

REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR  
Midwest Litigation Services  
3432 W. Truman Boulevard, Suite 207  
Jefferson City, MO 65109  
(573) 636-7551

1                                   A P P E A R A N C E S

2   For Staff of the Missouri Public Service Commission:

3                           Ms. Jennifer Hernandez  
4                                   and Ms. Lera Shemwell  
5                           Public Service Commission  
6                           200 Madison Street  
7                           P.O. Box 360  
8                           Jefferson City, MO 65102  
9                           (573) 751-7431

10                           For Office of Public Counsel and Counsel:

11                                   Mr. Marc Poston  
12                                   Office of Public Counsel  
13                                   200 Madison Street  
14                                   P.O. Box 2230  
15                                   Jefferson City, MO 65102  
16                                   (573) 751-5558

17                           For Laclede Gas Company:

18                                   Mr. Rick Zucker  
19                                   Attorney at Law  
20                                   720 Olive Street, Suite 1524  
21                                   St. Louis, MO 63101  
22                                   (314) 342-0533

23                           For Dr. Hortense Lucinda Harrison:

24                                   Pro Se

25

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

2 JUDGE LANE: Well, good morning, ladies and  
3 gentlemen. We're here today in Case No. GC-2008-0041.  
4 And that's titled Dr. Hortense Lucinda Harrison versus  
5 Laclede Gas Company. And we're here for an evidentiary  
6 hearing that was scheduled by the Commission sometime ago.

7 Before we go any further, I'd like to go ahead  
8 and take formal entries of appearance. I know some of you  
9 have already submitted the forms, which will, of course,  
10 be entered into the record. But I'd like to take your  
11 oral entries as well before we go any further.

12 And maybe even before we do that, I want to  
13 introduce and welcome Commissioner Gunn to -- to the  
14 Commission. He is here today in person, and we're really  
15 glad to have him on board.

16 COMMISSIONER GUNN: Thank you very much.

17 JUDGE LANE: So Dr. Harrison, you're going to be  
18 proceeding pro se?

19 DR. HARRISON: Yes, sir.

20 JUDGE LANE: All right. Who is here for Staff?

21 MS. HERNANDEZ: Good morning, Judge,  
22 Commissioner. On behalf of Staff, Jennifer Hernandez and  
23 Lera Shemwell, P.O. Box 360, Jefferson City, Missouri,  
24 65102.

25 JUDGE LANE: Thank you very much. For Laclede?

1           MR. ZUCKER: Rick Zucker, Z-u-c-k-e-r, appearing  
2   on behalf of Laclede Gas Company, 720 Olive Street, St.  
3   Louis, Missouri, 63101.

4           JUDGE LANE: Thank you very much, Mr. Zucker.  
5   For the Office of Public Counsel?

6           MR. POSTON: Thank you. Marc Poston appearing  
7   for the Office of Public Counsel, P.O. Box 2230, Jefferson  
8   City, Missouri, 65102.

9           JUDGE LANE: Mr. Poston, thank you. Before we  
10  take up anything -- any substantive issues, it's my  
11  understanding based on some -- some discussions we had  
12  about some procedural issues before we went on the record  
13  that there's a few preliminary matters that we may need to  
14  take care of.

15          Dr. Harrison, it's my understanding, and could  
16  you confirm that, that you intended to call a number of  
17  witnesses today, but due to some confusion or lack of  
18  communication, you were not aware that they needed to be  
19  either present here in Jefferson City or at our offices in  
20  St. Louis for the hearing today. Is that -- is that  
21  understanding correct?

22          DR. HARRISON: That is correct.

23          JUDGE LANE: All right. And are -- is there any  
24  other party that has witnesses who are not available --  
25  who are unavailable or not present today due to that --



1 hearing. If this hearing per -- proceeds -- necessitates  
2 them being present, then I will pull them together and  
3 bring them to the table. However, at this point in time,  
4 they have given me statements, and the statements can  
5 stand on their own, unless you deem that you need to have  
6 that in some formal matter.

7 JUDGE LANE: Okay. This question is directed at  
8 the other parties. Of course, you would have the right to  
9 cross-examine. And the difficulty with written witness  
10 statements is they don't have an opportunity to  
11 cross-examine those who prepared that information, which  
12 -- which could present a problem.

13 I mean, do any of the opposing parties or Staff or  
14 OPC have a problem with accepting those witness statements  
15 without the right to cross-examine the witnesses whose --  
16 whose testimony or who -- whose information that they were  
17 based on?

18 MR. ZUCKER: Speaking for Laclede, we are fine  
19 with accepting the witness statements that were provided  
20 last week by Dr. Harrison. Those statements cover several  
21 of the witnesses, but there is two of them that -- that  
22 aren't covered by the statements. And, obviously, we  
23 wouldn't have any testimony by those two.

24 We're willing to take that testimony and -- and  
25 -- and put it in the record as if those witnesses came

1 here and said the words in those statements.

2 I don't think it's feasible for us to say, Well,  
3 let's have a hearing, and then if we decide later that  
4 we're going to add more witnesses to have that option to  
5 do it. Then today is the hearing. If we're going to have  
6 it today, let's have it. And -- and that would be it.

7 But having said that, again, we're -- we're fine  
8 with -- with accepting those statements into the record.

9 JUDGE LANE: Staff? OPC?

10 MR. POSTON: I'm okay. Yes.

11 MS. HERNANDEZ: I would agree with those  
12 statements by Laclede at -- just entering the list into  
13 evidence as -- as their testimony. And, also, just in  
14 terms of having the hearing today that this would be the  
15 only hearing for evidence and not foreseeing another  
16 hearing to add more witnesses' testimony.

17 JUDGE LANE: All right.

18 MR. POSTON: I did have one question. Are these  
19 -- I haven't seen these statements. I don't know if  
20 they've been -- have they been filed?

21 JUDGE LANE: They have been.

22 MR. POSTON: Okay. Okay.

23 JUDGE LANE: I have copies -- copies of the  
24 exhibits.

25 JUDGE VOSS: But not the statements.

1 JUDGE LANE: But not the statements. Yeah. I  
2 don't have copies of the statements yet.

3 MR. ZUCKER: I might have them.

4 MR. POSTON: So you were going to enter these  
5 today. Oh, okay. These had been entered today.

6 JUDGE LANE: Yeah. We also have an issue, of  
7 course, that there's Exhibit D that was filed by  
8 Dr. Harrison that, I guess, was sponsored by your  
9 neighbor. There's still two witnesses that you had  
10 planned to call for which we do not have a witness  
11 statement, and they will not be present today.

12 DR. HARRISON: Actually, three. But the one is  
13 present, and that's Mr. Zucker representing Laclede Gas,  
14 and I don't need a statement from him.

15 JUDGE LANE: One is present, and the other two  
16 are not?

17 DR. HARRISON: Yes.

18 JUDGE LANE: Okay. Are you suggesting that we  
19 proceed with the hearing, take the evidence from the  
20 witnesses that are here, take the witness statements -- or  
21 the -- the witness statements that you've prepared, you  
22 know, based on the testimony that those individuals would  
23 have provided and to proceed without the testimony of  
24 those additional two witnesses or continue the hearing and  
25 then --



1 DR. HARRISON: What are my options?

2 JUDGE LANE: Well, a couple of options. One,  
3 you could proceed without those two witnesses. Two, we  
4 could take testimony from all the witnesses that you do  
5 have and the -- and the documented witness statements.  
6 Staff could present its evidence. OPC could present its  
7 evidence and Laclede could present its evidence and then  
8 we could hold the record -- we could leave the record open  
9 to reconvene and get the testimony of those two additional  
10 witnesses.

11 Now, that raises questions, of course, you know,  
12 in and of itself as far as procedure and having two -- two  
13 separate hearings. But either we can proceed without them  
14 or we can do what we can get done today and take them  
15 later. Or we can adjourn this hearing until a -- a time  
16 where everybody's witnesses can all be here.

17 DR. HARRISON: I choose B.

18 JUDGE LANE: You choose B?

19 DR. HARRISON: I choose B, yes. Maybe we can  
20 resolve this today. And if we can resolve it today, fine.  
21 But if we can't resolve it today, I certainly plan to move  
22 it forward.

23 JUDGE LANE: Okay. When you say resolve this  
24 today, you mean -- what do you mean? In terms of informal  
25 discussions or --

1 DR. HARRISON: Come to some solution. Yes.

2 Come to some solutions today.

3 JUDGE LANE: Well, if we convene the hearing,  
4 you know, that can take some time. And any discussion --  
5 any settlement discussions would have to be kind of, you  
6 know, off the record and on your own time in the middle of  
7 the hearing. So --

8 MR. ZUCKER: Possibly it could be explained to  
9 Dr. Harrison that you -- you are not going to rule on this  
10 case at the end of the hearing today.

11 JUDGE LANE: Oh, yes. Yes. You should  
12 understand that -- I'm sorry. The Commission will not be  
13 issuing a final decision on this case immediately after  
14 the hearing commences or even for some time after the  
15 hearing commences.

16 Parties will be given the opportunity to file  
17 post hearing briefs after receiving the transcripts  
18 identifying the testimony regarding the various factual  
19 and legal issues before the Commission. And then the  
20 Commission would -- would have -- would vote on a report  
21 and order deciding the case. So there won't be any  
22 decision today --

23 DR. HARRISON: Okay.

24 JUDGE LANE: -- even if we were to proceed the  
25 with the hearing today okay.

1 DR. HARRISON: Okay.

2 JUDGE LANE: So knowing that, do you still want  
3 Option B, which is to go ahead without those witnesses and  
4 continue the hearing at the conclusion of all the evidence  
5 that we have and allow you to present the testimony of  
6 those witnesses?

7 Or do you want Option C, where we would postpone  
8 so that all your witnesses could be present, or Option A,  
9 proceed without those witnesses?

10 DR. HARRISON: Option B.

11 JUDGE LANE: You still want Option B?

12 DR. HARRISON: Yes, sir.

13 JUDGE LANE: Okay. Are there any objections to  
14 that procedure? That is -- and let me make perfectly  
15 clear what procedure I'm talking about.

16 We're talking about a hearing in which  
17 Dr. Harrison presents all of her evidence except that of  
18 the two witnesses for which there are no statements and  
19 they're not here -- they're not here in person.

20 There would be cross-examination of, of course,  
21 of the live witnesses. All the other parties would  
22 present their evidence. Then we would adjourn until a  
23 date to be termed -- to be determined later at which time  
24 you would present the testimony of your two remaining  
25 witnesses.

1           Are there any objections to the use of that  
2   procedure? And keep in mind the proviso that we've  
3   already discussed that there doesn't appear to be any  
4   objections to the use of those witness statements in lieu  
5   of live witnesses.

6           MR. ZUCKER: I guess I would, for the record,  
7   object to that because I -- you know, I think that the --  
8   the number of extra witnesses that Dr. Harrison has  
9   already designated don't really say anything that is  
10   relevant to the answer -- the question of how much gas  
11   should she be billed for for the winter of '06/'07.

12           And, nevertheless, I'm willing to let these  
13   statements in for -- for what they're worth. But then  
14   leaving the record open for two more witnesses to provide  
15   some testimony that I have no idea what it is, and then I  
16   may want to also supplement my testimony.

17           And -- and, you know, we -- we set the hearing  
18   for today. The witnesses are supposed to be available  
19   today. I mean, there's a lot of different ways to handle  
20   it. They could be by telephone. They could be in St.  
21   Louis on the Internet. But, you know, I'd prefer to have  
22   the hearing today and wrap it up today.

23           JUDGE LANE: All right. So it sounds like  
24   you're in favor of Option A.

25           MR. ZUCKER: Right. Right.

1 JUDGE LANE: You're in favor of Option A.

2 JUDGE LANE: Dr. Harrison, you're in favor of  
3 Option B. Anybody else have any thoughts or positions on  
4 -- on the procedural options that are facing the  
5 Commission right now? Mr. Poston, do you have a -- do you  
6 have -- do you have any objection to either A or B?

7 MR. POSTON: I have no objections to either --  
8 either procedure.

9 JUDGE LANE: Okay. Ms. Hernandez, how about  
10 you? And Ms. Shemwell?

11 MS. SHEMWELL: Judge, I don't think that we  
12 would object to leaving it open for an additional two  
13 witnesses. But that does leave open the possibility of a  
14 second hearing. And so I think if we can't proceed with  
15 Option B, perhaps the wisest choice would be to not have  
16 the hearing today.

17 MR. ZUCKER: That would be C.

18 JUDGE LANE: That would be Option C. So we've  
19 got A, B and C.

20 MS. SHEMWELL: I apologize.

21 MR. ZUCKER: Let me insert -- let me insert a  
22 question. Possibly Dr. Harrison could give us an idea of  
23 what these two witnesses would testify to, and that may be  
24 helpful.

25 DR. HARRISON: I don't think that that's

1    necessary. And I made a drive here from St. Louis based  
2    on the information that you guys gave me. Nobody told me  
3    that the witnesses needed to be in even St. Louis. I  
4    never even knew that was an option.

5                So it is not my problem that I was not notified.  
6    It's the -- the duty and the responsibility of the folks  
7    here to notify me if the -- if the witnesses were  
8    necessary today. And I would have had them there.

9                But I was not given any written notification.  
10   My communication has been with a phone call to Judge Voss  
11   asking for an extension for paperwork. And the other  
12   communication has been with Jennifer Hernandez via e-mail.  
13   That's it.

14               JUDGE LANE: Okay. Well, I'm -- I mean, I think  
15   it's obvious there's been a little breakdown in  
16   communication because even --

17               DR. HARRISON: And I'm faulting anybody for  
18   that. But I'm saying --

19               JUDGE LANE: We don't really need to point any  
20   fingers of blame at anyone.

21               DR. HARRISON: Exactly.

22               JUDGE LANE: The fact is if there had been clear  
23   lines of communication and we were all on the same page,  
24   we could have had all of your witnesses sitting over in  
25   St. Louis --

1 DR. HARRISON: Absolutely.

2 JUDGE LANE: -- live.

3 DR. HARRISON: Absolutely. And since we don't,  
4 let's proceed.

5 JUDGE LANE: Well, I tell you what, we've got a  
6 vote for A, we've got a vote for B and we've got a vote  
7 for C.

8 MS. SHEMWELL: Staff will remain neutral, Judge.  
9 And whatever you decide will be fine with Staff.

10 DR. HARRISON: Thank you.

11 JUDGE LANE: All right. Well, this is just  
12 super. Well, I'll tell you what. I'm -- my thoughts on  
13 the matter, this case has been pending for a long time.  
14 But it's -- but we're ready to move forward. I -- what I  
15 would suggest, we can make our facilities in St. Louis  
16 available to you where you don't have to make this drive  
17 again. You can do it from St. Louis, which I understand  
18 is -- that's your -- you're close to your home. Your  
19 witnesses are all from the St. Louis area, I understand;  
20 is that correct?

21 DR. HARRISON: With the exception of one who is  
22 from Virginia.

23 JUDGE LANE: Okay. Oh, my goodness. Okay.

24 MS. SHEMWELL: And they may testify by phone,  
25 Judge.

1 JUDGE LANE: Yeah. And they could testify by  
2 phone. This is a procedural matter. I'm going to go  
3 ahead and make an executive decision. We're just going to  
4 -- I think we're just going to postpone the hearing.

5 I don't want to take any evidence today, have  
6 two separate hearings. I realize this is a little bit of  
7 an inconvenience in the sense of you drove all the way  
8 here. But I think it's more important that all of your  
9 witnesses are heard, and live, if you want to present them  
10 live instead of just a cold document kind of summarizing  
11 their -- their testimony. What we can do -- yes.

12 MR. ZUCKER: Judge, may I -- if -- once -- I  
13 asked this question a few minutes ago, but I didn't get an  
14 answer. If we could find out maybe the nature of the two  
15 missing witnesses' testimony, just a summary or something  
16 short like Dr. Harrison has done with the other witnesses,  
17 that may clear up the matter and allow us to -- to -- to  
18 proceed.

19 In other words, some of these witnesses say the  
20 same thing. If these other witnesses are also just  
21 supportive of -- of testimony that's already covered by  
22 other statements, then, again, we wouldn't have a problem  
23 with it.

24 DR. HARRISON: I can reply. Grace Turnbull  
25 called and spoke to Laclede Gas on my behalf on a number



1 of occasions and learned that the meter at my house was  
2 not read by a meter reader. You no longer have meter  
3 readers in my community. So no one was physically reading  
4 my Peter.

5 Second, she found out that the meter was  
6 supposed to be read by a satellite system that was  
7 inoperable.

8 MS. SHEMWELL: May I ask, is she a neighbor  
9 or --

10 DR. HARRISON: She works for T.R. Hughes.

11 MR. ZUCKER: T.R. -- yeah. I saw that. I saw  
12 that.

13 JUDGE LANE: Okay. That -- that testimony --  
14 some of that testimony does not sound duplicative of  
15 testimony that -- that we're already aware of.

16 MR. ZUCKER: Well, does or does not?

17 JUDGE LANE: Does not to me.

18 MR. ZUCKER: It's -- I think it may be in -- in  
19 Dr. Harrison's information that she sent in. And I'm  
20 aware of -- of the -- the matter of what Dr. Harrison is  
21 speaking. And, again, given what she just said in a few  
22 short sentences, I think we could maybe write up a  
23 statement and agree to enter it into the record.

24 JUDGE LANE: Okay. That -- that's one thing  
25 that could be done. What about your other witness?

1 DR. HARRISON: The other witness is my neighbor  
2 immediately next door. And that is in there. My neighbor  
3 next door, on the very same day that I received the \$800  
4 bill, she received a bill for \$13.

5 MR. ZUCKER: Okay. And is this Ms. Cox?

6 DR. HARRISON: Rutledge. Susan Rutledge.

7 MR. ZUCKER: Oh, Rutledge. Okay.

8 DR. HARRISON: You've already verified both.

9 MR. ZUCKER: Okay. And we --

10 DR. HARRISON: And you would be the third  
11 witness. You have verified that both of those statements  
12 were true.

13 MR. ZUCKER: Right. And what we would do is --  
14 I -- I can -- Laclede agrees with the issue that Ms.  
15 Rutledge, who is known in our system as Ms. Cox, did  
16 receive a \$13 bill, and we're willing to concede that and  
17 address it in our testimony.

18 DR. HARRISON: And Ms. Turnbill?

19 MR. ZUCKER: Ms. Turnbill?

20 DR. HARRISON: In November, you acknowledged the  
21 fact that the system was inoperable.

22 MR. ZUCKER: Right. I think -- I'm -- I'm not  
23 sure of the accuracy of -- of the statement, but, again,  
24 we would address it with our own testimony. So --

25 JUDGE LANE: Sure. I mean, we don't have a

1 witness on the stand. All I'm trying to determine here is  
2 whether we should bifurcate -- or not bifurcate, but have  
3 a split hearing or whether -- you know, if we take a break  
4 and you come -- somehow come up with a witness statement  
5 that could be introduced into evidence without objection  
6 or whether we just need to postpone the hearing.

7           And I'm not talking about a long postponement  
8 either. I mean, I know folks -- you all have schedules,  
9 but I think maybe we could do that and try to get this  
10 taken care of. Because I think we're talking one day  
11 total probably to hear this case.

12           And before I make any decision on this  
13 procedural issue, I'll probably want to take a few minutes  
14 and probably call the Commissioners on this.

15           MR. ZUCKER: Well, my view of it would be that  
16 we can get it done today. And I think that -- that the  
17 state -- the -- the summary that Dr. Harrison just gave  
18 will work for us. And so I think we can go forward.

19           DR. HARRISON: Let's go forward.

20           JUDGE LANE: All right. Well, now we have --  
21 now we have two out of three -- two out of three doctors  
22 agree and a medical doctor, so --

23           DR. HARRISON: I am not a medical doctor, Judge.  
24 I am not a medical doctor.

25           JUDGE LANE: Oh, I thought you were a medical

1 doctor. I'm sorry.

