudulent, but it also includes in that
21 first sentence in the case of unauthorized or fraudulent use
22 they can charge that.

23 JUDGE JONES: It sounds like in that section
24 of the tariff fraudulent and unauthorized are used as
25 synonyms.

1 MS. SHEMWELL: I would agree.

2 JUDGE JONES: So it's unclear whether the
3 company can charge simply for tampering.

4 MS. SHEMWELL: Judge, I don't know if they
5 charge just a reconnection charge or a specific tampering
6 charge.

7 MR. RUSSO: They charge for unauthorized use
8 and they charge for -- under 408, Section 408.

9 MS. SHEMWELL: You have not been sworn.

10 MR. RUSSO: I apologize.

11 MS. SHEMWELL: This is James Russo of the
12 Staff, and if he needs to come to the stand, we can swear
13 him in.

14 JUDGE JONES: Well, we don't want to take
15 testimony. There's no opportunity for cross-examination.

16 MS. SHEMWELL: Just give me a minute.

17 408 is just discontinuance. MGE charged
18 \$225.28 for unauthorized use and \$138.75 for tampering at
19 the 715 North River Boulevard location. So they have --
20 they would certainly be authorized to charge a reconnection
21 fee after disconnecting.

22 JUDGE JONES: The tampering and unauthorized
23 usage is a result of her current disconnection. So she
24 hasn't been charged a reconnection fee from my
25 understanding. She's without service now, as a matter of

1 fact; is that right?

2 MS. SHEMWELL: That's my understanding is that
3 she is without service currently, although we have made
4 attempts to resolve that situation. MGE had offered to turn
5 her back on for something around \$600 if she would agree to
6 begin making payments, but Staff has been unable to contact
7 her at the phone number that we have despite repeated
8 attempts.

9 I sent her a letter asking her to contact me
10 and giving her the names and addresses of social service
11 agencies that might assist her in getting the money together
12 to get her service turned back on this winter, and
13 unfortunately we have not heard from her. And she also has
14 our 800 number. So she knows how to contact us. And we'll
15 assist her in any way we can getting her gas back on.

16 We did feel that their request for \$600 was
17 reasonable considering the amount of arrearages owed and
18 that Staff agrees with the number that MGE came up with,
19 something over \$2,000.

20 JUDGE JONES: Mr. McCartney, it looks like
21 you have something.

22 MR. McCARTNEY: I was just going to say, I've
23 been looking at Staff's -- Staff's letter about the \$138
24 charge for tampering, and it appears that there were two
25 calls where a company representative had to come out. At

1 one point the representative came out, shut the meter off
2 and installed a lock on the meter, and then later the
3 company representative returned, discovered that the lock
4 was broken off of the meter and that the gas was on, and so
5 at that time the company representative sealed the gas line
6 to prevent the further gas use.

7 And I suspect, and I can check this if you'd
8 like, but I suspect the \$138.75 charge was for the company
9 representative's time in going out to make those two service
10 calls, first to install the padlock and then second, on his
11 second trip, upon discovering that the padlock had been
12 broken, having to actually seal the gas line.

13 JUDGE JONES: So the 138.75 which is labeled
14 tampering then is for the service person's time and a broken
15 lock?

16 MR. MCCARTNEY: Your Honor, I'm just --

17 JUDGE JONES: Is that what you --

18 MR. MCCARTNEY: I can check and find that out.
19 I was just prepared for a prehearing conference to discuss
20 settlement and procedural schedule. I wasn't aware that we
21 were going to get into the facts of this.

22 JUDGE JONES: I understand.

23 MS. SHEMWELL: Staff has information to
24 indicate that it was the company's cost associated with
25 that, labor costs, vehicle costs, those sorts of things,

1 obtaining and making a police report. So that the 138 is
2 associated with the company's specific costs related to
3 going out and turning off the meter and again checking it a
4 second time.

5 JUDGE JONES: Okay. Well, in light of the
6 fact that Ms. Blaylock is absent today, there's not much
7 more we can do with this hearing. I will issue an Order to
8 Ms. Blaylock advising her that her absence could result in a
9 dismissal of her complaint.

10 As far as whether or not she has service right
11 now, there's no way for us to know. As Ms. Shemwell
12 indicated, Ms. Blaylock has not returned phone calls and has
13 not responded to a letter. Ms. Shemwell, how long ago did
14 you send that letter?

15 MS. SHEMWELL: November 7th.

16 JUDGE JONES: Ms. Blaylock has had plenty of
17 time to respond and has not. And the number, Ms. Shemwell,
18 that you tried to reach her at, was it at one time in
19 operation?

20 MS. SHEMWELL: It was. I had reached her
21 there on two occasions, and then November 19th was the last
22 time that I used that phone number, and then after that I
23 received a recording that the number had been disconnected.

24 JUDGE JONES: Sounds like she found heat
25 somewhere else. That's what it sounds like.

1 MS. SHEMWELL: She indicated to me that she
2 had electricity.

3 JUDGE JONES: Electric for heat?

4 MS. SHEMWELL: No, that she had her electric
5 service.

6 JUDGE JONES: As I said, I'll issue an Order
7 to Ms. Blaylock reflecting her absence at the prehearing
8 conference, and we will see what her response is.

9 I will say, Mr. McCartney, however, that
10 because she is unrepresented, for whatever reason she says,
11 please forgive me, I'll cooperate, then we'll probably keep
12 going with this. Be aware.

13 MR. McCARTNEY: Your Honor, should I wait
14 until we hear from the Complainant one way or another to try
15 and get answers to those two questions you asked me?

16 JUDGE JONES: That would probably be a good
17 idea. I wouldn't expend efforts that cost the company money
18 to get answers that we may not need.

19 With that, then, we will conclude the
20 prehearing conference, and I thank you-all for attending.

21 WHEREUPON, the on-the-record portion of the
22 prehearing conference was concluded.

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