2 DR. HARRISON: No, sir.

3 JUDGE LANE: Well, still, two doctors agree.

4 DR. HARRISON: Ph.D.

5 JUDGE LANE: In that case, since we've got --  
6 seem to be on the same page with regard to that, let's  
7 take a recess. I'd like you to sit down with Staff and  
8 Laclede and maybe OPC and prepare a witness statement  
9 summary for the witness who would -- was going to talk  
10 about the satellite system being down and that the meter  
11 had not been read physically.

12 The other witness, it sounds like we have that  
13 statement already in here regarding the bill, the \$13  
14 bill.

15 DR. HARRISON: We have a verification that that  
16 happened. And he has verified both.

17 JUDGE LANE: Yes. I understand that. And  
18 that's all that witness was going to testify to, right?

19 DR. HARRISON: Yes. Uh-huh.

20 JUDGE LANE: Okay. All right. In that case, I  
21 think we can do this -- this last missing witness with  
22 regard to the witness statement. So let's take a -- let's  
23 say a 15-minute break. Do you think that will be  
24 sufficient?

25 MS. HERNANDEZ: Yes.

1 MS. SHEMWELL: Oh, yes, Judge.

2 JUDGE LANE: We'll take a 15-minute break.  
3 We'll come back on the record, and we'll proceed with the  
4 hearing then. All right?

5 MS. SHEMWELL: Thank you, Judge.

6 JUDGE LANE: Thank you. We're adjourned  
7 briefly.

8 (Break in proceedings.)

9 JUDGE LANE: All right. We're back on the  
10 record in Case No. GC-2008-0041. And so far, we've spent  
11 some time taking care of some procedural issues, and I  
12 think we're ready to proceed.

13 Now, as set out in the Order setting this  
14 hearing, Dr. Harrison will testify first or present her  
15 evidence first, followed by any additional witnesses that  
16 she wishes to call, but we're not going to be having any  
17 other live witnesses today.

18 We've already determined that in the -- in the  
19 -- in the discussion that we had earlier. Next, Laclede  
20 will present its evidence. And finally, Staff will  
21 present its witnesses and evidence.

22 For your benefit, Dr. Harrison, any relevant  
23 exhibits that you wish to use during your direct  
24 testimony, you will need to offer them into evidence so  
25 that -- that we get them into evidence, the actual

1 exhibits, the documentary materials that you've referred  
2 to. So in your --

3 DR. HARRISON: Don't you have a copy of those?

4 JUDGE LANE: I do. I do. I have that -- I have  
5 that information. But you'll need to offer that evidence  
6 into evidence.

7 DR. HARRISON: Okay. Formally.

8 JUDGE LANE: Formally.

9 DR. HARRISON: Do I have to physically hand you  
10 my copy, or do you have a copy?

11 JUDGE LANE: It sounds like you've already  
12 provided the court reporter with a copy of your exhibits,  
13 which is Step No. 1. And make sure everyone else has  
14 copies. I have a copy. If the Commissioners were here,  
15 we'd want to have a copy for them as well and then one for  
16 all the parties.

17 And then after you have presented your  
18 testimony, you'll be subject to cross-examination by the  
19 parties, again, in the order that was specified in the --  
20 in the Commission's order setting this matter for hearing.  
21 Okay?

22 And then there will be additional direct  
23 examination. You'll have a chance to address in your  
24 redirect testimony any points that were brought up in  
25 cross-examination that you wish to address.

1 DR. HARRISON: Okay.

2 JUDGE LANE: All right? Kind of a rebuttal, if  
3 you will, after you've been cross-examined. And then we  
4 will repeat that process.

5 There's also questions from the Bench and the  
6 Commissioners there at the end or close to the end after  
7 the cross-examination as well.

8 So are there any other preliminary matters that  
9 we need to take care of before we proceed? All right.  
10 Well, in that case, let's go ahead and start.

11 Dr. Harrison, would you please step up to the  
12 witness stand?

13 DR. HARRISON: Can I take my notes?

14 JUDGE LANE: Of course.

15 DR. HARRISON: Do I stand, or am I going to be  
16 seated? No swearing in or anything?

17 JUDGE LANE: Yes. Just -- if you'll just raise  
18 your right hand and be sworn.

19 DR. HORTENSE LUCINDA HARRISON,  
20 being first duly sworn to testify the truth, the whole  
21 truth, and nothing but the truth, testified as follows:

22 TESTIMONY OF DR. HORTENSE LUCINDA HARRISON

23 BY DR. HARRISON:

24 JUDGE LANE: Thank you very much. Now,  
25 normally, of course, if you had an attorney, you would be

1 asked questions and answer those. Since you're proceeding  
2 pro se today, we're going to just go ahead in a narrative  
3 format and, you know, present your case in -- in any way  
4 you feel appropriate.

5 DR. HARRISON: Okay. First, let me offer into  
6 evidence the two new statements, one for the Commissioner  
7 and one for you. Is that what I'm supposed to do?

8 JUDGE LANE: Well, you don't need to introduce  
9 those right off the bat. You might --

10 DR. HARRISON: Wait until I talk about those?

11 JUDGE LANE: -- Wait until you address the  
12 matters that are covered in those.

13 DR. HARRISON: That pertain to those. Okay.  
14 All right. In opening, I'd like to start by stating that  
15 life and death are in the power of the tongue. The public  
16 trust, you, Laclede Gas, to be honest in your delivery of  
17 service. I trusted you. The public trust between you and  
18 I has been breached. And today, I'm simply seeking  
19 correction of this breach of trust by means of justice.

20 Now, here are the discrepancies, as I see them,  
21 and as I have lived through them. In my first contact  
22 with you guys in October, you denied being my service  
23 provider. You continued to deny being my service provider  
24 in November, again in December and again in January. So  
25 that's October 6th, November -- October of '06, November



1 of '06, December of '06 and January of '07. Each and  
2 every time I called your office, you denied being my  
3 service provider, even after we convinced you to put in a  
4 meter.

5 Now, no billing was prepared for me in December.  
6 I called your office in December of '06 at the end of the  
7 month after closing and moving into my house on December  
8 6th. I called them at the end of the month, December  
9 31st, to pay my gas bill, since I did not have a bill to  
10 work from.

11 They still again denied being my service  
12 provider. When I convinced them, yes, you are, you've  
13 even put a meter in, they did not have a gas bill prepared  
14 for me. So I arbitrarily paid \$200. I had them take \$200  
15 out of my account because I didn't want to be in this kind  
16 of situation.

17 I didn't want this to linger on and then I find  
18 myself with a large gas bill. So I asked them to take  
19 \$200 out of my account not knowing what the bill was.

20 In January, at the end of the January, I found  
21 myself in the same position. I still didn't have a bill.  
22 Again, I called them. Again, they denied being my service  
23 provider. And at that time, they told me that I owed \$229  
24 and, I believe, 91 cents.

25 I paid it on the phone. They promised me I'd

1 get a bill in February. I didn't get a bill in February.  
2 I called them again in February. They said one would be  
3 there in a couple of weeks. I didn't get a bill for the  
4 first time until April 16th. And on the April 16th bill,  
5 it said that -- let's see. I guess I should enter that  
6 into evidence.

7           Exhibit B -- Exhibit B is a copy of the bill  
8 that I received on 4/16, and that bill shows that my  
9 utility use was \$1233.10. Just exactly what I didn't want  
10 to have happen was happening to me. The bill reads, in  
11 essence, that due to past history on my home that I would  
12 -- I had been underbilled, underestimated. The billing  
13 had been underestimated. So now they were making up for  
14 that.

15           There was no past history on my home. The home  
16 -- we closed on this brand new house on December 6th, and  
17 I moved in on December 6th. So there was no past history  
18 on which to base this bill. I questioned that initially.

19           I also questioned the fact that the bill shows a  
20 Lake St. Louis tax and the fact that no one had been to my  
21 house to read the meter. And I had inquired about this as  
22 I made phone calls. Why -- Why am I not receiving bills?

23           Now, on March 27th, as you can see, I owe  
24 \$1233.10 of the bill. And if you'll look in the top left  
25 -- right corner, you'll see that I've already paid \$429.91

1 arbitrarily each month as I called and what -- it built up  
2 to \$429 that I was paying without a bill in hand.

3           There was no past history on the home, as I've  
4 stated. And when we got to the point of me proving to  
5 them that there was no past history, that I did, indeed,  
6 close on December 6th, I faxed information to the  
7 gentleman that I was speaking to on the phone, Exhibit E.

8           Keith J. from Laclede Gas had me fax to him -- I  
9 went to Kinko's and faxed it so that it would be official  
10 and I would have a receipt for it. You can see my closing  
11 documents and occupancy, notice to the borrower on  
12 property, special area, all of that to make sure that they  
13 -- they could verify the fact that I moved in on December  
14 6th.

15           Now, you will hear Laclede Gas say that I called  
16 them for service to be connected November 17th. Or  
17 November 16th. And that is correct. Initially, we were  
18 supposed to close on the house November 16th. We did not  
19 close on the house on November 16th. We closed on  
20 December 10th.

21           I did call them and say, We have not gone to  
22 closing yet, and I'll call you back. And I did call them  
23 back to make sure that I had gas service when I started  
24 the house, just as I did the water company, the electric  
25 company, with the sewer, the -- everybody got a call from

1 me from the list. But Laclede Gas is the only one that  
2 responded in this way.

3 And as you can see on Exhibit B, they billed me  
4 from November 17th through March 27th. The last time we  
5 met in November, Mr. Zucker said that he would have the  
6 Lake St. Louis taxes taken off of my billing because the  
7 service and my address is through O'Fallon.

8 And O'Fallon -- Susan Rutledge, my neighbor, the  
9 one with the \$13 bill, Susan Rutledge says -- she's a --  
10 she's a realtor, and she told me -- taught me that I was  
11 not supposed to be taxed on Lake St. Louis.

12 So I -- when I spoke to Mr. Zucker about that at  
13 the November hearing, he assured me that they would take  
14 that off of my bill. It is still appearing on my bill.

15 My bill also continues to incur late fees. And  
16 I have been recently assessed a deposit because I've been  
17 late with the 800-some-odd dollars. I was recently  
18 assessed a \$716.01 deposit on my bill. Now, that really  
19 hurt. That added insult to injury, and it -- it gave me a  
20 lot of stress. I've had a lot of sleepless nights because  
21 of it. It's starting to turn into a real nightmare. \$716  
22 as a deposit on my bill, on my gas account.

23 They divided it into three equal portions, and  
24 they sent me a notice saying that that's what they were  
25 going to do, and they have.

1           And testing the integrity of Laclede Gas this  
2 winter, I exercised myself a few energy conserving  
3 strategies to see if there would be a reduction in my bill  
4 this winter. There was no reduction in my bill.

5           Here's what I did. I was out of town two weeks  
6 this past winter, once in November -- and both of these  
7 were at professional conferences. Once in November and  
8 again in February.

9           And both times when I was out of town, my child  
10 stayed with a friend, and I turned my heat down to 50  
11 degrees while I was out of town. I saw no reduction in my  
12 bill.

13           The last time we met in November, Mr. Zucker  
14 made a comment about the fact that my heat -- my  
15 thermostat was set too high. So I reduced my thermostat.  
16 I turned my thermostat from 76 degrees to 70 degrees. And  
17 that's what we lived with throughout the winter. It got a  
18 little chilly upstairs, but we just put blankets on the  
19 bed, and we went on because we needed to do this.

20           I also turned off one of the heating units in my  
21 house. We have two heating units, one for the upstairs  
22 and one for the downstairs. I turned off the upstairs  
23 heating unit all winter long. I never used that unit.

24           I closed vents and doors to rooms that we were  
25 not immediately using. You walk into the room, and it

1 would be cold in that particular room because we had those  
2 rooms shut off. I also used towels between my window and  
3 my screens in all of my windows. I laid a towel between  
4 the window and the screen to prevent escape of heat. I  
5 also put towels in front of my fireplace, in front of both  
6 my fireplaces and did not use my gas fireplaces all winter  
7 long. I also put towels in front of all exits.

8 In addition to that, I compared my heating  
9 consumption and my bill to my neighbors, the Jeffersons.  
10 The Jeffersons is a house that's comparable in size to  
11 mine. And they do not have a finished basement, so  
12 they're not able to shut off anything in the basement.

13 They do have two furnaces and gas fireplaces.  
14 The Jeffersons used their utilities to the fullest without  
15 doing any of the things that I did. They had used both  
16 furnaces. They used their fireplace consistently.

17 We were there for holiday events. They were at  
18 my house for holiday events. And their fireplace was  
19 going the entire day. And they saw a reduction in their  
20 -- their average billing plan. Their average bill was, I  
21 believe, \$139 last year. It went down to 132 this year.

22 And they stated to me that they have even  
23 received credit for gas during the summer for gas  
24 consumption. During the summer, they will receive a  
25 credit on their bill because they may have overpaid on the

1 average billing plan.

2 In closing -- well, let me finish entering my  
3 exhibits. So you have Exhibit B. Exhibit A is my first  
4 contact with the Commission following -- trying to resolve  
5 this matter with Laclede Gas. I'd like to enter Exhibit  
6 A.

7 Exhibit C is a gas bill that I received  
8 immediately following the March -- the April 16th bill,  
9 the very next bill that I received. And it came only a  
10 few weeks after the April 16th bill.

11 Then I receive another bill from Laclede Gas,  
12 and you can see the difference in the amounts. Of course,  
13 some of that is weather related.

14 Exhibit D is just a sampling of my neighbors  
15 billing where I -- between 1/19 and 2/26, their bill was  
16 \$300. In February 26 to March 27, their bill was \$13.  
17 And March 27th to February -- to April 26, their bill was  
18 \$13.06. There's obviously something wrong here, and it's  
19 not in my household.

20 Exhibit E, I've already entered, my faxed  
21 document to show that I closed on the house on 12/6, not  
22 11/17 as I was billed.

23 Exhibit F is a letter that I sent to Laclede  
24 Gas, a handwritten letter explaining to them and  
25 expressing to them my concern about this. And I did that

1 after several conversations with them. I sat down and  
2 wrote it out in writing and still got no response, no  
3 results from Laclede.

4 I'd also like to enter a copy of the law as  
5 Exhibit E in which the billing practices for residential  
6 customers of electric gas and water utilities, the Code of  
7 -- Code of State -- Code of State Regulations.

8 It specifically states that a bill should not be  
9 estimated in excess of three billing periods. And I was  
10 clearly estimated -- my bill was clearly estimated for  
11 four months. I'd like to enter that as Exhibit G.

12 Exhibit H, one year later, I'm still being  
13 billed Lake St. Louis taxes and late fees. Exhibit I,  
14 which has been distressing every single month when I  
15 receive it, every month, consistently, I receive a  
16 disconnect notice.

17 And while I understand that there are systems in  
18 place for this, I also understand that this is a case that  
19 has been pending. And I would have thought that Laclede  
20 Gas would have done everything possible to lower the level  
21 of concern, not increase it, but to lower my level of  
22 concern by at least putting a stop to these undue, unjust  
23 disconnect notices.

24 Every time I got one, my heart skipped a beat.  
25 I stopped. I paused, and I was greatly concerned. Any of



1 you would be raising a child to think that you would lose  
2 your heating service and you're doing all that you can,  
3 especially when I'm still paying the bill every month.

4 Exhibit J shows a deposit that was added to my  
5 bill, \$716, almost the cost -- the size of the bill. And  
6 then Exhibit K, my statements, a statement from Eric  
7 Harrison, my son, who lives in the house, consistently, a  
8 statement from Mark Harrison, my ex-husband, who has come  
9 to stay on those dates, in December, in November,  
10 December, February and March and that witnessed the fact  
11 that the furnace is off, the fireplaces are not used, the  
12 towels are all -- all over the house. In Fact, they were  
13 a nuisance to him. But he had to live through that.

14 Page 3 from Holly and Thomas Putnam. They lived  
15 in my house temporarily while they were building a house,  
16 building a house in the community. She's a friend of mine  
17 from Wichita, Kansas.

18 And she and her son lived with us while they  
19 were building their house. She also witnessed my attempts  
20 to conserve energy. Robert and Joyce Jefferson about  
21 their billing at their home and their home address.

22 And then Darlene Diesel. Ms. Diesel is a refu --  
23 refugee that's displaced. And she attends my church,  
24 needed a home. I have space. She's staying at my home.  
25 And she, too, witnessed my attempts at conserving energy.

1 In closing --

2 JUDGE LANE: Exhibits A through I or -- no, A  
3 through K have been offered into evidence.

4 MS. SHEMWELL: Just a point. Dr. Harrison,  
5 would you like to offer these as well as part of that?

6 DR. HARRISON: Yes, ma'am.

7 MS. SHEMWELL: And shall we label them L and M?  
8 Okay.

9 DR. HARRISON: Or we could -- could we attach  
10 them to K and just add a page number? That's what I did  
11 the others. They're all considered Exhibit K, and I just  
12 gave each a page number.

13 MS. SHEMWELL: Yes. That makes sense. So they  
14 will be --

15 DR. HARRISON: Pages 6 and 7.

16 MS. SHEMWELL: So these will be K-6 and 7,  
17 Judge.

18 DR. HARRISON: Thank you.

19 JUDGE LANE: Okay. Exhibits A through K, pages  
20 1 through 6 for Exhibit K?

21 DR. HARRISON: Six and seven. One through  
22 seven.

23 JUDGE LANE: Yeah. Pages 1 through 7 for  
24 Exhibit K have been offered into evidence. Do I hear --  
25 are there any objections?

1           MR. ZUCKER: No objections, your Honor.

2           MS. SHEMWELL: None. Thank you.

3           MS. HERNANDEZ: None.

4           JUDGE LANE: All right. I hear none -- hearing  
5 none -- hearing none, they are -- they are admitted.

6           DR. HARRISON: Thank you. Now, in closing, with  
7 all of these discrepancies, how can I for one minute trust  
8 any of the figures or the numbers that are given to me by  
9 Laclede Gas?

10           They have made so many errors and so many  
11 mistakes with my account and my billing right down to the  
12 very insult of adding a deposit, a preposterous deposit of  
13 \$700 to my account.

14           And to start with, you never even acknowledged  
15 the fact that you were my service provider. So with all  
16 of these discrepancies, how can I trust any of the figures  
17 or any of the numbers that you -- that you are proposing  
18 and that you've given me?

19           My neighbors pay much less for gas. And they  
20 use an ample amount with absolutely no regard to  
21 conservation. My neighbors paid \$1668 annually, annually  
22 for gas. And they even saw a reduction in their bills  
23 this past winter. And they received a credit during the  
24 summer, same size house, unfinished basement.

25           My immediate neighbor received a bill for \$13 on

1 the same day that I received the bill for \$803.19.

2 Granted, these are errors and mistakes. So is my billing.

3 And I'm not holding this or hoarding this over you. I

4 realize Laclede Gas is a big company.

5 I realize that you can't monitor everything that

6 comes out of everyone's mouth when I call on the phone.

7 You also can't monitor everything that's printed and goes

8 out, obviously, by the fact that I keep receiving these

9 disconnect notices. There seems to be no way to stop

10 that.

11 I'm not blaming -- I'm -- I'm looking for a

12 solution. I need you to admit that there's an error here,

13 that it's with Laclede Gas. I simply ask for justice.

14 There is clearly a problem, and it's not in my household.

15 It is with Laclede Gas.

16 I propose a solution to this. Is that

17 appropriate at this time, Judge? Is it appropriate for me

18 to propose a -- a solution?

19 JUDGE LANE: You can certainly make --

20 DR. HARRISON: Enter it?

21 JUDGE LANE: You can -- it's your -- it's your

22 case, your testimony. You can state what --

23 DR. HARRISON: Thank you.

24 THE COURT: -- you'd be willing to agree to.

25 DR. HARRISON: Okay.

1 JUDGE LANE: What you feel is an appropriate  
2 resolution to this case.

3 DR. HARRISON: All right. All right. I would  
4 like to -- to propose dropping the entire bill and  
5 starting this relationship over again.

6 I need to feel that I can trust my gas company  
7 to give me an accurate bill. I'd like for you to re --  
8 re-install a new meter and then assign a meter reader to  
9 me, assign a meter reader that can come to my property at  
10 least once a month, that's all I'm asking, meet with me,  
11 read the meter, teach me and help me to understand that  
12 what I'm -- what is being read is accurate, verify those  
13 readings with me on a monthly basis.

14 That's all I ask. And I don't think it's too  
15 much to ask given what you've put me through. And,  
16 Mr. Zucker, I don't say you personally. I speak of  
17 Laclede Gas, the thousands of people who are involved in  
18 this situation. I'm done.

19 JUDGE LANE: That concludes your direct  
20 testimony. Ms. Hernandez, Ms. Shemwell,  
21 cross-examination?

22 MS. HERNANDEZ: Sure. Thank you.

23 CROSS-EXAMINATION

24 BY MS. HERNANDEZ:

25 Q Would you like to be addressed as Dr. Harrison?

1           A     Cindy.

2           Q     Cindy. Okay. Cindy, could you verify for the  
3 record your home address?

4           A     No. 40 Gateview Court, O'Fallon, Missouri,  
5 63367.

6           Q     Okay. Thank you. And when you received the  
7 April 13th, 2007, adjusted bill for \$830.19, you called  
8 Laclede to schedule a high bill inspection; is that  
9 correct?

10          A     Yes.

11          Q     Okay. And that inspection was completed on May  
12 1st, 2007; is that correct?

13          A     Yes.

14          Q     Okay. And do you remember the results of that  
15 investigation?

16          A     He found no reason. No leakage, no gas leakage,  
17 no -- nothing wrong with the meter.

18          Q     With the meter. Nothing wrong with the meter?

19          A     Right.

20          Q     That's correct. Okay.

21          A     And he checked indoors as well.

22          Q     Okay. And at that time or shortly thereafter --  
23 after, were you offered a special meter test?

24          A     No.

25          Q     You weren't --

1           A     I don't recall that.

2           Q     You don't recall being offered that test? I  
3 apologize for the delay.

4           A     No problem.

5                   MS. HERNANDEZ: Okay. Can I approach the  
6 witness?

7                   JUDGE LANE: Of course.

8           Q     (By Ms. Hernandez) If you would just take a  
9 look at that document, that's a summary of the high bill  
10 inspection --

11          A     Uh-huh.

12          Q     -- that was completed on May 1st, 2007. Do you  
13 recognize that document?

14          A     Yes.

15          Q     Okay. Okay. Thank you. Did you have a chance  
16 to look at all -- at all of the -- the comments at the  
17 bottom?

18          A     I can't even read that writing.

19          Q     Okay. If it -- it states you were offered a  
20 special meter test and you declined, do you remember -- do  
21 you remember that?

22          A     I didn't see a need for a meter test. No. I  
23 don't remember the full conversation of him and I. I just  
24 remember the results. And the results was that he didn't  
25 find anything wrong with the meter, and he didn't find my

1 leakage in my house.

2 Q Okay.

3 A He thought everything was operating.

4 Q Okay.

5 A He -- I do recall him saying you can have the  
6 meter -- you can have a new meter put in if you want to.

7 Q And what was your decision on that?

8 A There is nothing wrong with this meter. You're  
9 telling me there's nothing wrong with the meter. I  
10 trusted them.

11 MS. HERNANDEZ: Okay. Thank you. Okay. I have  
12 no further questions. Thank you.

13 JUDGE LANE: All right.

14 MS. HERNANDEZ: Thank you.

15 JUDGE LANE: Office of Public Counsel?

16 MR. POSTON: I have no questions. Thank you.

17 JUDGE LANE: Laclede, Mr. Zucker?

18 MR. ZUCKER: Yes. Thank you, your Honor. If  
19 it's okay to ask questions from here?

20 JUDGE LANE: Perfectly fine.

21 CROSS-EXAMINATION

22 BY MR. ZUCKER:

23 Q Okay. Good morning, Dr. Harrison.

24 A Good morning again.

25 Q Let me first apologize for some of the things



1     that you raised that are still occurring on your bill.  
2     That's my fault. At the -- when we kind of let this go at  
3     the end of the fall so we could see the usage during the  
4     winter, I didn't look at the account again until the end  
5     of March.

6             And when I looked at it and saw that there was a  
7     deposit that our system automatically -- and I think  
8     you've -- you've sort of referred to that, so I think you  
9     kind of -- you understand it. Our system automatically  
10    assesses a deposit if the bill isn't paid in full a number  
11    of times in a year.

12            And there are -- there were also late fees  
13    charged to your account. And, in fact, Lake St. Louis was  
14    still the taxing authority. And when I saw that, I had  
15    all that changed. And I think that was changed either  
16    March 31st or April 1st before you raised it here.  
17    And so that will all be reflected on your next bill.

18            You probably -- I think you billed in late March  
19    before I did it. Your next bill will be in late April.  
20    And it will show O'Fallon, Missouri, as the taxing  
21    authority. It will show a credit for all the late fees,  
22    so there are no late fees charged, and it will show the  
23    deposit withdrawn.

24            A     Thank you.

25            Q     So all that is gone, and I apologize for that.

1           A     Thank you.

2           Q     But I think -- can you tell me who -- who do you  
3 work for? What -- I'm just going to ask some questions  
4 about your background.

5           A     I work for Arches. I'm a Vice President of K-12  
6 Partnerships.

7           Q     Okay. And that sounds like a school-type  
8 business?

9           A     Yes, it is.

10          Q     And I believe you said that you manage a number  
11 of charter schools?

12          A     No. This is a new job.

13          Q     Oh, a new job?

14          A     Yes, sir. I manage all of the K-12 Partnerships  
15 for the City of St. Louis under the Arches umbrella.  
16 Arches is an organization, service organization, human  
17 service organization established by the Governor to  
18 funnel, if you will, grant monies, State dollars through  
19 DESE, through the Department of Social Services, through  
20 federal sources and local sources that wish to partner  
21 with various entities in the City.

22                 Our mission is to improve the lives of the  
23 citizens of St. Louis.

24          Q     Okay. And when did you start with Arches?

25          A     I started with Arches a week ago.

1           Q     Okay.  So in April this year.  And before that,  
2     who did you work for?

3           A     Missouri Baptist University as an adjunct  
4     professor.  I teach a course called Perspective on  
5     Diversity and Education Online.  And I also am a Board  
6     liaison for Missouri Baptist as well as St. Louis  
7     Community College where I organize and establish their  
8     Second Chance program for the high school seniors of  
9     Jennings High School so that they would receive college --  
10    high school credits and graduate on time.

11                These were for under-privileged students who  
12    dropped out or had problems and cannot get enough -- did  
13    not earn enough high school credits to graduate in time.  
14    I established a program for them so that they could  
15    graduate on time.  I also worked for Imagine Schools.

16          Q     Okay.  That was before -- are you -- do you  
17    still plan to do -- work for the colleges you named in  
18    addition to your Arches job?

19          A     Yes.  Uh-huh.

20          Q     Okay.  So that's kind of an ongoing --

21          A     Yes.

22          Q     -- thing?  Okay.  And so before then, you worked  
23    for Imagine Schools?

24          A     Yes, sir.

25          Q     Okay.  And what was your title with Imagine

1     Schools?

2             A     Regional Vice President --

3             Q     Okay.

4             A     -- of the Missouri region. I have the

5     schools --

6             Q     And what did you --

7             A     I have the schools in Missouri.

8             Q     I'm sorry.

9             A     I operate -- I was Vice President of the schools

10    in Missouri --

11            Q     Okay.

12            A     -- for Imagine Schools.

13            Q     And when did you start with them?

14            A     When did I start with them? January 2005.

15            Q     Okay. And you've left Imagine Schools now?

16            A     Yes, sir.

17            Q     And when did -- when did you leave there?

18            A     September of 2007.

19            Q     Okay. Okay. And how many schools did Imagine

20    have?

21            A     Five. Two in Kansas City, three in St. Louis.

22    Five schools and six campuses. One of the schools was

23    broken into two campuses.

24            Q     Okay. And can you tell me -- do you recall the

25    address of any of these schools in St. Louis?

1           A     No. But I can tell you the vicinity.

2           Q     Okay.

3           A     One is at Jefferson and Washington. 709, 706.

4     The other is at 15th and Washington, 1509. I can tell you

5     the address.

6           Q     Okay.

7           A     And then the last one in St. Louis is on Fyler,

8     F-y-l-e-r.

9           Q     Okay.

10          A     Kingshighway and Filer, St. Louis Charter.

11          Q     Okay. And before you worked for Imagine

12     Schools, who did you work for?

13          A     I'll answer that question. Why are you asking

14     me about my employment rather than about the case?

15          Q     Well, I'm just trying to get the back -- some of

16     your background.

17          A     Okay. All right.

18          Q     I won't go too far back.

19          A     You can go as far as you'd like. I just don't

20     understand how this relates to the situation.

21          Q     Well, when did you move to St. Louis? Let me

22     ask you.

23          A     I moved to St. Louis in January of 2005 for the

24     job with Imagine Schools.

25          Q     Okay.

1           A     Prior to Imagine Schools, I worked for Edison  
2     Schools in Dallas, Texas.

3           Q     Okay. Okay. And I assume that your -- I think  
4     you said your degree -- your Ph.D. is in -- is in  
5     education?

6           A     Curriculum and Instruction.

7           Q     Okay.

8           A     I have a Ph.D. in Curriculum and Instruction, a  
9     Master's degree in Urban Education and a Bachelor's degree  
10    in Elementary Education.

11          Q     Okay. And your current title for Arches is also  
12    Vice President?

13          A     Vice President of K-12 Partnerships.

14          Q     Okay. All right. And do you have any  
15    experience with gas meters?

16          A     None.

17          Q     Okay. Or gas measurements, measurements of gas?

18          A     None.

19          Q     You've never written any articles on gas meters?

20          A     None.

21          Q     Have you ever taken a course on gas meters?

22          A     No.

23          Q     And you've -- I assume you've never worked on a  
24    gas meter, repaired one?

25          A     No, sir.

1           Q     No. Okay. And I also assume you've never  
2     studied meter usage data?

3           A     No, I have not.

4           Q     Okay. Have you ever protested your gas bill  
5     before as you are doing here?

6           A     I don't recall ever protesting.

7           Q     Okay.

8           A     I've never had -- received an \$800 bill in the  
9     mail.

10          Q     Okay. Have you ever seen a meter tested?

11          A     No, I have not.

12          Q     Okay. You talked about calling to complain  
13     about not having received a bill.

14          A     I didn't call to complain. I called to inquire.  
15     I wanted a bill so that I can pay my bill. I get paid at  
16     the end of the month. So at the end of the month, I would  
17     call and say, I don't have a gas bill yet. What is my gas  
18     bill? Here is my credit card. Take it out of my account.

19          Q     Okay. And do you know what dates you might have  
20     called? Do you have any notes on that?

21          A     The last day of the month. That's the day I get  
22     paid. That's the day the money is in the bank, and that's  
23     the day I usually call and pay my bills. And so if you  
24     check your -- your records, you probably see it's around  
25     the last day of the month.

1 Q Okay.

2 A The last working day.

3 Q So you don't have any notes, but you recall it  
4 being that day because you got paid?

5 A I do have some notes. Included here are some  
6 notes. Included in that red folder sitting in front of  
7 you are lots of notes and lots of receipts.

8 Q Oh, this red folder?

9 A Yeah. That's just my personal folder on Laclede  
10 Gas since I've been having this problem.

11 Q Okay. You said that when you called Laclede,  
12 Laclede denied being your service provider?

13 A Yeah.

14 Q Is that right?

15 A For four months running.

16 Q And if we denied being your service provider,  
17 why in December of '06 would we take a payment from you of  
18 \$200?

19 A Because I convinced you that you were my service  
20 provider. Every single month we had that conversation,  
21 every month.

22 Q And --

23 A It started with the people that answered the  
24 phone, when you finally get a voice on the phone. The  
25 people that answered the phone would deny being my service



1 provider every time. And I -- I'd spend at least 20, 30  
2 mints on the phone convincing someone. And then they  
3 would take my money.

4 Q And would you tell them your name and address?

5 A Yeah. And it started before I even moved into  
6 the house. It started in October when my builder said,  
7 It's time for you to call Laclede Gas and have them  
8 install the meter for the house. It started then.

9 Q And --

10 A In fact, I -- if memory serves me right, I had  
11 to have T.R. Hughes get involved to even get the gas meter  
12 put at the house because Laclede insisted they were not my  
13 service provider.

14 And even after the meter was put in, three  
15 months later, we were still having that same dialogue  
16 about me not being under your service.

17 Q And eventually, you talked us into it, and we  
18 take your money? Is that your --

19 A No. Well, yeah.

20 Q Is that your testimony?

21 A With every telephone conversation, that was the  
22 end result. However, in March was the first time you sent  
23 me a bill, at the end of March.

24 Q Okay. Have you seen the -- the transcript of an  
25 October 23rd, 2006, telephone call that Laclede has?

1           A     I saw it just a minute ago.  Yes.

2           Q     Okay.  Have you had a chance to read it?

3           A     I read the very beginning of it.  I've not had a

4 chance to read completely through it.

5           Q     Okay.  All right.  And you do recall your

6 closing date originally being November 16th --

7           A     Yes.

8           Q     -- of 2006?

9           A     Yes.

10          Q     Yes.  And before you closed on your house on

11 Gateview, where did you live?

12          A     In Wing -- Wing Haven.

13          Q     Wing Haven?

14          A     Uh-huh.

15          Q     Would that be on 225 Fairway Green; is that

16 correct?

17          A     Yes.  Uh-huh.

18          Q     Okay.  And did you stay up there up until the

19 time you moved into your home --

20          A     Yes.

21          Q     -- on -- on Gateview?

22          A     Yes, sir.

23          Q     Okay.  So would say you stayed at 226 Fairway

24 Green until December 6th?

25          A     Yes.

1 Q And then you closed on December 6th?

2 A Yes.

3 Q Okay. Okay. And when you received the adjusted  
4 bill from us, the bill for the date through -- for service  
5 through March 27th of 2007 --

6 A From November 17th --

7 Q Right.

8 A -- to March 27th.

9 Q Right. You -- you now realize that that bill is  
10 based on actual readings, not on estimates?

11 A I do not realize that. The bill says that it  
12 was based on under-billing. It was estimated based on  
13 under-billing. Past history, based on the past history of  
14 my home that I was under-billed.

15 Q Okay. Let me -- let's have a look at that bill.  
16 Do you have that in front of you, your Exhibit B?

17 A Yes. Exhibit B?

18 Q Right.

19 A The first sentence says, Your gas bill has  
20 recently been estimated based on past usage.

21 Q Okay. Keep reading.

22 A We now -- we have now obtained a meter reading  
23 indicating that your actual usage was greater than we  
24 estimated and that your account has been under-billed.  
25 Your current bill has been adjusted to correct for the

1 under-billing. The entire account does not have to be  
2 paid immediately. You may make arrangements to pay the  
3 corrected portion of the bill along with current and past  
4 due bill -- I'm sorry -- past due gas charges -- I need my  
5 glasses -- in even installments over a time period equal  
6 to the period of the under-billing. You have not been  
7 charged for under-billing in excess of 12 months from the  
8 date we obtained the meter reading. Please call, those  
9 two numbers, if you wish to set up payment arrangements.

10 Q Okay. So from that, do you understand that we  
11 had previously been estimating your usage, but then having  
12 gotten an actual reading, we were now reconciling those  
13 estimates to the actual usage billed?

14 A No, I don't understand that at all. What I  
15 understand this to say is that due to the past history on  
16 my house, you were under-billing me. And now that you  
17 have a meter reading, you're going to bill me correctly.  
18 And you're charging me for everything that you've been  
19 under-billing me in the past, within the past 12 months.  
20 And there hadn't been a 12 months on this house.

21 Q Right.

22 A And the law reads that you should not estimate  
23 my bill in excess of three billing periods. And from  
24 11/17 to 3/27 is a four-month period.

25 Q Well --

1           A     And let me also go further to add Grace's  
2     statement that there were no meter readers coming to my  
3     house. I worked from my home office at that time. And I  
4     never saw anybody, except Kevin, who came and sat in a van  
5     in my -- on my culdesac. He'd come and sit in the van.  
6     We became quite acquainted. Never got out of the car.  
7     Never came and did anything at my house.

8           Q     Let me interrupt you there.

9           A     I'm not finished.

10          Q     You've answered my question.

11          A     I'm not finished. I'm not finished.

12          Q     Yes. But I -- I ask questions, and you get to  
13     answer them. And you --

14          A     And you get to tell me when I've answered?

15          Q     Well, I mean, you've more than answered the  
16     question.

17          A     No, I haven't.

18          Q     But I want to ask a different question.

19          A     I haven't finished answering the question.

20                 MR. POSTON: Judge, could she answer the  
21     question, be allowed to answer the question?

22                 JUDGE LANE: Yeah. Would you restate the  
23     question?

24                 MR. ZUCKER: Okay.

25          Q     (By Mr. Zucker) Let -- let me restate the

1 question. Do you see where on the upper right side it  
2 says charge for gas service, 11/17/06 to 3/27/07?

3 A That was not your question. He asked you to  
4 restate the question. That was not your question.

5 Q Well, I would have to have it read back because  
6 I --

7 A Why don't you just let me finish?

8 Q I don't remember the question.

9 A Okay.

10 JUDGE LANE: Do you want your original question  
11 read back?

12 MR. ZUCKER: Well, if it's all right, I'd like  
13 to just move on.

14 MR. POSTON: Well, Judge, I'd like it read back.  
15 She hadn't finished her answer based on his question. He  
16 cut her off, and he now wants to move on.

17 JUDGE LANE: Let's hear the original question,  
18 if we could, read back. And, Dr. Harrison, I just wanted  
19 to remind you, you will have an opportunity on redirect to  
20 respond to any -- any of the questions that he asked. If  
21 you wish to go into, you know, that, you'll have an  
22 opportunity to do so after cross-examination is completed.  
23 So --

24 DR. HARRISON: Thank you, your Honor.

25 MR. ZUCKER: Given that proviso, can we move on?

1 It's taken her a long time to --

2 MR. POSTON: Ask Dr. Harrison?

3 A I'd like to finish my statement. It -- it  
4 relates to your question. You asked me about my  
5 understanding, and I'm trying to explain it to you my  
6 understanding.

7 Q (By Mr. Zucker) Well, you were talking about  
8 some Kevin sitting in some truck outside. I didn't want  
9 to -- I don't --

10 A You didn't let me finish.

11 Q -- want to go into that.

12 A I imagine that --

13 MR. ZUCKER: Did you find my question?

14 THE COURT REPORTER: Yes. But everybody has to  
15 stop talking for just a second.

16 (The question was read back.)

17 A To finish my answer, and upon receipt of this  
18 document, this bill saying that you had received a meter  
19 reading, Grace Turnbill called Laclede Gas and learned  
20 that there were no meter readers in my community, that the  
21 meter was read by a satellite, and the satellite was  
22 inoperable.

23 Q (By Mr. Zucker) Okay. So was it your  
24 understanding, then, at the time that you were still  
25 getting an estimate?

1           A     No. It was my understanding that the -- that  
2 the bill -- the meter was not being read, the system was  
3 inoperable.

4           Q     Okay.

5           A     At the time of receipt of the bill, I thought  
6 you were correcting things. After my conversation with  
7 Grace, I didn't know where I stood.

8           Q     Okay. Let's look again at Exhibit B, the bill.  
9 If you look toward the upper right, do you see where it  
10 says charge for gas service, 11/17/06 to 3/27/07?

11          A     Yes, sir.

12          Q     Do you understand that that's the period covered  
13 by this bill?

14          A     Yes, sir.

15          Q     Okay. And this is the bill for the March  
16 period, correct?

17          A     Through March 27.

18          Q     So had we estimated every bill before that, we  
19 would have estimated December, January, and February; is  
20 that correct?

21          A     And now you're estimating March. And that's  
22 included here.

23          Q     Okay. Look on the left side, about the middle  
24 of this bill. Do you see where it says actual reading?

25          A     Yes.



1           Q     Okay. Do you understand that that means we're  
2     not estimating this bill, we're basing it on actual -- an  
3     actual usage?

4           A     That's what I thought until I read the statement  
5     at the bottom. Prior to reading this statement at the  
6     bottom, I would think that this was an actual reading.

7           Q     Okay.

8           A     The statement at the bottom is very much in  
9     contrast and contradicts an actual reading.

10          Q     Okay. Well, that statement is there to actually  
11     explain to the customer that -- that they are now getting  
12     an actual -- that they've not gotten an actual reading and  
13     that there's now been a reconciliation of their bill and  
14     they have the right to pay that over time instead of  
15     immediately. So if that's not clear, then --

16          A     And --

17          Q     -- we need to discuss that. Would you agree?

18          A     That's why we're here because that was  
19     completely unclear. I pursued it because that was  
20     unclear. And I started by going to my neighbor.

21                 When I learned that there was a discrepancy  
22     there, I pursued it further and found out that you don't  
23     have meter readers and that the system that you do rely on  
24     to read my meter is inoperable. So where did this come  
25     from?

1           Q     Okay.  So if I told you, then, that the system  
2     to remotely read your meter was fixed on March the 7th,  
3     2007, at which point we got a reading, and then when your  
4     billing cycle came up March 27th, we got another reading  
5     from the remote device and that's the reading we were  
6     billing on here, is that clear to you, then, that we are  
7     billing on actual usage on a -- on a real read of your  
8     meter?

9           A     I am clear on what you're saying.  I hear and --  
10    and understand what you're saying.  I disagree with what  
11    you're saying.  How can I trust that?

12                   I have no knowledge of -- I didn't even know  
13    that the satellite system wasn't working.  I did not even  
14    know that you were estimating my bill each and every time  
15    I called each month.  I just knew I wasn't receiving a  
16    bill.

17          Q     Okay.  Let's take a look at -- what page is it?  
18    Exhibit F, which is a letter you wrote on May the 12th.  
19    Do you see that in your materials?

20          A     Yes, sir.

21          Q     And that -- and you sent that letter to Laclede  
22    Gas Company?

23          A     Yes.

24          Q     Okay.  And that letter -- I guess you -- at that  
25    time, you were working for Imagine Schools, correct?

1           A     Yes.

2           Q     And in that letter, you say you operate several  
3     large charter schools with square footage in excess of a  
4     100,000 feet and none of your school gas bills are as high  
5     as your current house bill?

6           A     Yes.

7           Q     Did I read that correctly?

8           A     Yes.

9           Q     Is that true?  Do you -- do you testify to that  
10    today?

11          A     To my knowledge.

12          Q     And --

13          A     I don't get all of the gas bills from the  
14    schools.  But it's my job to review the usage and to  
15    review the budget as a whole, and I don't recall anybody's  
16    gas bill being this amount.

17          Q     Okay.  So -- and you wrote that in May of the --  
18    May of 2007?

19          A     Uh-huh.

20          Q     Okay.  Did you have a school while you were at  
21    Imagine Schools at 3740 Marine Avenue?

22          A     No.  There is one there now.

23          Q     Okay.  How about at 1008 South Spring?

24          A     No.  I wrote those two charters that you're  
25    referring to.  I wrote those.  They opened in August, and

1 I left the company in September.

2 Q Okay. So you're responsible for them being  
3 there, but you weren't there when they started?

4 A No, sir.

5 Q Okay. How about 706 North Jefferson?

6 A Yes.

7 Q Yes. Okay. All right. On Exhibit -- let's go  
8 back to Exhibit D. You show that for the period from  
9 February 26 to March 27th, your neighbor had a bill of  
10 \$13.

11 MR. POSTON: What exhibit is that?

12 MR. ZUCKER: I'm sorry. Exhibit D, as in dog.

13 MR. POSTON: What is that? Oh, that's --

14 MR. ZUCKER: That's just her note.

15 MR. POSTON: Oh, okay.

16 Q (By Mr. Zucker) Is that correct?

17 A Yes.

18 Q And did you think that that \$13 bill was  
19 accurate?

20 A She nor I thought that it was accurate. It said  
21 to us that there is a problem here. My bill is 800. Your  
22 bill is 13. There is a problem. And the problem was not  
23 between she and I. It was not from her house to my house.  
24 The problem lied in the lap of Laclede Gas.

25 Q And so did you think that -- that a bill for a

1 month like that should be \$13?

2 A No.

3 Q Okay.

4 A She didn't either.

5 Q Okay. Thank you.

6 A You're welcome.

7 Q Is -- is the basement in your house finished?

8 A Yes, sir.

9 Q And it came finished by the builder?

10 A Yes, sir.

11 Q And is it heated?

12 A Not -- not during the winter because I shut it

13 down.

14 Q You shut the basement down, also?

15 A Yes, I did. I -- that was the major part of

16 shutting down the house. I closed every vent, and I

17 closed every door that was downstairs. I shut it off

18 completely.

19 Q Okay. All right. And you consider 76 degrees a

20 comfortable temperature?

21 A 76 is, yeah. But 70 is not.

22 Q Okay.

23 A We weren't comfortable at all this winter. But

24 we struggled through it.

25 Q Okay. When you lived on Fairway Green, Laclede

1 Gas was your gas provider, right?

2 A I don't remember.

3 Q Okay.

4 A One address, it was AmerenUE. So I don't

5 remember.

6 Q Okay. And you don't recall protesting any of

7 your gas bills from that year?

8 A When you say protest, can you define that?

9 Q Well --

10 A This -- this is a protest.

11 Q Yes. I agree.

12 A Okay.

13 Q And you lived on 225 Fairway Green during the

14 winter of 2005, 2006, correct?

15 A Yes.

16 Q And you received bills during that winter?

17 A Yes.

18 Q Did you contest any of those bills?

19 A I don't recall.

20 Q Okay. Do you recall how much those bills were?

21 A No, I don't. I didn't always pay that bill. My

22 ex-husband paid the gas bill.

23 Q Okay. In -- during the winter of 2006/2007,

24 which is the -- the timing at issue here, how -- how many

25 people were living in your house?

1           A     Two.

2           Q     And the two would be --

3           A     Myself and my 13-year-old.

4           Q     Okay. And the other people who are witnesses in

5     this case, they weren't -- none of them were living in

6     your house during that winter?

7           A     No.

8           Q     Okay. And what about Mr. Mark Harrison?

9           A     He was my ex by then.

10          Q     Okay. He might have visited at certain points

11     during that winter?

12          A     Yes, he did visit.

13          Q     Okay. And if he would visit, he would stay how

14     long, would you say?

15          A     A weekend. Sometimes a week if he was on spring

16     break or something of that nature.

17          Q     Okay.

18          A     He visited for a week at Christmas.

19          Q     And did -- did you receive an e-mail from me in

20     the last several days offering to change the meter?

21          A     I may have, Mr. Zucker. But that's my Missouri

22     Baptist e-mail. And I'm on a different e-mail system, so

23     I'm -- I work off of a different one, and I do check that

24     one. But I check it periodically when I'm teaching my

25     class.

1                   So you may have sent me something and it's  
2   sitting there. I do recall your name being listed there.  
3   I recall going into something with attachments and was  
4   drawn away and did not have a chance to read it or even  
5   open the attachment.

6           Q     Okay.

7           A     I was going to Bible study.

8           Q     Okay.

9           A     It was on a Wednesday.

10          Q     Well, you've testified, nevertheless, that you  
11   would like a new meter --

12          A     Yes.

13          Q     -- is that correct? And would you like to have  
14   the old meter tested for accuracy, the meter that's --  
15   that's been at your house and has measured usage since the  
16   fall of 2006?

17          A     What would be the value of that?

18          Q     Well, if the -- if the -- if the meter tested to  
19   be inaccurate, then there would be -- there -- there would  
20   be a -- an adjustment made to your bill. If the meter  
21   tested to be accurate, then we would have some comfort  
22   that the -- that the usage that we billed you is accurate.

23          A     Why would I trust that? I don't know how to  
24   read a meter. I don't understand -- I wouldn't even know  
25   what you're doing with testing. I just know that this is



1 all -- there's a lot of discrepancies here. There's a lot  
2 of things wrong. How would I -- why would I do that?

3 Q Okay. So --

4 A Why can't -- why don't we just start over and  
5 try to reestablish this relationship? I -- I don't --

6 Q You would be invited to attend -- what I'm  
7 trying to address is -- I think if I understand -- well,  
8 let me ask you this question. Do you believe that the  
9 amount that we billed you for the period November 17th,  
10 2006, to March 27, 2007, is accurate?

11 A No.

12 Q Okay.

13 A Not for one minute.

14 Q Okay.

15 A Not for one minute. When Joyce Jefferson pays  
16 \$1600 a year and I've been billed \$1200 for four months  
17 with nobody reading my meter and the system to read the  
18 meter being inoperable for the first four months that I  
19 was in my house, how could that be right.

20 Q Okay.

21 A When my bill was 800 and Susan's bill was 13,  
22 something's wrong.

23 Q Okay. So I'm trying to address how we can  
24 evaluate whether your position is correct. And -- and one  
25 -- the main way we do that is to test the meter. And you

1 would be invited to attend that test and witness it.

2 A Which would be of no -- no consequence  
3 whatsoever. I would not know what I'm looking at. I have  
4 no knowledge of this. It's -- it just wouldn't serve any  
5 purpose to do that. I'm proposing we start all over again  
6 and try and reestablish a relationship.

7 MR. ZUCKER: Okay. I believe that's all the  
8 questions I have, your Honor.

9 JUDGE LANE: All right.

10 JUDGE LANE: Any cross-examination -- well, any  
11 questions from the Commissioners? We don't have any  
12 commissioners present. Of course, I have a few questions.  
13 We're running up real close to agenda.

14 I have a few items on agenda that I need to be  
15 up there on. So rather than me get started in my  
16 questions, I think we're just going to take a -- take a  
17 recess right now for lunch. Let's reconvene at 1:30.  
18 Okay? 1:30. So we'll be back at 1:30, and -- and we're  
19 off the record.

20 Well, before we go off the record, when we come  
21 back, I'll have some questions of you, Dr. Harrison. And  
22 I know you prefer to be called Cindy, but that seems  
23 rather -- rather informal for me sitting here up on the  
24 Bench.

25 DR. HARRISON: Okay.

1 JUDGE LANE: But --

2 DR. HARRISON: Whatever you're most comfortable  
3 with.

4 JUDGE LANE: You'll have some questions from me,  
5 and then there may be additional cross-examination based  
6 on your answers to the questions that I pose that the  
7 parties may want to ask you some additional questions.  
8 And then you'll have your opportunity to, you know,  
9 address anything that happened during your  
10 cross-examination if you want to go into --

11 DR. HARRISON: Okay.

12 JUDGE LANE: -- Further detail or address any of  
13 the issues upon which you were cross-examined.

14 JUDGE LANE: Okay. All right.

15 DR. HARRISON: Thank you.

16 JUDGE LANE: All right. Thank you very much  
17 we're -- we're temporarily adjourned.

18 (Break in proceedings.)

19 JUDGE LANE: Okay. Oh, wait. There's  
20 Mr. Zucker. Okay. Everyone's here. We're back on the  
21 record in this case, which is GC-2008-0041, Harrison  
22 versus Laclede Gas. And when we left last time, we were  
23 at questions from the Bench.

24 CROSS-EXAMINATION

25 BY JUDGE LANE:

1           Q     And I have a couple of -- several questions for  
2     you, Ms. Harrison. A couple of them deal with your  
3     exhibits. Can you take a look at Exhibit No. H? In my  
4     copy of Exhibit No. H, it looks like you have highlighted  
5     some items on that exhibit. And on my copy, the  
6     highlighted sections are coming in as -- they're all  
7     black, and I can't read them.

8           A     Uh-huh.

9           Q     Do you have a copy there that maybe we could  
10    copy it on real light so we could read --

11          A     I just have my copy. And that -- I highlighted  
12    the fact that the -- the -- there was a charge for gas  
13    service, 11/23/07 to 12/26 of '07, and that's the fee that  
14    I paid. That's the bill that I paid. And that's what  
15    I've been paying consistently, the charge for gas rather  
16    than all of the other stuff that's on the bill.

17          Q     Okay. And the hand notation you have on there,  
18    12.73 late fee, that's shown there in the detail of  
19    current charges, right?

20          A     Yes, sir. To indicate that I'm still being  
21    billed for the Lake -- for the Lake St. Louis taxes and  
22    still being billed and late fees occurring.

23          Q     The 18.50 in tax, is that -- that was -- your  
24    testimony was that was billed to the wrong -- to the wrong  
25    city, right?

1           A     I -- I wasn't supposed to be paying a Lake St.  
2     Louis tax.

3           Q     Right. Okay. I just wanted to make sure of  
4     that because I couldn't read that.

5           A     Sure.

6           Q     And this is about -- I just wanted to make sure,  
7     this is about, what, almost a year after your service?

8           A     After I moved -- uh-huh.

9           Q     Yeah. After you moved in?

10          A     Yes.

11          Q     Okay. I just wanted to make sure about that  
12     since I couldn't read it. On Exhibit No. I, that's your  
13     disconnection notice?

14          A     And I receive one every month. And my -- I  
15     copied that because I wanted the Court to see that one  
16     year later I'm still receiving disconnect notices on a  
17     pending charge.

18          Q     Okay. And your testimony is that, then, that  
19     being issued a final dis -- being issued a disconnection  
20     notice while you have a pending complaint is a violation  
21     of the Commission's rules?

22          A     I don't know that that's a violation of the  
23     rules. I don't know what the rules are in regards to this  
24     notification. But in November, Mr. Zucker was supposed to  
25     take care of these kinds of things, and I was still

1 getting the notice.

2 Q Right. Okay. Were you -- did Laclede offer you  
3 any opportunity to ascertain the amount of your bill that  
4 you disputed, and did they offer you -- did they offer the  
5 opportunity to -- for you to pay half of that or any  
6 portion of that to -- while the -- while your complaint  
7 was pending?

8 A Not to my recollection. Did you, Mr. Zucker? I  
9 don't believe I -- I had any communication with him.

10 MR. ZUCKER: I can answer that, Judge, if you  
11 like.

12 JUDGE LANE: Okay.

13 MR. ZUCKER: I think you're probably referring  
14 to the rule that says we can collect half of the -- of the  
15 amount in dispute. And we did not ask Dr. Harrison to pay  
16 the half. We -- basically, the amount that is in the  
17 current balance now is roughly the amount in dispute.

18 JUDGE LANE: Okay.

19 MR. ZUCKER: And we have, like I said, credited  
20 all the late charges, removed the deposit. So it's back  
21 to that number again.

22 JUDGE LANE: Okay?

23 A What number is that?

24 Q (By Judge Lane) Well, I guess it was the number  
25 shown here -- well, the number shown on Exhibit I is,

1     what, one thousand and --

2             A     \$52.96.

3             Q     \$52.96.  And that consists of what?  Do you  
4     know?

5             A     I don't know.  No, sir, I don't.

6                     MR. ZUCKER:  Exhibit I, that's the total amount  
7     due, which would be the amount in dispute, plus roughly  
8     the current charges which were \$388.  So it's actually  
9     less than that.  She -- oh, okay.  Less the payment that  
10    she made.  Account Balance, 1231.81.  Amount due, 1052.95.  
11    Okay.  There it is.  That's the prior gas -- if you look  
12    on Exhibit H --

13                    JUDGE LANE:  Yes.

14                    MR. ZUCKER:  -- that's the prior gas  
15    approximately on the -- the bottom left.  So that's what  
16    was owed at the time we sent the next bill that had a  
17    disconnect notice on it.

18                    And, again, these disconnect notices -- are  
19    issued by the computer automatically.  And we did suppress  
20    them, and I've had that done, also, back about three weeks  
21    ago.  So her next bill won't -- won't contain it.  And I'm  
22    sorry I didn't get to it sooner.

23                    JUDGE LANE:  Okay.  I just -- I just wanted to  
24    clear that up, make sure about that.

25             Q     (By Judge Lane)  how does it make you feel when

1   you get a disconnect notice when you have, you know,  
2   according to your testimony, you know, repeatedly asked  
3   for bills for the first three months of receive service,  
4   did not receive one?

5           A     It scares the heck out of me. Every time I  
6   receive one of these in the mail, my heart skips a beat.  
7   I feel discouraged. I lose sleep over it until I can get  
8   somebody on the phone to say, no, just ignore that.

9                   And even when they say no, ignore that, you just  
10  never know when you're going to come home and the gas  
11  service will be off. And where will I be? I have a  
12  13-year-old child, so it causes a lot of anxiety and a lot  
13  of stress.

14          Q     Okay. I know you've testified that you don't  
15  believe that the amount -- let's forget about the late  
16  charges and the taxes. Just the amount that's in dispute.  
17  You don't feel that that amount is a correct measure of  
18  the actual amount of gas that you used?

19          A     That's correct.

20          Q     What do you -- I mean, would you just have to --  
21  do you have any basis for estimating what you think the  
22  actual amount would be?

23          A     Yeah. The Jeffersons house. Theirs -- their  
24  house is similar in size to mine. And on the average  
25  billing plan, they're paying \$132 per month, and during



1 the summer getting credit back for overpaying it.

2 This past year, their bill went down because  
3 they had overpaid it during the winter, overpaid it based  
4 on use for the year. And all total, their bill -- their  
5 amount that they pay for gas is \$1668 for a 12-month  
6 period. And I was billed \$1200 for a four-month period.

7 Q All right. Well, let me ask you about the  
8 Jeffersons' house. Is that house roughly the same amount  
9 of square footage as your house?

10 A Roughly, yes.

11 Q Does it have the same types of windows?

12 A Yes. And the same -- they have a walk-out  
13 basement just like I do that -- you know, the same  
14 configuration.

15 Q What about their heating and cooling units? Do  
16 they have the two units like you have?

17 A Yes, sir.

18 Q And the gas furnace, gas fireplaces?

19 A Fireplaces. Yes, sir.

20 Q Same thing?

21 A Uh-huh.

22 Q Style of house, roughly the same?

23 A Roughly the same. They have a room built off of  
24 the kitchen that I don't have built off my kitchen.

25 Q How about insulation? Do you know?

1           A     To my knowledge, it's the same. We live in the  
2     same community. And, basically, the builders use the same  
3     types of materials.

4           Q     The age of the homes, they would have been built  
5     roughly the same time?

6           A     I moved in one year after her, so roughly the  
7     same time.

8           Q     Okay. Do you know, did the Jeffersons engage in  
9     any energy conservation measures like you testified that  
10    you did?

11          A     No, indeed. The Jeffersons don't do anything  
12    with energy conservation. We've had some discussions  
13    about that, about what they're doing to the planet.

14               MR. ZUCKER: I'll object to that for the record.

15               JUDGE LANE: Well, if you -- what's the basis  
16    for that?

17               MR. ZUCKER: Hearsay.

18          A     Oh.

19          Q     (By Judge Lane) Do you have personal knowledge  
20    of the Jeffersons' bill?

21          A     Yes, I do. I sat down with them, and that's how  
22    I came up with 1668. And I know that --

23          Q     So you saw their bill?

24          A     No. I didn't see their bill. We talked. I sat  
25    down and they told me the average billing plan for them

1 was 136, I believe, and now it's 132. And we calculated  
2 that out to be 1668 in a 12 month period. And they shared  
3 with me that they had gotten credit during the summer. So  
4 we had a conversation about it, and they -- they gave me a  
5 statement.

6 JUDGE LANE: Well, unfortunately, they're not  
7 here today.

8 DR. HARRISON: Right.

9 JUDGE LANE: And they can't be cross-examined,  
10 so I'm going to have to sustain that objection about the  
11 hearsay.

12 Q (By Judge Lane) Okay. Let me see. A few other  
13 questions that I had about your testimony. The -- the  
14 deposit, I think you've heard Mr. Zucker explain that that  
15 comes automatically through the computer?

16 A Yeah. Just like the disconnect notice. Yeah.

17 Q Right. When you got the notice that referred to  
18 past usage, was that confusing to you?

19 A That's exactly why I went to my neighbor. Yes.  
20 She -- she's a realtor.

21 Q Because you didn't know what it was talking  
22 about?

23 A Exactly. Because there's no -- it said history  
24 on the -- based on the history of the house. And there  
25 was no history on my house.

1           Q     Okay.  When -- when did you actually close on  
2     the house and move in?

3           A     December 6th.

4           Q     December the 6th?

5           A     I got my keys that morning, and I moved in.  We  
6     spent our first night in the house December 6th.

7           Q     Was the house unoccupied before that?

8           A     Yes, sir.

9           Q     So it had been vacant for a little while?

10          A     Yes.  Since it had been built, it had been  
11     vacant.

12          Q     Okay.  So your testimony -- when did you call  
13     Laclede and request that gas service be established?

14          A     I called them in October initially and said to  
15     them, My closing date is.  Then when we didn't close on  
16     the 16th, I called them back and said, We're not closing  
17     yet and I'll call you back when -- when we get ready to  
18     close.

19                     I had to do that to every single one of the  
20     service providers.  And I did call them back and told them  
21     gas service becomes official in my name as of December  
22     6th.

23          Q     Okay.  So that -- in your opinion, that should  
24     be the starting date --

25          A     Yes.

1 Q -- for your gas service?

2 A Yes.

3 Q December the 6th?

4 A Yes.

5 Q Okay. All right. Very good. With regard to  
6 the -- and your testimony was -- I just wanted to make  
7 sure. You repeatedly contacted Laclede and asked, Will  
8 you please send me a bill?

9 A Yes. I asked them -- I -- I actually -- when I  
10 would call them, I would introduce myself. We would go  
11 through a dialogue about, We're not your service provider.

12 And once we cleared through all of that, then I  
13 would say to them, I haven't received the bill. What is  
14 my bill, and when am I going to get one? I'd like to go  
15 ahead and pay right now, but I haven't received a bill.  
16 So I would -- I would just simply notify them, You need to  
17 send me a bill.

18 Q And the idea was you didn't want to be socked  
19 with three months worth of charges?

20 A Exactly.

21 Q And so you paid the \$200 or so just to kind of  
22 blindly --

23 A Yes.

24 Q -- thinking -- well, okay. All right. And your  
25 testimony was, I just want to make sure about this, that

1 even after turning off one of the furnaces --

2 A All winter.

3 Q -- and shutting off -- shutting the vents all  
4 winter, et cetera, et cetera, you did not see any drop,  
5 any reduction in your gas bill?

6 A No.

7 Q Do you know -- do you happen to know if there  
8 was an increase in the cost of gas that you were having to  
9 pay from Laclede during that period?

10 A No, I don't. I don't know.

11 Q Do you know if -- did you -- was your thermostat  
12 set the same?

13 A No. I reduced the thermostat. That was one of  
14 several things that I tried. And I reduced the thermostat  
15 from 76 to 70 degrees.

16 Q Okay. All right. And then I -- didn't you also  
17 testify about being out of town?

18 A Twice.

19 Q And turning the thermostat down to 50?

20 A Yes, sir. Twice. Once in November and again in  
21 February.

22 Q And that didn't help much either?

23 A I didn't see any reduction in my bill.

24 JUDGE LANE: Okay. This is a question -- and,  
25 again, Mr. Zucker, you may want to jump in here with

1 regard to the taxes. You're taking off the taxes from  
2 Lake St. Louis and applying the taxes to O'Fallon?

3 MR. ZUCKER: Correct.

4 JUDGE LANE: Okay. The correct municipality?

5 MR. ZUCKER: Correct.

6 JUDGE LANE: Or --

7 A Yes. O'Fallon is the correct municipality.

8 Q (By Judge Lane) That's what I wanted to make  
9 sure.

10 A Yes, sir.

11 JUDGE LANE: That's the one that it should be.

12 Okay. Okay. I think that takes care of my questions.

13 A Okay.

14 JUDGE LANE: Do you have any redirect testimony?

15 Would you like to make any additional comments or anything  
16 in response to --

17 MR. ZUCKER: Do you want to do cross?

18 THE COURT: Oh, you do. That's right. You get  
19 recross. Recross examination, then, after the questions  
20 that I asked. And Staff would be first to recross.

21 MS. HERNANDEZ: No. I --

22 JUDGE LANE: Sorry about that.

23 MS. HERNANDEZ: I'm sorry. No -- no, your  
24 Honor.

25 JUDGE LANE: Okay. Public Counsel?

1 MR. POSTON: No questions. Thank you.

2 JUDGE LANE: Laclede?

3 RECROSS EXAMINATION

4 BY MR. ZUCKER:

5 Q In response to a question from the Judge, you  
6 said that you had repeatedly contacted Laclede about not  
7 receiving bills during the winter of 2006/2007. Do you  
8 recall that?

9 A Yes.

10 Q And that was -- was that a yes?

11 A Yes.

12 Q I'm sorry. And when you would call Laclede, I  
13 assume that you would give your name; is that correct?

14 A And my address. Yeah. They couldn't give me  
15 information without my name and address.

16 Q Okay. And -- okay. And you probably did not  
17 know an account number to give?

18 A No. I had no bill.

19 Q Okay. Okay. But you gave -- do you give your  
20 name differently?

21 A No.

22 Q Would you have said Hortense Harrison or Cindy  
23 Harrison?

24 A Yes. I would have said Hortense. My legal name  
25 a Hortense, and all of my bills is in my legal name.



1           Q     And, in fact, this bill is in your -- is in the  
2     name of Hortense, also, right?

3           A     Yes.

4           Q     Is that right?

5           A     Yes.

6           Q     Okay. And when you gave them the address, you  
7     would give them 40 Gateview?

8           A     Yes, sir.

9           Q     Do you -- do you recall if you spelled it or --

10          A     Usually, I have to spell Gate and View and say  
11     that it's a compound word.

12          Q     Okay. And when -- when you moved the -- the  
13     closing date in late 2006, I assume you had to make a lot  
14     of phone calls to a number of different organizations,  
15     maybe a moving company along with other various utilities?

16          A     I didn't even have to move -- I did not have to  
17     call the moving company. They were already at my house.  
18     So we went ahead and put everything on the truck and  
19     stored it on the truck. And I had a pod. So they were  
20     the ones I didn't have to call.

21                   I had to call the water company. I had to call  
22     -- and -- which is PSWD District 1 or something. And  
23     Wentzville, my water comes from Wentzville. I had to call  
24     Quiver River Electric Company. I called the trash  
25     company, which at that time was Grace Hauling. Now it's

1 O'Fallon Hauling. Grace is through Defiance.

2           Who else did I call? There's -- there's a  
3 sanitation or sewer something that I receive, so I had to  
4 call that. T.R. Hughes gave me a list with phone numbers  
5 and -- and companies that I needed to call. And I just  
6 went down that list and called everyone.

7           Q     All right. Do you remember what caused the --  
8 your closing to be postponed?

9           A     There were a number of things that caused the  
10 closing to be postponed. The paperwork wasn't ready from  
11 the mortgage company, for one. And there were some things  
12 in the house that were not correct.

13                They had the wrong fixtures on the sink. The  
14 wrong fixtures in the bathroom. There were a number of  
15 little things that needed to be done.

16           Q     Okay. And did you find these wrong things in  
17 the walk-through that you did?

18           A     Yes.

19           Q     Okay. And you would have done that walk-through  
20 maybe the day before the closing?

21           A     Actually, it was the day of -- the morning of.

22           Q     The day of?

23           A     The morning of the closing.

24           Q     So you stopped the closing right there after you  
25 did the walk-through?

1           A     We couldn't close. After we went to the  
2 closing, the paperwork was not ready --

3           Q     Wow.

4           A     -- so we couldn't do it then anyway. And -- and  
5 after thinking about it and the paperwork didn't go  
6 through, for me, that was a sign we needed to clean up  
7 everything that need to be corrected in the house before I  
8 moved in. And I opted to -- to do just that. Let's get  
9 everything in the house correct, and then we'll close.

10          Q     Did --

11          A     And then we did.

12          Q     And you had already -- they had already packed  
13 your stuff at Fairway Green?

14          A     Most of it. Yes. Some of it, I put on a pod  
15 myself because we were between Thanksgiving and Christmas.  
16 I have a 13-year-old and family that was going to come  
17 into town for Christmas. And we were then going to leave  
18 and go to Washington D.C.

19                 And my phone call to you was from Washington  
20 D.C. asking how much is my bill, I haven't received one.  
21 And that's when I paid arbitrarily \$200 on the phone. I  
22 was actually in D.C. when I did that trans -- transaction  
23 with your company.

24                 Because we were between holiday seasons, I  
25 rented a pod and put all of the things that I wanted to

1     carry to the house to be unpacked first. And all of my  
2     seasonal, my Christmas decorations were on the pod. I  
3     wanted to separate them from everything else that had to  
4     be moved into the house. So --

5           Q     Okay. So in the nearly three weeks between the  
6     time the closing was canceled and the closing took place,  
7     did you live in -- on Fairway Green?

8           A     Yes, I did.

9           Q     Was there beds and stuff to sleep in?

10          A     Yes. Uh-huh.

11          Q     Did it come furnished?

12          A     What?

13          Q     Fairway Green.

14          A     No. Those were my beds.

15          Q     Those were yours. Okay.

16          A     Uh-huh.

17          Q     They hadn't been packed yet?

18          A     No. There are certain things you don't pack  
19     until you're ready to move. Everything else was packed.  
20     My bedding, my bathroom was not packed.

21          Q     Okay. All right. Thank you.

22          A     You're welcome.

23                JUDGE LANE: Thank you, Mr. Zucker. Now, sorry  
24     to have skipped the recross there. Didn't mean to do  
25     that. If you have any redirect testimony, now is the time

1 if you have any.

2 DR. HARRISON: No. I don't have any redirect  
3 testimony. I just want to thank the entire court and all  
4 of you for all of your time today. I know that this is  
5 very time consuming for all of you. I appreciate that.

6 And I appreciate your giving me a voice, giving  
7 me an opportunity to state my case and an opportunity,  
8 Mr. Zucker, to reestablish our relationship with Laclede  
9 Gas. I have not lost hope that this can be salvaged. But  
10 I do need Laclede Gas to recognize the errors that have  
11 been made and correct those errors.

12 JUDGE LANE: All right. Thank you,  
13 Dr. Harrison. And that completes -- that concludes your  
14 case. You may step down.

15 DR. HARRISON: Thank you.

16 JUDGE LANE: According to the list of issues,  
17 witnesses and order of cross-examination, Laclede is -- is  
18 next to present its evidence.

19 MR. ZUCKER: Okay. Laclede calls to the stand  
20 Ms. Rhonda O'Farrell.

21 JUDGE LANE: Ms. O'Farrell, would you please  
22 state and spell your name for the record?

23 MS. O'FARRELL: Rhonda O'Farrell,  
24 O-'-F-a-r-r-e-l-l.

25 JUDGE LANE: Please raise your right hand to be

1 sworn.

2 RHONDA O'FARRELL,

3 being first duly sworn to testify the truth, the whole  
4 truth, and nothing but the truth, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ZUCKER:

7 JUDGE LANE: Thank you very much. Mr. Zucker,  
8 you may proceed.

9 Q (By Mr. Zucker) Okay. Ms. O'Farrell, who are  
10 you employed by?

11 A Laclede Gas Company.

12 Q And what is your position at Laclede?

13 A I'm an Assistant Manager in the Credit and  
14 Collection Department.

15 Q And what are your responsibilities in that role?

16 A Coordinating with the collection agencies for  
17 final bills that have gone unpaid.

18 Q Okay. And how long have you been at Laclede?

19 A About 12 and a half years, coming up on 13 in  
20 September.

21 Q Okay. And what position -- how long have you  
22 been in your present position?

23 A Officially, about two months.

24 Q Two months?

25 A Right.

1 Q Okay. And what position were you in before you  
2 were in credit and collection?

3 A I was the Assistant Manager of the Community  
4 Services Department.

5 Q Okay. And what did you do in that role?

6 A We were responsible for replying to the customer  
7 complaints filed with the Missouri Public Service  
8 Commission.

9 Q Okay. And how long were you in that position?

10 A Over five years.

11 Q Okay. And prior to that?

12 A I worked in the Customer Accounting Department.  
13 I was the Assistant Manager of Customer Accounting.

14 Q Okay. And what is your educational background?

15 A I have a degree from Concordia University in  
16 Wisconsin, Communications and Management.

17 Q And you are here today to testify on --  
18 regarding Dr. Hortense Harrison's complaint?

19 A That is correct.

20 Q Can you confirm Dr. Harrison's address for us?

21 A 40 Gateview Court.

22 Q Okay. And what city is that in?

23 A Well, when she initially called Laclede Gas to  
24 establish service in October '06, she advised that it was  
25 Wentzville and provided a zip code. However, after

1 reviewing the account, we had our records as O'Fallon with  
2 a different zip code.

3 Q Okay. And where does St. Charles County list  
4 this address as?

5 A St. Charles County? They list it as O'Fallon.

6 Q Okay. Do you have St. Charles County records to  
7 refer to there?

8 A Yes, I do. Yeah.

9 Q Have you -- do you need to refer to them?

10 A Let me look. St. Charles County Assessor's  
11 Office lists the city as O'Fallon.

12 Q Okay. And the address is in what mailing  
13 address?

14 A The mailing address, though, is Lake St. Louis,  
15 Missouri, 63367.

16 Q Okay. And you referred to an October 23rd,  
17 2006, statement by Dr. Harrison a minute ago. Was this a  
18 -- a conversation you listened to?

19 A Yes. I did listen to the recorded conversation.

20 Q Okay. And do you have the transcript in front  
21 of you that was sent to the parties here in the last few  
22 days?

23 A Yes, I do.

24 Q At the top, it says, Call by Hortense Harrison  
25 to Laclede to initiate service at 40 Gateview court.



1           A     Yes. I do have that transcript.

2           MR. ZUCKER: Okay. I'm going to hand it to the  
3 court reporter. How would you like this marked?

4           JUDGE LANE: Let's see. We -- we've done --  
5 we've done letters with the complainant, so let's do  
6 letters with the Respondent. Let's call it Respondent's  
7 A.

8           MR. ZUCKER: Respondent's A. Okay.  
9 Respondent's Exhibit A.

10          Q     (By Mr. Zucker) Okay. Here you go. Okay. Is  
11 -- and you said you listened to the recorded conversation  
12 from when this transcript was taken?

13          A     Yes.

14          Q     And does this transcript appear to be a true and  
15 correct recitation of that recorded conversation?

16          A     Yes.

17          MR. ZUCKER: I'm going to, at this point, offer  
18 the transcript into evidence as Respondent's Exhibit A.

19          JUDGE LANE: I'm sorry?

20          MR. ZUCKER: I'm offering it into evidence now,  
21 I'm sorry, as Respondent's Exhibit A.

22          JUDGE LANE: Oh, you are. Yes. Any objections?

23          MS. HERNANDEZ: Staff has none.

24          JUDGE LANE: Hearing none, it is admitted,

25          (Respondent's Exhibit A was offered and admitted

1 into evidence.)

2 MR. ZUCKER: Okay. Thank you, your Honor.

3 Q (By Mr. Zucker) If you'll refer to Respondent's  
4 Exhibit A, in response to a question from Barb of Laclede  
5 as to what's the address, what does Dr. Harrison respond?

6 A Dr. Harrison responded 40 Gateview Court,  
7 Wentzville, 63368.

8 Q And how does Barb respond to that?

9 A Barb indicated that we do not have a Gateview in  
10 Wentzville, but that we did have a Gateview in O'Fallon,  
11 zip code 63367 and asked if that was correct.

12 Q And how does -- does Dr. Harrison agree that the  
13 different city and zip code are correct?

14 A No. She did not agree with that.

15 Q Okay. Do you know when this house was built?

16 A The fall of 2006.

17 Q And do you know who the builder was?

18 A T.R. Hughes of St. Charles County.

19 Q And when did Dr. Harrison request that service  
20 begin in her name on this phone call?

21 A On the October 23rd '06 phone call, she  
22 requested initially that it be established as of November  
23 16th. But after confirming with Laclede's representative  
24 that the turn-off at the -- her former address was for the  
25 17th, she agreed to schedule the order for the turn-on on

1 the 17th of November.

2 Q Okay. And did we need her to be home for that  
3 turn-on?

4 A Yes. And the representative did advise her of  
5 that.

6 Q And what -- why is that?

7 A Because we need to perform a gas safety  
8 inspection on the gas appliances.

9 Q Okay. And did Laclede perform a gas safety  
10 information on November 17th?

11 A No, we did not.

12 Q And why not?

13 A The customer was not home. There was no access.

14 Q Okay. So the Laclede service technician wasted  
15 a trip?

16 A That is correct.

17 Q Do you have any record of the customer calling  
18 us to reschedule that appointment?

19 A No, sir.

20 Q If the customer had called to reschedule, would  
21 there be a record made by Laclede?

22 A Yes. There would have been a record made by  
23 Laclede.

24 Q What kind of record would that be?

25 A The order would have been -- a new order would

1 have been placed pending in our system for the -- for the  
2 turn-on.

3 Q Okay.

4 A Or the transfer of service order.

5 Q All right. While the service technician -- so  
6 the service technician went out there, and no one was  
7 there. What did he do?

8 A He checked the meter. It was on. He read the  
9 dials, the index dials off of the meter and recorded that  
10 information on the service order ticket. He would have  
11 also have left a notice on the door advising that the  
12 customer needed to call Laclede to reschedule the order.

13 Q Okay. What -- what does a trip like that cost?  
14 Do you know?

15 A I don't know.

16 Q Is Dr. Harrison charged for it?

17 A No.

18 Q Okay. All right. So no one was there for the  
19 gas safe turn on. Then what did Laclede do?

20 A The -- when the ticket came back into the  
21 office, it was entered into our system as visited, which  
22 cancels the order.

23 And established -- since there was gas usage at  
24 the premises because of the meter reading that was  
25 obtained from the meter dials that indicated usage, we

1 established the account then to the builder, T.R. Hughes,  
2 to bill him for the usage. And then subsequently set up  
3 the account for Dr. Harrison.

4 Q And did we establish service in Dr. Harrison's  
5 name effective on November 17th?

6 A That's correct.

7 Q Okay. And you've heard Dr. Harrison testify  
8 that she did not close on home until December 6th. Is  
9 that -- is that correct?

10 A Yes, I did hear that. Yes.

11 Q And who -- who, in your opinion, should be  
12 responsible for the gas service between November 17th and  
13 December 6th?

14 A Dr. Harrison.

15 Q And have -- has Laclede made any determination  
16 on whether it will continue to charge her for that?

17 A You've announced that we are going to adjust  
18 that billing accordingly and bill T.R. Hughes for the gas  
19 consumption between November 17th and December 6th.

20 Q And start the billing for Dr. Harrison on what  
21 date?

22 A December 6th, 2006.

23 Q Okay. Do you know what the -- the period that  
24 the customer's first bill covered, the first bill issued  
25 to -- in Dr. Harrison's name on this account?

1           A     Let me refer to my record. One second.

2     November 17th, 2006 to, it appears, December 26th, 2006.

3           Q     Okay.

4           A     Approximately December 26, 2006.

5           Q     And do you think that Dr. Harrison received this  
6     bill?

7           A     No, I do not.

8           Q     And why not?

9           A     Because the mailing address on Dr. Harrison's  
10    account was to T.R. Hughes' corporate office.

11          Q     Instead of the home address?

12          A     That's correct. Instead of the premise address.

13          Q     And was this -- was this address issue Laclede's  
14    error or Dr. Harrison's error?

15          A     Well, on November 17th when the service  
16    technician arrived to perform the safety inspection, when  
17    the ticket came back into the office that it was -- no one  
18    was available, so the order was, in essence, canceled and  
19    visited, a more complicated procedure had to be completed  
20    in order to bill the builder and then set up  
21    Dr. Harrison's account and then issue the -- the billing  
22    adjustments accordingly.

23                So it was additional steps, a more complicated  
24    process involved. So, in essence, that caused -- you  
25    know, with the more steps involved and complicated

1 procedure, the clerk who entered the order inadvertently  
2 did not change the mailing address.

3 Q So you're saying that when -- when we failed to  
4 have the gas safety inspection, that complicated the  
5 matter?

6 A That's correct.

7 Q But Laclede had to change the mailing address  
8 from the builder to the new customer, Dr. Harrison?

9 A That's correct. The system would have  
10 automatically carried that information over and we have to  
11 -- we had to manually change that information.

12 Q And -- and Laclede failed to do that?

13 A That's correct.

14 Q So that was an error on Laclede's part?

15 A Yes.

16 Q Okay. Did Laclede also send the January bill to  
17 the builder, the bill for the, I guess, period ended  
18 toward the end of January?

19 A That's correct. We sent that one to the  
20 builder, also.

21 Q Okay. What do your records show in terms of --  
22 or what do Laclede's records show in terms of calls  
23 received from the customer to inquire about her account  
24 and -- and the lack of bills received in the period  
25 between December 6th, 2006, and the end of March 2007?

1           A     That there were no contacts from the customer.

2           Q     So when was the first time that the customer  
3     contacted Laclede in -- according to your records?

4           A     March 14th, 2007.

5           Q     Okay. So there was -- there was one before the  
6     end of March?

7           A     Oh, I'm sorry. Before the end of March. Yes.  
8     March 14th. I'm sorry.

9           Q     Are there any before March 14th, 2007?

10          A     No.

11          Q     Okay. Had the -- had the customer called us and  
12     asked us about the -- and told us that she didn't receive  
13     a bill, would -- would Laclede have placed that  
14     information in its account?

15          A     Yes.

16          Q     What -- what would it show, in -- in your  
17     opinion?

18          A     It would show that the customer called in about  
19     the no bill situation. And by pulling up the account  
20     either by the customer name or by the service address, the  
21     information would have been noted on that account that  
22     came up.

23          Q     But your records show no inquiry before March  
24     14th, 2007?

25          A     That's correct.



1           Q     And let me ask you this, Ms. O'Farrell. Is it  
2 possible that Dr. Harrison would have called in to inquire  
3 about her account and Laclede would have denied that  
4 Dr. Harrison was a customer?

5           A     In my opinion, no, we would not have denied that  
6 she was a customer or that there was a gas meter at that  
7 particular premise.

8           Q     Well, is it possible that Laclede might have --  
9 might have denied that?

10          A     In my opinion, no.

11          Q     Okay. And why? Why would you say that?

12          A     Our computer system, either you need an account  
13 number or the customer's Social Security number or their  
14 name, last name and then first name or the service address  
15 to pull it up.

16                 Since she wouldn't have known her customer  
17 account number, we would have used one of the other three  
18 methods. And by using Harrison, Hortense or 40 Gateview,  
19 the -- the premise account would have pulled up indicating  
20 that Laclede had a gas meter at that address because the  
21 account had been in the system initially since November  
22 '06.

23                 So any time after that, it would have been  
24 recognized that there was a meter at that premise.

25          Q     So the -- the error in the billing address, was

1     that the only error in the account?

2           A     As far as billing?

3           Q     I mean, are there other reasons why Dr. Harrison  
4     might have called in and we would be unable to access that  
5     -- that account?

6           A     No. Not that I can think of. No.

7           Q     Okay. Dr. Harrison has testified that she made  
8     a payment of \$200 in December of 2006. Does -- do  
9     Laclede's records agree with that?

10          A     A \$200 payment did post to the account at 40  
11     Gateview on December 29th, 2006.

12          Q     Okay. And how was that payment made?

13          A     It was received from a credit card.

14          Q     Okay. And would that payment have been made  
15     while Dr. Harrison was on the phone with Laclede?

16          A     No.

17          Q     How -- how would that payment have been made?

18          A     Laclede does not take payments. If she would  
19     have called and -- you know, a third party would have  
20     needed to take that credit card payment. Laclede does not  
21     take credit card payments.

22          Q     But a third --

23          A     A third party.

24          Q     There are numbers that customers can call and  
25     make a credit card payment?

1           A     That's right.

2           Q     Just not to Laclede?

3           A     Just not to Laclede.

4           Q     Okay. When do you show the next payment having  
5     been paid after the December 29, 2006, payment?

6           A     The next payment to post was on April 3rd, 2007,  
7     a payment of \$229.91.

8           Q     And so you do not show any payments for the end  
9     of January?

10          A     No payments for January -- end of January.

11          Q     How about payments for the end of February?

12          A     No payments for the end of February.

13          Q     Okay. The April 3rd payment you referred to,  
14     how was that payment delivered to Laclede?

15          A     That was via mail to our lock box, which is  
16     our --

17          Q     So I assume, then, that was -- there was a check  
18     in the mail --

19          A     Yes.

20          Q     -- that was not done by credit card?

21          A     Correct.

22          Q     Okay. Did Laclede have a problem with the meter  
23     at 40 Gateview?

24          A     The meter or the reading device specifically?

25          Q     Well, any part of the meter.

1           A     Yes. The AMR reading device.

2           Q     Okay. And was the problem with the entire meter  
3 or just the AMR module itself?

4           A     Just the AMR module itself.

5           Q     And how do you know that?

6           A     Because we receive actual meter readings from  
7 the index dials off of the original meter on November  
8 17th, 2006. And actual meter readings obtained thereafter  
9 in January and March and April '07 that indicate that the  
10 meter indexes were advancing. It was the AMR that was  
11 malfunctioning.

12          Q     Okay. And who is Laclede's AMR provider?

13          A     Cell Net.

14          Q     Okay. And so did Cell Net re-program the meter?

15          A     Yes.

16          Q     And when did they do that?

17          A     Let me check my records real quick, please. The  
18 first time was mid January, on or about the 19th of  
19 January, 2007.

20          Q     And did the Cell Net representative get a meter  
21 reading at that time?

22          A     He did get a meter reading. The first reading  
23 was seven -- 7470, but that appeared to be inaccurate  
24 because it was less than the original meter set index. So  
25 in hindsight, we believe that he just misread the first

1 dial to the left. Instead of a seven, it should have been  
2 an eight for a reading of 8470.

3 Q Okay. So where was the, where did Laclede set  
4 the meter at? Do you recall the number?

5 A Let me check my records for the exact index  
6 setting. One moment. The index setting was 7926.

7 Q So it could hardly a couple months later be at  
8 7470?

9 A That's correct. The indexes don't go backwards.

10 Q And that's why you believe it was probably 8470?

11 A 8470. Correct.

12 Q So how did Laclede bill that having gotten a  
13 read that it believed was inaccurate?

14 A Instead of using an index of 7470, the index was  
15 modified. And the bill would have been noted as being  
16 estimated through the end of January 25th, 2007, for a  
17 reading of --

18 Q Okay.

19 A Yeah.

20 Q I'm sorry. What?

21 A It would have been -- the billing would have  
22 been noted as estimated.

23 Q Okay.

24 A But we modified the reading that was obtained.

25 Q Okay. All right. So after this Cell Net

1 visited the -- worked on the meter in January of 2007, did  
2 it begin sending signals at that point?

3 A No, it did not.

4 Q Okay. And -- and how do you know that?

5 A Well, we get a read file for monthly billing  
6 purposes, and there was no read emitted.

7 Q So how did Laclede render a bill for the period  
8 ended in the end of February 2007?

9 A The February bill was estimated.

10 Q Okay. And then what happened after that?

11 A On or about March 7, 2007, Cell Net went back  
12 out to the premise to re-program the device. And they  
13 received a reading of 9003, which was consistent with the  
14 original set index and what we assumed the reading should  
15 be at that time.

16 Q Okay. And after that Cell Net visit in March of  
17 2007, did the -- did the reading transmit from the AMR  
18 module after that?

19 A Yes. We began to receive daily reads. And --  
20 and for the monthly billing cycle, yes, we obtained reads  
21 from the AMR device.

22 Q Okay. Okay. And -- would you think that  
23 Dr. Harrison received the February 2007 bill that Laclede  
24 sent?

25 A No.

1 Q And why?

2 A Because the mailing address was still to the  
3 builder.

4 Q Okay. All right. And then that brings us to  
5 March. And I believe you testified that on March 14th,  
6 Dr. Harrison contacted Laclede to inquire about her bills;  
7 is that correct?

8 A That's correct.

9 Q And what did Laclede do in response to that  
10 inquiry?

11 A On March 14th, we changed the -- or deleted the  
12 mailing address from the builder and just left it as the  
13 premise address for -- for all contact, point of contact,  
14 including billing.

15 Q Okay. All right. And at March 27th, the end of  
16 the March billing cycle, did Laclede receive an actual  
17 read?

18 A Let me check my records. One moment. March  
19 27th, 2007. Yes. The device read was obtained and used  
20 for billing.

21 Q Okay. And what was that reading?

22 A 9088.

23 Q And was that in line with the previous reading  
24 of March 7th?

25 A Yes, it was.

1           Q     Okay. And so did Laclede then issue a bill with  
2     an actual usage to the correct address?

3           A     Yes, we did.

4           Q     Okay. And that bill covered what period?

5           A     November 17th, 2006, to March 27th, 2007.

6           Q     And how much usage and -- and dollars did  
7     Laclede bill for that period?

8           A     One moment. Let me check my records. The  
9     actual usage and CCFs was 1,010 feet, which was 1,029.2  
10    therms. And the dollar amount of the bill, \$1,233.10 for  
11    the time period.

12          Q     Okay. And did the bill -- did that bill, also,  
13    provide credit to Dr. Harrison for previous billings made  
14    during that period?

15          A     Yes. A credit of \$429.91 was given for the  
16    previous billings up to that point. Or up to the February  
17    bill.

18          Q     Okay. And so the net amount due on that bill  
19    for the period ended March 27th was?

20          A     \$803.19.

21          Q     And the adjustment made by Laclede of the  
22    under-charge, did that cause the entire amount of \$803.19?

23          A     No. That \$803.19 includes the -- also the  
24    current charge for gas service, which had not been billed  
25    up to that point.



1           Q     And that charge was for what period?

2           A     Could have been in the neighborhood of about

3     \$200 for the one month of service.

4           Q     Okay. And that month would have been between

5     February and March?

6           A     Yeah. February 26th to March 27th.

7           Q     And you're estimating that bill as how much?

8           A     \$200.

9           Q     Do you --

10          A     Approximately.

11          Q     Do you know how much it is exactly?

12          A     One second.

13          Q     I guess you'd have to have a February 26th

14     reading.

15          A     You would -- yeah. Which we did not have at

16     that time. But --

17          Q     So you're guessing about \$200 --

18          A     Guessing. Right.

19          Q     -- for that bill? And so how much would that

20     have made the adjustment itself worth?

21          A     About \$600.

22          Q     Okay. That's just the 800 minus the 200?

23          A     The 200. Right.

24          Q     Okay. Okay. So after these meter reading and

25     mailing issues experienced by Dr. Harrison, did Laclede

1 expect her to pay the entire \$803 immediately?

2 A No. The billing that was -- the corrected  
3 billing that was sent to her stated that it could be paid  
4 in installments for a period equal to the period of the  
5 under-billing.

6 Q And what did it advise the customer to do?

7 A To call if she wanted to set up payment  
8 arrangements.

9 Q Okay. And let's take a look at this bill  
10 message. Do you have -- happen to have that with you?

11 A Yes.

12 Q It's a -- it's Exhibit B to Dr. Harrison's  
13 testimony. It says that, Your gas bill has recently been  
14 estimated based on past usage. Dr. Harrison's pointed out  
15 that she lives in a new home and there is no past usage to  
16 have estimated on. Is she correct?

17 A Yes. As a practical matter, yes, she is  
18 correct. In most cases when we have to estimate a bill,  
19 it is based on that location's prior history.

20 In this case, though, since there -- you know,  
21 it was a new construction home, we use estimating factors  
22 based on the information provided about the house, you  
23 know, until enough experience is gained from the house to  
24 -- to determine, you know, what the exact factors should  
25 be.

1           Q     Okay.  So if there isn't past usage and we use  
2     some kind of factors, then the estimate might be accurate  
3     or high or low; is that correct?

4           A     That's correct.  Right.

5           Q     And is that important in terms of what  
6     Dr. Harrison's ultimately billed?

7           A     No.  Because the bill that we -- the corrected  
8     bill that we sent her was based on an actual meter read  
9     from the start to the March 27th read.

10          Q     Okay.  All right.  So the bill message advised  
11     the customer to call if she wished to set up payment  
12     arrangements.  And did Dr. Harrison call Laclede?

13          A     Yes, she did.

14          Q     Do you know what day she called?

15          A     Let me refer to my records.  One moment.  April  
16     16th, 2007.

17          Q     And did she call to set up payment arrangements?

18          A     No.  She was protesting the adjusted bill  
19     amount.

20          Q     Okay.  And -- and that amount was, again, based  
21     on actual usage or estimated usage?

22          A     Actual usage.

23          Q     Okay.  Did Laclede have at that time a similar  
24     problem with a neighbor of Dr. Harrison's?

25          A     Yes, we did.  That problem was resolved and

1 adjusted billing issued.

2 Q Okay. And was there a problem measuring that  
3 customer's usage?

4 A Yes.

5 Q I mean, why did the customer get a \$13 bill in a  
6 winter month?

7 A The AMR didn't register usage, so the usage was  
8 just billed as zero, customer charge only plus tax.

9 Q And so did that customer end up paying \$13 for  
10 -- for winter month, or was that adjusted?

11 A It was eventually adjusted.

12 Q Okay. Okay. So Dr. Harrison calls up on April  
13 16th. She protests the bill. What does Laclede do?

14 A We sent a representative out in order to obtain  
15 an actual meter reading from the meter index.

16 Q Okay. When did that representative go out?

17 A Let me refer to my records. One moment, please.  
18 I went the wrong direction. Actual meter reading was  
19 obtained on April 21st, 2007.

20 Q Okay. And what was that reading?

21 A That reading was 9196.

22 Q And was that reading consistent with the  
23 previous readings or inconsistent?

24 A It was consistent with the previous actual meter  
25 indexes and the AMR device reading that was emitted --

1 that had been emitted.

2 Q And what did Laclede conclude from the April  
3 21st reading?

4 A That her billing up to that point was accurate  
5 as rendered.

6 Q And did Laclede communicate that to  
7 Dr. Harrison?

8 A Let me check. Hold on just one moment. Yes.  
9 On April 25th, a representative explained that per the  
10 special reading obtained on 4/21 that the bill was  
11 correct.

12 Q And did Dr. Harrison accept that?

13 A No, she did not. She demanded a high bill  
14 premise investigation.

15 Q Okay. And did Laclede schedule a high bill  
16 premise investigation?

17 A Yes. At that time, the order was scheduled for  
18 May 1st.

19 Q Okay. I am going to hand you what I'm about to  
20 mark as Respondent's Exhibit B. And this is the four-page  
21 -- consists of four pages and is the high bill  
22 investigation report. Excuse me. Oh, that's for you. Do  
23 you have that in front of you?

24 A Yes. I will get that.

25 Q Respondent's Exhibit B. Okay. Do you have

1 that?

2 A Yes. I have it in front of me.

3 Q And does the first page say High Bill  
4 Investigation on the front?

5 A Yes.

6 Q Okay. And -- and is -- is the -- is this the  
7 paperwork associated with the high bill inspection?

8 A Yes.

9 Q And is it associated with the high bill  
10 inspection that Laclede performed on May 1st, 2007, at  
11 40 Gateview Court?

12 A Yes, it is.

13 Q And are you familiar with high bill inspections  
14 and their accompanying forms?

15 A Yes.

16 Q Does this appear to be a standard Laclede form?

17 A Yes.

18 Q Are high bill inspections performed in the  
19 regular course of Laclede's business?

20 A Yes, they are.

21 Q Okay. And is the information filled out on --  
22 well, look at the second page. Do you see the field  
23 inspection report?

24 A Yes.

25 Q Is that information filled out at around the

1 time that the inspection takes place?

2 A Yes. It's filled out -- as the inspector goes  
3 through and checks all the equipment, they write down the  
4 information.

5 MR. ZUCKER: Okay. I -- your Honor, I offer the  
6 high bill investigation, Respondent's Exhibit B, as --  
7 into evidence.

8 JUDGE LANE: Any objections? Respondent's B is  
9 admitted.

10 (Respondent's Exhibit B was offered and admitted  
11 into evidence.)

12 Q (By Mr. Zucker) Okay. Look on the first page,  
13 Ms. O'Farrell. On the bottom half where it says,  
14 Description of Complaint, can you read that for us?

15 A Customer demanding high bill investigation.  
16 Customer acknowledges that home is 3700 square feet and  
17 Ms. kept the thermostat at 74 degrees.

18 Q Why does that read as if the customer admitting  
19 something as opposed to just a fact?

20 A I'm not sure I understand your question.

21 Q Well, I mean, Customer acknowledges as if -- it  
22 -- the way it reads as if the customer is conceding  
23 something. Do you have -- do you have any reason why --  
24 do you have any idea why it might be written like that?

25 A No. Just that it's the customer's own --

1           Q     Okay. Let me -- let me rephrase the question.  
2     If you were to do a high bill inspection on a home that  
3     was 3700 square feet and where the thermostat was kept at  
4     74 degrees and that over four winter months the customer  
5     was billed for a 1010 CCF costing \$1233, what would be  
6     your -- your approach? What would your view be of that?

7           A     That the high bill inspection really wouldn't  
8     have proven anything different than that the actual gas  
9     usage was used as metered. That big of a house, based on  
10    the heating degree days, that number of good reads that we  
11    had, the fairly high temperature setting of 74 degrees,  
12    300 or so dollars per month would be in line with that  
13    size house and the appliances that are at the house.

14          Q     Okay. And did Laclede conclude that from the  
15    high bill inspection?

16          A     Yes, we did.

17          Q     Did Laclede conclude that the billing for the  
18    period ended March 27th was accurate?

19          A     Yes, we did conclude that the billing was  
20    accurate.

21          Q     Okay. And you -- you said that 74 degrees was  
22    fairly high. What -- what temperature in -- in your  
23    opinion, is a -- a temperature that's consistent with  
24    conservation?

25          A     68 degrees.



1           Q     All right. Did Dr. Harrison agree with  
2     Laclede's conclusion after the high bill investigation  
3     that the billing was accurate?

4           A     No, she did not.

5           Q     Okay. So did Laclede offer to remove and test  
6     the meter there?

7           A     The in-office representative contacted Ms.  
8     Harrison after the information was completed -- or  
9     Dr. Harrison. I apologize. After the inspection was  
10    completed and was advised that it was -- the premise  
11    investigation was completed and that the billings were  
12    accurate.

13                   We offered a special meter change in order to  
14    test the meter, and she declined and requested the phone  
15    number to the MPSC. She was comparing her bills with her  
16    neighbors' bills.

17          Q     Okay. Dr. Harrison has stated previously that  
18    she's never before been billed as much as she was billed  
19    for the winter of 2006/2007. Have you performed or caused  
20    to be performed any studies that pertain to that issue?

21          A     Yes.

22          Q     Okay. I'm going to hand you what's being marked  
23    as Respondent's Exhibit C. Well, I'm going to ask you if  
24    you have one. I'm going to hand it to the court reporter.

25                   JUDGE LANE: Does it say address comparison?

1                   MR. ZUCKER: Yes. It says at the top,  
2 Hortense L. Harrison, Address Comparison.

3                   JUDGE LANE: Okay.

4                   MR. ZUCKER: Okay. That's for you.

5           Q        (By Mr. Zucker) Do you have that document in  
6 front of you?

7           A        Yes, I do.

8           Q        Okay. And does that document contain  
9 information on Dr. Harrison's usage between 2005 and 2008?

10          A        Yes, it does.

11          Q        And is this the study that you just referred to  
12 that -- that compares Dr. Harrison's usage over the past  
13 few years?

14          A        Yes. At the addresses that she lived in in  
15 St. Louis only. I don't have any information to previous  
16 -- or other cities she lived in. But, yes, since December  
17 '05.

18                   MR. ZUCKER: Okay. All right. I move to admit  
19 this document into evidence as Respondent's Exhibit C.

20                   JUDGE LANE: Objections?

21                   MS. HERNANDEZ: No objection.

22                   JUDGE LANE: Hearing none, Respondent's C is  
23 admitted.

24                   (Respondent's Exhibit C was offered and admitted  
25 into evidence.)

1           Q     (By Mr. Zucker) Okay. Ms. O'Farrell, what does  
2 this study show?

3           A     We can't tell too much from the Harby address  
4 because she did not live there over a significant  
5 wintertime period. It was from March 2nd, '05, to  
6 November 30th of '05. And that was based on another  
7 utility provider, the information received.

8           Q     Okay. Let me ask you first, there's letters on  
9 there that says CCF/HDD. Can you explain to the  
10 Commission what that means?

11          A     The CCFs is the measurement of gas in hundred  
12 cubic feet, and the HDD is heating degree days. And  
13 that's a measurement for each and every day that the  
14 temperature is 65 degrees minus the average temperature  
15 for that day.

16          Q     And that's explained underneath the chart?

17          A     That's correct.

18          Q     Okay. All right. I'm sorry. Go ahead. What  
19 does this study show?

20          A     Again, that we don't have a lot of information  
21 at the 412 Harby address as far as winter usage. But on  
22 the Fairway Green address, which is where Dr. Harrison  
23 stated she lived prior to moving into the new house on  
24 Gateview, that the usage from December '05 to November '06  
25 on Fairway Green is actually higher than the average usage

1 since she's been on Gateview.

2 Q All right. And -- and you're saying Fairway  
3 Green is higher despite the fact that Gateview is a larger  
4 home?

5 A Yes. The high -- the house on Gateview is  
6 considerably larger than the house on Fairway Green.

7 Q And why -- so why would her usage be lower on  
8 Gateview than Fairway Green?

9 A It's possible that the house is better insulated  
10 since it is newer, more efficient appliances.

11 Q Okay. You don't know for sure, though?

12 A I don't know for sure, no. That's just  
13 speculation.

14 Q Okay. And if I look at the bottom two numbers,  
15 bottom two -- or actually bottom three lines on this  
16 chart, it looks like at 40 Gateview Court for the winter  
17 of '06/'07, the customer used .3073 CCF per heating degree  
18 day while for the same period in -- in the winter of  
19 2007/2008 the customer used .3429. Why would the usage  
20 pattern be higher in '07/'08 than in '06/'07?

21 A It's possible that since they didn't close until  
22 December 6th that the house was vacant for -- the -- a  
23 smaller amount of gas with the building being unoccupied  
24 would have been billed to T.R. Hughes. And then more gas  
25 would be billed to her for that time period between

1 December and -- and March '07, which would have raised her  
2 average usage closer to -- you know, to what the usage  
3 from November '07 to March '08 would be.

4 Q Okay. So we don't know what the usage was  
5 actually on December 6th; is that correct?

6 A December 6th? What the actual meter reading was  
7 on December 6th?

8 Q December 6, 2000 --

9 A 2006? Yes.

10 Q Yes.

11 A Correct.

12 MR. ZUCKER: Did you get that, Court reporter?

13 THE COURT REPORTER: (Court reporter nods head.)

14 Q (By Mr. Zucker) But what I think you're saying  
15 is more of that 1010 CCF from the winter of '06/'07 was  
16 squeezed into the period between December 6th and March  
17 27th; is that right?

18 A Yes. Yes. That's correct.

19 Q Okay. I don't see any dollars on this chart,  
20 just usage. Can you tell me why Laclede is just comparing  
21 usage?

22 A We don't like to compare dollars because the  
23 price of gas is constantly fluctuating. So we try to  
24 compare apples to apples. And that would be the amount of  
25 gas used based on a -- the temperature, adjusted for

1 temperature.

2 Q Okay. And that makes sense, although I guess  
3 most customers think more in terms of dollars than CCF.  
4 Would you agree?

5 A Yes.

6 Q Okay. So how much did Dr. Harrison pay for gas  
7 the winter before she moved into Gateview, the winter she  
8 was at 225 Fairway Green?

9 A Let me check my records.

10 Q Let me check mine, too.

11 A Yeah. On Fairway, it's approximately \$1400.

12 Q Okay. And -- and do you know what period that  
13 covers?

14 A I --

15 Q Well, is it the same period that's on the chart?

16 A 12/3/05 to 3/21/06.

17 Q Okay. And I believe you previously testified  
18 that for the period 11/17/06 to 3/27/07, the amount was  
19 \$1233; is that correct?

20 A Yes.

21 Q Okay. So -- so are you saying that Dr. Harrison  
22 was billed \$1400 for the winter of '05/'06, and one year  
23 later she can't believe that she has received a winter  
24 bill of \$1233 in a home that's a thousand square feet  
25 larger?

1           A     That is correct.

2           Q     Is -- is there anything in this analysis that  
3     you've done on Respondent's Exhibit C, I believe it is,  
4     that makes you believe that the bill for the period  
5     November 17th, 2006, to March 27, 2007, is inaccurately  
6     high?

7           A     You're talking about in the comparison to the  
8     neighbors, the Jeffersons?

9           Q     Well, no. Just on -- in comparison to her  
10    previous usage in our properties.

11          A     At Fairway Green versus Gateway, no.

12          Q     Gateway. You mean --

13          A     Gateview. I'm sorry.

14          Q     Uh-huh. And the answer was?

15          A     No.

16          Q     Okay. Let's have a look the at Jeffersons real  
17    fast. I'm going to show the court reporter what's now  
18    being marked as Respondent's Exhibit D. And this is  
19    called Usage and Bill Comparison, 40 Gateview versus 632  
20    Knollshire Way.

21               MR. ZUCKER: Do you have that one, your Honor?  
22    It's just a very -- two -- a two-liner. That's it.

23          Q     (By Mr. Zucker) Okay. All right. Have you  
24    looked at the Jeffersons' account?

25          A     Yes, I have.

1           Q     Okay. And do you have their usage and bill  
2 comparison in front of you?

3           A     Yes, I do.

4           Q     And did you cause -- did you prepare or cause  
5 this to be prepared?

6           A     Yes, I did.

7           Q     And is this a true and accurate copy of that  
8 information that you reviewed?

9           A     Yes.

10           MR. ZUCKER: Okay. I move to enter this into  
11 evidence as Respondent's Exhibit D.

12           MS. HERNANDEZ: No objection.

13           JUDGE LANE: No objections? Admitted.  
14 Respondent's D.

15                   (Respondent's Exhibit D was offered and admitted  
16 into evidence.)

17           Q     (By Mr. Zucker) Okay. What did you conclude  
18 from this analysis?

19           A     Looking at the Jeffersons' bill, I can assess  
20 that the total square -- square footage is approximately  
21 the same. For the usage 2006/2007, November 17th through  
22 March 27th, approximately for the -- for the Harrison  
23 account, November 20 through March 23rd, 2007, for the  
24 Jefferson account, the usage is almost identical.

25                   For 2007/2008, March to March, the usage for the



1 Harrison account is slightly higher. Overall, the dollar  
2 amount of the bills is approximately the same and the  
3 average monthly bill is relatively close. Similar.

4 Q Okay. Is there anything in Respondent's Exhibit  
5 D that -- that would lead you to believe that  
6 Dr. Harrison's billings are inaccurate?

7 A No. The two houses are similar size, and the  
8 billings are fairly similar. So --

9 Q Okay. Would you look back at -- do you have  
10 Dr. Harrison's exhibits? I think you -- you do.

11 A Yeah. I do have those.

12 Q Would you look at Exhibit F? This is a letter  
13 from Dr. Harrison dated May 12th addressed To Whom It May  
14 Concern. Do you have that in front of you?

15 A Yes. To Whom It May Concern.

16 Q The beginning of this letter, she says that she  
17 operates several large charter schools with square footage  
18 in excess of a 100,000 feet, and none of these schools gas  
19 bills are as high as her current house bill. Do you think  
20 that that's feasible?

21 A No. A school -- a commercial building of  
22 100,000 square foot compared to a home, no, that's not --

23 Q Okay.

24 A I would not expect that at all, that they'd be  
25 the same or similar.

1           Q     Do you have any information on the usage from a  
2     school at -- hold on a minute -- 706 North Jefferson?

3           A     Yes. I do have that information.

4           Q     And it's called Imagine Ethel Hedgeman Lyle --  
5     Lyle Middling High College Prep; is that correct?

6           A     The gas account was established in the name of  
7     Ethel Hedgeman Lyle Academy.

8           Q     Okay.

9           A     All right.

10          Q     And did you hear Dr. Harrison testify this  
11     morning that this was one of the schools under her -- her  
12     supervision while she was with the Imagine Schools group?

13          A     Yes, I did.

14          Q     Okay. And do you have any of the bills from  
15     this school?

16          A     Yes, I do.

17          Q     Can you describe that bill for me?

18                 MS. SHEMWELL: Are we getting into individual  
19     customer information, confidential individual customer  
20     information that should be kept confidential?

21                 MR. ZUCKER: I don't know that a school will  
22     care too much about their usage. But it's -- it's  
23     possible.

24                 JUDGE LANE: This is a third party here.

25                 MR. ZUCKER: Right.

1 JUDGE LANE: So --

2 MR. ZUCKER: Well, let me ask it in a way that's  
3 not specific.

4 Q (By Mr. Zucker) Are -- are the bills -- what --  
5 what months did you have bills for for this?

6 A February 9th, 2007, to March 10th, 2007, and  
7 January 9, 2007, to February 9, 2007. I have two bills.

8 Q Okay. And in -- in general statements, how do  
9 these two bills compare to Dr. Harrison's four-month bill  
10 from the winter of '06/'07?

11 A The one month bill is approximately three times  
12 the usage as what her four-month adjusted bill was.

13 Q Okay. Okay. In -- in the -- going back to  
14 Exhibit F, Dr. Harrison's Exhibit F, she refers to her gas  
15 bill being \$946.07. Do you see that?

16 A Yes, I do.

17 Q And what month is that bill for?

18 A That's not a one-month bill. That's an  
19 accumulated account balance.

20 Q Okay. And that balance covers what period?

21 A One moment while I check my records, please.  
22 946.07 is for the billings through the April 30th, 2007  
23 bill. And, again, it's the account balance, not a  
24 one-month charge --

25 Q Okay.

1           A     -- for service.

2           Q     And do you know what the total charges were for  
3     that period from November 2006 to April 30, 2007?

4           A     The \$1233 bill for the adjustment plus the  
5     142.88 for the current charge between March 2007 and April  
6     2007.

7           Q     Okay.

8           A     \$1375.98 less than the adjustment that was given  
9     for the billed gas previous to the adjustment.

10          Q     Got it. Thank you. Okay. In this letter, the  
11     May 12th letter, Dr. Harrison states that the automated  
12     billing system is inoperable and she is being estimated  
13     based upon, basically, non-existent past usage. Is that  
14     accurate?

15          A     This letter is dated May 12th, 2007, so the  
16     answer would be no because the AMR was repaired in March  
17     2007. So the bills were rendered thereafter were based on  
18     actual usage.

19          Q     And what -- what was the last month that Laclede  
20     rendered an estimated bill on this account?

21          A     The February 2007 bill.

22          Q     And since then, all bills have been based on  
23     actual usage?

24          A     Yes. From the AMR reading device.

25          Q     Okay. Were you in the room when Dr. Harrison

1 pointed out earlier that her account has been billed for a  
2 deposit as accrued late fees and has been subject to  
3 threats of disconnection and is still being billed taxes  
4 at the -- for Lake St. Louis?

5 A Yes, I was.

6 Q And for the record, is this still the case?

7 A No. That has been corrected, as far as I know.  
8 You made that announcement that that was taken care of.  
9 The late fees have all been credited. The deposit has  
10 been waived.

11 Q And can you confirm that from looking at the  
12 company's records?

13 A Yes, I can. The current town code is back to  
14 O'Fallon, also.

15 MR. ZUCKER: Okay. Okay. Thank you, Ms.  
16 O'Farrell. I don't have any further questions at this  
17 time.

18 JUDGE LANE: Thank you very much. Any  
19 cross-examination from Staff?

20 MS. SHEMWELL: Judge, I thought we might take  
21 five. Would that be all right? Is this a good time  
22 and --

23 JUDGE LANE: We have been going for a solid hour  
24 and a half. Let's do that. Ready for a break?

25 MS. SHEMWELL: Take a short break. Thank you.

1 JUDGE LANE: Thank you.

2 (Break in proceedings.)

3 JUDGE LANE: Okay. We're back on the record in  
4 GC-2008 -- GC-2008-0041. And that's Harrison versus  
5 Laclede Gas. And when we took our -- our break, we were  
6 just getting ready for Staff's cross-examination of  
7 Laclede's witness, Rhonda O'Farrell. So, Ms.Hernandez?

8 MS. HERNANDEZ: Thank you, Judge.

9 CROSS-EXAMINATIONBY MS. HERNANDEZ:

10 Q Good afternoon, Ms. O'Farrell. From your  
11 testimony, it appears that there's transcripts or entries  
12 in Laclede's system for a start of service date November  
13 -- an entry for service, a change of address, phone call  
14 from the customer in March and a call from the customer in  
15 April of '07. Have you searched for transcripts --  
16 transcripts of other phone calls?

17 A Between October '06 and March '07?

18 Q Correct?

19 A Yes.

20 Q And were there any others revealed?

21 A No. There was no record of any other phone  
22 calls.

23 Q And how long does Laclede keep recordings of  
24 customer phone calls?

25 A I don't know that answer. But to my knowledge,

1 it's -- it's indefinite. It's a -- stored in a system,  
2 some kind of computer system that --

3 Q In your opinion, as of today, from -- from  
4 November of '06 until today, would a phone call that was  
5 placed by the customer to Laclede, would it still be in  
6 the system?

7 A Yes. It would still be in record. Yes.

8 Q Okay. Are you familiar with the rules of  
9 Department of Economic Development, Division 240, Chapter  
10 13, which is the service and billing practices for  
11 residential customers of electric gas and water utilities?

12 A Somewhat. Yes.

13 Q And do you regularly consult and apply the  
14 rules?

15 A In my prior job, yes, I did.

16 Q And the -- do you still have Respondent's  
17 Exhibit C in front of you?

18 A Yes.

19 Q If I may ask a question, towards the bottom of  
20 the chart, I guess the last three lines, in regards to the  
21 HDD, the heating degree days?

22 A Yes.

23 Q Can you just describe what that is, heating  
24 degree days?

25 A Heating degree days? That's just a measurement

1    used to -- for the average temperature to come up with  
2    what an average temperature was for that day, heating  
3    degree days.

4           Q     And the HDD measurement for '06 -- from  
5    11/17/'06 to 3/27/07 is 3,287. And then 11/23/07 to  
6    3/25/08 is 3,596; is that correct --

7           A     That is correct.

8           Q     -- according to the chart?

9           A     Yes.

10          Q     What does that mean?

11          A     That means that it was colder from November '07  
12   to March '08 than it was from November '06 to March '07.

13          Q     Okay.

14          A     Because there was more heating degree days.

15          Q     And would that result in a higher bill?

16          A     It would result in more gas consumption if the  
17   customer had the same habits that they did from year to  
18   year.

19          Q     If the price of gas was the same in '07 to '08,  
20   would it result -- would it result in a higher bill?

21          A     It would result in a higher bill from '07 to  
22   '08. Yes.

23          Q     And if I could just clarify, when was the first  
24   date the customer received a bill, Dr. Harrison received a  
25   bill from Laclede?



1           A     The corrected bill that was mailed approximately  
2     April 13th, 2007, is the first one that the customer  
3     received. The prior bills were mailed to the builder.  
4     And whether or not they gave the bills to her or not, I  
5     can't answer that. But the first time we mailed the bill  
6     directly to the house was the April 13th, 2007, corrected  
7     bill.

8           MS. HERNANDEZ: Okay. Thank you. I believe  
9     that's all the questions I have. Thank you.

10          JUDGE LANE: Thank you very much.  
11     Mr. Poston?

12          MR. POSTON: Yes.

13                   CROSS-EXAMINATION

14     BY MR. POSTON:

15          Q     I'll ask you a question about Exhibit C that you  
16     have since you already have it in front of you. Did you  
17     prepare this exhibit?

18          A     I asked that it be prepared.

19          Q     Okay. So you don't personally know that -- did  
20     you personally give -- get these numbers, pull them out of  
21     your system, put them on a spreadsheet?

22          A     I didn't put these on the spreadsheet. But I  
23     did my own comparative analysis, also, after this was  
24     prepared.

25          Q     And explain what that means. What did you do?

1           A     Based on --

2           Q     Just briefly, if you could.

3           A     Based on the usage history, screen prints from  
4     our CIS system, which is our customer database system, I  
5     looked at the bill, bill amounts and the amount of CCFs to  
6     determine if, you know, what I came up with in my head was  
7     in range with what the spreadsheet said.

8           Q     So you looked at all of the bills for the  
9     periods that are in question that -- that are shown on  
10    this?

11          A     Yes.

12          Q     Okay.  And what period was Dr. Harrison's bill  
13    estimated?

14          A     The periods?  Because it was multiple periods.

15          Q     Right.  Periods.

16          A     From the turn-on date of 11/17/06 to December  
17    26, '06 was the first bill period.  The second bill period  
18    was from December 26, '06, to January 25th, '07.  And the  
19    third bill period that was estimated was January 25th,  
20    '07, to February 26, '07.

21          Q     And why did Laclede estimate the bills?

22          A     The AMR reading device was not operating.

23          Q     And what was the problem with the AMR?

24          A     I do not know if it was a stalled read or if it  
25    was orphan reads or what the problem was.  I don't know.

1 Q And what's a stalled read?

2 A Where it just reads continuously the same index  
3 without advancing.

4 Q What's an orphan read?

5 A It doesn't pick up a reading at all. That's my  
6 definitions.

7 Q And so when did Laclede discover that there was  
8 any problem with the AMR?

9 A Let me refer to my records. One moment. I  
10 don't know the date that Laclede discovered it, but we had  
11 already notified Cell Net to make their first visit which  
12 was sometime in mid January '07.

13 Q So you likely knew prior to mid January '07?

14 A Correct.

15 Q And at that time, did Laclede sent out a meter  
16 reader?

17 A Cell Net went out in mid January '07.

18 Q Could Laclede have sent out a meter reader at  
19 that time?

20 A Procedurally, the matter is referred to Cell Net  
21 because they're the one who actually do the re-programming  
22 if there's -- you know, that's what we do. We send them  
23 out so we don't have to send out two separate technicians,  
24 Laclede and a meter reader who is not even a technician  
25 and does not do that type of service work. So that's why

1 we refer it directly to Cell Net to get the meter reading  
2 and go out and make the necessary repairs.

3 Q If Laclede had sent out a meter reader at that  
4 time, could the meter have been read?

5 A Yes. It's an outside meter. We could have  
6 gotten a direct read from the index.

7 Q And the index is actually part of the AMR  
8 module; is that correct?

9 A The meter index from the original meter. They  
10 could have read that.

11 Q What I'm saying is the AMR module fully replaces  
12 the index as well. It's not just a transponder. There's  
13 actual -- the index is on the same --

14 A Right.

15 Q -- piece of equipment?

16 A The original meter index is put on the  
17 transponder that's then attached to the meter.

18 Q So they're together?

19 A Right.

20 Q And do you believe this complaint could have  
21 been avoided if when the AMR problem was discovered that  
22 an actual meter read was obtained by Laclede?

23 A The entire problem about her not receiving the  
24 billing? Probably not. But the -- the rendering an  
25 actual bill, we could have obtained a reading and

1 generated a bill based on that, yes, in December for her  
2 first billing.

3 Q And I'd like to talk about how Laclede estimated  
4 the usage. Do you know how that estimation was done?

5 A It was based on the estimating factors that were  
6 set up in the account at the time that the meter installed  
7 on the new account was set up for the builder.

8 Q And what are those factors based on?

9 A Well, since this was a new construction, there's  
10 really nothing more to go by than the information that we  
11 receive from the builder, which generally isn't much of  
12 anything. The Residential Sales Department just makes an  
13 educated guess as to the estimating factors when the new  
14 account is set up.

15 Q And do you know what factors they look at?

16 A No. I don't know what they base their  
17 information on specifically. I do not know that. In this  
18 case, no, I don't know.

19 Q And do you know why the bill said that her  
20 estimation was based on prior usage when there was no  
21 prior history to look at?

22 A The general statement that's printed on the bill  
23 is what you're referring to on the corrected bill?

24 Q On the statement on the bill that says her  
25 estimated usage was based on prior history. Do you know

1     why that appears on there when there was no prior history?

2             A     No. I do not know why. My assumption is just  
3     it's a general statement put on the bills whenever there  
4     is a corrected bill issue.

5             Q     And do you know the first month that Laclede  
6     estimated the bill where she received an estimated bill --  
7     and I'm looking at -- I don't know what -- this is the  
8     Laclede statement of bills and payments. Do you have  
9     that?

10            A     The Laclede statement of bills and payments?  
11     Let me check and see if it's in here. Is that part of the  
12     PSC's evidence or --

13            Q     It --

14            A     I know it's a Laclede spreadsheet -- or  
15     generated document. Oh, okay. I do have it. Under --  
16     all right.

17            Q     Okay. And if you look on there, there's the --  
18     the first -- what appears to be the first estimated month  
19     is for a period for December 26, 2006 to January 25th,  
20     2007. Do you agree with that?

21            A     No. The first bill that was rendered --

22            Q     Well, the first estimated bill.

23            A     The first estimated bill, December 26, '06 to  
24     January 25th '07?

25            Q     Do you agree?

1           A     Yes. I see that.

2           Q     And how many therms does it report?

3           A     21.4.

4           Q     Does that seem awfully low for a winter period?

5           A     Yes, it does.

6           Q     And do you have an explanation why this was  
7     estimated so low?

8           A     No. It's just based on the estimating factors  
9     that are in the system at the time the account is set up.

10          Q     So did you have any reason why the factors then  
11     would change to the following month where it shows 170  
12     therms?

13          A     In actual -- I believe my prior testimony, I  
14     said that the index had been modified from a reading that  
15     was obtained. Manual review of the account. They -- I  
16     could assume that they revised the estimating factors at  
17     that time to be more in line with what a house this size  
18     would use. That's an assumption.

19          Q     Was that the testimony you gave prior where you  
20     said that there was a -- the meter was incorrectly read or  
21     set or the index was incorrectly set? Did you testify to  
22     that earlier?

23          A     Right. We had the reading obtained from Cell  
24     Net in January that was incorrect. We modified that  
25     index. So at that time, it's possible that they would

1 have reviewed the bill that had already been generated and  
2 determined that 21 feet would be too low for winter  
3 months, so they might have adjusted the factors at that  
4 time. But, again, that's speculation.

5 Q So why was that modified?

6 A The reading that was obtained in --

7 Q Right.

8 A -- from Cell Net was an index that was lower  
9 than what the meter had been originally set at.

10 Q And so then did you just assume that one number  
11 was incorrect?

12 A That was the assumption made. That's why they  
13 set the modified index on the bill.

14 Q Isn't it possible that if that Cell Net  
15 technician incorrectly read one number, he could have  
16 incorrectly -- him or her could have incorrectly read more  
17 than one number?

18 A Incorrectly read more than one number?

19 Q Right.

20 A Yes. That's possible.

21 Q And do you know if Cell Net would send out the  
22 same employee to correct the AMR problem that originally  
23 installed the AMR?

24 A I have no idea.

25 Q Okay.



1           A     No.

2           Q     And I believe your counsel asked you a question  
3     about the likelihood -- I'm not sure what term he used, if  
4     it was possible or if it was likely that Laclede would  
5     have told Dr. Harrison that they have no record that she's  
6     a customer, and I believe you testified that you didn't  
7     think that was likely that --

8           A     Yes, Yes. That's correct. That's how I  
9     testified.

10          Q     All right. And couldn't Laclede have presented  
11     all of the recordings and transcripts from all of her  
12     calls here today to show what actually -- what was the  
13     actual conversation to support that statement?

14          A     Her --

15          Q     I mean, you transcribed -- or you don't  
16     transcribe. You record all your calls, correct?

17          A     Telephone calls. Correct.

18          Q     And so if you're contesting that that was  
19     something that a Laclede employee told her, couldn't you  
20     have supported that testimony with a transcript of those  
21     recordings?

22          A     We have no record of her calling for there to  
23     even be a recording.

24          Q     You have no records of any -- any phone calls  
25     from her?

1           A     After the original call to establish service on  
2     -- in October of '06 through that March 14th, '07 contact,  
3     no, there was no record of any call coming in.

4           DR. HARRISON: Even my December phone call where  
5     I paid the bill from D.C.?

6           Q     (By Mr. Poston) The -- the December call that  
7     she made where she made a -- or called and got an amount,  
8     was that recording -- was that call recorded?

9           A     There is no record of her calling to obtain that  
10    amount, to obtain any amount in December.

11          Q     Do you know how she made the \$200 payment?

12          A     I do not know how she came up with the \$200  
13    amount, no.

14          Q     But Laclede somehow received that money,  
15    correct?

16          A     We did receive the \$200 payment.

17          Q     Okay. Do you know how that payment was  
18    received, whether it was check or --

19          A     Credit card.

20          Q     It was credit card. Okay. And I believe you  
21    testified earlier that that type of payment is done  
22    through someone other than Laclede?

23          A     That's correct.

24          Q     Okay. And who -- who does that?

25          A     Credit card payments, I think it's Choice Pay.

1 Q Okay.

2 A Or --

3 Q Do they record their phone calls? Do you know?

4 A I do not know.

5 MR. POSTON: That's all the questions I have.

6 Thank you.

7 MS. O'FARRELL: Uh-huh.

8 JUDGE LANE: Thank you, Mr. Poston.

9 Dr. Harrison?

10 CROSS-EXAMINATION

11 BY DR. HARRISON:

12 Q Hi, Rhonda.

13 A Hi.

14 Q It's been a long day. Can you share with me the  
15 communication that Laclede Gas has had with me?

16 A As far as us calling you directly?

17 Q As far as you contacting me in any way, shape or  
18 form regarding the first bill to the last bill, any  
19 communication that you guys have had with me.

20 A Let me check my records real quick. On the  
21 November 17th, 2006, turn-on order request, the service  
22 technician would have procedurally left a note on the door  
23 indicating that -- you know, that there was no access this  
24 and that you would have needed to call. That would have  
25 been a communication.

1           Our request to Cell Net to go out in January and  
2   March, there would have been -- that would have been our  
3   communication to Cell Net to go out to the premises.

4           Q     Not to me?

5           A     But not to you. And then there's no contact  
6   until you contacted us, then, in March of '07.

7           Q     Okay. So when you showed up on December 16th  
8   while I was at the closing to connect the service and I  
9   wasn't there, why did I receive service and was billed  
10   anyway? Is that customary that when you don't have access  
11   and you cancel the order you continue to bill?

12          A     The November 17th contact?

13          Q     Uh-huh.

14          A     Okay. Because I believe you said December. But  
15   November 17th contact.

16          Q     I'm sorry. November.

17          A     Right. The service technician who came out to  
18   the premises found the meter on. So at that point, it's  
19   procedure that when the ticket comes back into the office,  
20   they review the account.

21                 Since the meter was found on and there had been  
22   actual consumption since the last time the meter was read,  
23   when was at set, yes, then it's customary to go ahead and  
24   set up the billing account to the builder to bill them for  
25   the gas usage up to that point.

1           Since you had told us at that point on October  
2   23rd, 2006, that your responsibility date was as of the  
3   17th of November, we went ahead and billed them through  
4   that date, T.R. Hughes, the builder, and then established  
5   your account at that point forward, which was completed in  
6   our system, I believe, on November 29th, 2006, is when we  
7   had completed all those transactions.

8           Q     And so when did Laclede Gas come back to my  
9   house to establish formal service coming in the house,  
10   conducting an inspection, that kind of thing?

11          A     The inspection would have been completed then  
12   with the high bill premise inspection that was completed  
13   May 1st, I believe is the day.

14          Q     So no initial -- there wasn't any initial coming  
15   back to my house to connect the service and all of that.  
16   That was just null and void since you came in November and  
17   no one was there, null and void and you just started  
18   billing? Is that what I'm to understand?

19          A     No. Procedurally, a letter would have been sent  
20   to you also notifying you from our office, mailed through  
21   the USPS notifying that you the closing tag situation and  
22   that the gas safety inspection was still required.

23                 However, all communications at that point were  
24   still being mailed directly to T.R. Hughes at their  
25   corporate office. So the notifications were mailed.

1           Q     But the mailing was made to me via T.R. Hughes.  
2     The notification went to T.R. Hughes, but the billing was  
3     coming to me. So I wasn't notified. But T.R. Hughes was  
4     notified. Is that what I'm hearing?

5           A     The account is set up with a Mail To address at  
6     initiation, when we've covered it was going to T.R.  
7     Hughes. All communications, regardless if it's letters,  
8     notices or billings, would have been sent to T.R. Hughes.

9           Q     But the billing was in my name --

10          A     But the bill was in your name.

11          Q     -- going to T.R. Hughes?

12          A     Hortense Harrison -- correct. Hortense Harrison  
13     with the mailing address to T.R. Hughes.

14          Q     Okay. Okay. Why was service then billed to  
15     T.R. Hughes beyond December after I even paid the December  
16     bill? And let me clarify. I was in D.C. visiting my  
17     relatives for the Christmas holiday. I called Laclede Gas  
18     to pay my bill to ask for a bill.

19                 They gave me whatever numbers I needed to make  
20     the automated payment via my credit card. And I chose to  
21     arbitrarily make a \$200 payment, which shows on the bill,  
22     yet there's no record of that telephone call.

23                 Now, why, after that phone call and my payment,  
24     would the bills continue to go to T.R. Hughes?

25          A     The -- the actual gas account with the re --

1 related to premise was in your name. It was the mailing  
2 address under a different screen that was sending the  
3 bills to T.R. Hughes. But, again, I have no record of you  
4 calling in December '06. So I can't --

5 Q Okay.

6 A -- I can't answer to that.

7 Q I hear you. And so January was billed -- the  
8 bill was sent to the builders. So two months after  
9 occupancy, the builders were still receiving my bills?

10 A That's correct.

11 Q Is that what I'm understanding?

12 A Yes.

13 Q And did you say that a clerk in your office  
14 inadvertently did not enter my correct address, so Laclede  
15 failed to change the address?

16 A The address was -- the premise address was  
17 correct with your name on it. There was a secondary  
18 mailing address set up initially with the builder that was  
19 not removed from the account when it was established in  
20 your name.

21 Q And that wasn't corrected until March?

22 A That's correct.

23 Q Is that correct?

24 A March 2007. That's correct.

25 Q So it took four months to correct my address?

1 Is that what I'm hearing?

2 A Laclede's records were corrected in March 2007.

3 Q Okay. And, again, Laclede had no other  
4 documents of your communication with me via United States  
5 mail or your communication with me via my calling you on  
6 the phone? There's no other record of that?

7 A No record from the October '06 through the March  
8 '07 contact.

9 Q Okay. And I did not inquire about my bill again  
10 until March 14th? Did you say that -- that your next call  
11 from me was March 14th?

12 A From the October contact when the request was  
13 set up for the November '06 turn-on through the March  
14 contact, that's correct. There's no record of any  
15 communication from you.

16 Q Okay. And at one point, you said that the AMR  
17 was inoperable until March; is that correct?

18 A Yes.

19 Q And yet the bill that -- the billing that I  
20 received was dated March 27 of '07. My billing was from  
21 February to March. So was that an estimated bill, also,  
22 since the ARM (sic) wasn't even corrected until March?  
23 During that period, that would have had to have been an  
24 estimation; is that correct?

25 A The billing through -- let me refer to my



1 records real quick. Through February 26, 2007, the usage  
2 was estimated. And then on or about March 7th,  
3 approximately, is when Cell Net read the meter.

4 So for that two -- nine days, approximately,  
5 yes, we don't -- you know, we know exactly what it was  
6 reading on March 7th. But before that --

7 Q Prior to that, you did not?

8 A Right. The usage between what you had already  
9 been billed February 26 up through March 7th would have  
10 been up to the actual meter reading that we obtained on  
11 that day. And then from March 7th up to your final --  
12 your bill date of March 27th, '07, that was based on an  
13 actual again.

14 Q So for four months or four billings, my bill was  
15 being estimated?

16 A Three billings that were generated. The first  
17 three billings that were generated were the estimated  
18 billings.

19 Q Let's see. December, January, February.

20 A And February.

21 Q And then I received a first bill March -- April  
22 16th, which included March and the ARM (sic) -- the AMR  
23 was repaired in March. So I get four months.

24 A Well, it's three billing periods that were  
25 estimated.

1           Q     That would be three bills wouldn't it, one bill  
2     per month?

3           A     Three billings period. One bill per month.  
4     Three billings were the estimated portion. And then the  
5     bill from February 26th to March 27th, the first nine days  
6     would have been -- or first eight days, I guess. You  
7     know, we don't go by day by day by day. It's from bill  
8     date to bill date, so --

9           Q     Can we go back, then, to the bill itself? Which  
10    exhibit was that? I think Exhibit B. On Exhibit B, tell  
11    me again what the dates were for that billing.

12          A     November 17th '06 to March 27th, '07.

13          Q     Okay. Again, I get four months.

14          A     That is a four-month bill.

15          Q     Okay. All right. According to a document that  
16    was shared with me by the Commission, each billing  
17    statement should not be estimated more than three billing  
18    periods. And on that bill, it shows that I was estimated  
19    for four billing periods. Can you help me understand  
20    that?

21          A     Exhibit B that you're referring to, that bill?

22          Q     Yes.

23          A     It is -- is based on actual. So that would have  
24    been the fourth bill based on actual usage. The first  
25    three billing periods would have been the estimated bills.

1           Q     I -- I'm -- I disagree, and I -- maybe I'm just  
2     not knowledgeable. But the dates that are there cite four  
3     months. And the statement at the bottom states that this  
4     is -- my bill has been previously underestimated. Now  
5     it's going to be read accurately. That's a four-month  
6     period.

7           A     This is a four-month bill. But what it's  
8     referring to in the statement is that your previous  
9     billings -- up to that point, there were three bills  
10    generated, and those were the estimated bills. The fourth  
11    bill is the corrected bill based on actual usage.

12          Q     Okay. I'm going to move on. I still don't get  
13    that, but I'll move on. Cell Net worked on my meter in  
14    January without notifying me. Shouldn't I have received  
15    some sort of notification that there was a problem with my  
16    meter, that there was some problem in me receiving my  
17    bill, and from my perspective, most certainly, since I was  
18    calling on a regular basis to find out what I owed so that  
19    I can pay?

20                So should I have received something from Cell  
21    Net, something from Laclede Gas? I have no communication  
22    from you.

23          A     It is our procedure to notify Cell Net to go  
24    out. It's an outside meter. So no access or notification  
25    to you to gain access inside the house was needed. The

1 problem could be resolved outside.

2 Q So given the fact that I'm inquiring and monthly  
3 calling and saying, Look, guys, I still don't have a bill  
4 and I still insist in saying they -- every time I called,  
5 I was told you are not -- or we are not your service  
6 provider. So after we dug through that and I was finally  
7 given an amount and paid the bill, wouldn't you perceive  
8 that you should send me something?

9 A Again, that --

10 Q This was four months, and I never received a  
11 bill.

12 A Right. Again, Dr. Harrison, there is no record  
13 of you contacting the customer (sic) during that time  
14 period.

15 Q But there is --

16 A Or contacting the company.

17 Q But there is a record of my payment? But there  
18 is a record of my payment?

19 A A December '06 payment. Yes. There is record  
20 of that.

21 Q But no phone call?

22 A That's correct.

23 Q To make that payment. Okay. You stated that --  
24 before that there was no prior usage. You verified that  
25 for us. And yet the statement was incorrect in January.

1 And you made an adjustment in February. And you guessed  
2 about both of those amounts. Again, I ask, what -- what  
3 basis did you use to guesstimate, estimate what the usage  
4 might be?

5 A As I previously testified, I did not set up the  
6 account, so I don't know what they based the estimating  
7 factors on. But, usually, it's based on the information  
8 received from the builder about the house. It's a -- it's  
9 a general number put into the system until we get more  
10 concrete, you know, patterns in order to revise the  
11 factors.

12 Q Okay. So given my house was -- my bill was  
13 based on estimated use and there was no use? Is that a  
14 correct statement?

15 A No.

16 Q There was no prior use before the house was  
17 built.

18 A That's correct.

19 Q So in -- to -- to estimate based on prior use,  
20 you would have to just guess because there was no prior  
21 use?

22 A On new construction, that is correct. We did  
23 have to take into consideration what the builder tells us  
24 about the premise and base estimating factors just off of  
25 general, you know, general knowledge what -- what we

1 estimate you think -- we think you're going to use.

2 Q What gas appliances do I have in my home?

3 A According to the high bill premise inspection  
4 that was completed on May 1st, which was Laclede's  
5 exhibit, right? Let me check. Hold on. High bill  
6 premise inspector on May 1st, 2007, indicated that there  
7 was two gas water heaters, two gas furnaces and two sets  
8 of gas logs.

9 Q And so only using one gas heater does not reduce  
10 the gas bill if I'm not using the other?

11 A I can't answer that question. I -- I don't do  
12 statistics in that area.

13 Q Okay. So I just want your opinion. In a home  
14 where I have two gas furnaces, if I turn off one of the  
15 gas furnaces, would that not reduce consumption in my  
16 home?

17 A I've seen it go both ways. If there's someone  
18 living on the second floor and the first floor is turned  
19 off -- or the first floor on and the second floor is off,  
20 you get the residual heat. So there's more heat loss. I  
21 mean, I can't answer that question. It just depends on  
22 the house, the quality of construction of the home.

23 Q All right. And I don't wish to put you on the  
24 spot.

25 A How you use your appliances. I can't answer

1     that question.

2           Q     Certainly.  The bill for EHLA, Ethel Hedgeman  
3     Lyle Academy, is that one building or two?

4           A     I do not know.  It's one meter that's being  
5     billed.

6           Q     Okay.  Because there's more than one facility.  
7     Would the rate be the same, then?

8           A     It's a -- I'm not sure if it's a commercial  
9     account.  Yours is a residential.  That account is a  
10    commercial account, so it would have a different rate  
11    structure.

12          Q     Oh, okay.  So theirs would be less?

13          A     I currently don't know what the rate structure  
14    is for commercial versus residential.  But in my past  
15    experience, commercial is higher.

16          Q     Okay.  Given the errors throughout this hearing,  
17    Laclede Gas has -- has admitted to a lot of errors  
18    throughout this whole process --

19                   MR. ZUCKER:  Objection.

20          Q     (By Dr. Harrison)  You did say that my meter was  
21    -- was working -- inoperable at a certain point in time  
22    because the AMR was incorrect?  Did you say that?

23          A     Yes, I did.

24          Q     Okay.  You did say that a clerk inadvertently  
25    did not enter my correct address?

1           A     Did not -- did not remove the mailing address to  
2     the builder. That is correct. But your premise address  
3     was correct.

4           Q     You did say that my usage was estimated based on  
5     past history; is that correct?

6           A     It was based on what the estimating factors were  
7     set at the time the new home construction meter was set.

8           Q     Did you say you did not enter these figures?  
9     You checked them, but you did not enter these figures into  
10    Exhibit C? B?

11               MR. ZUCKER: I think that was C.

12          A     C. I did not type that spreadsheet. No, I did  
13    not.

14          Q     (By Dr. Harrison) Okay. You did say there was  
15    no communication with me directly via Laclede Gas in  
16    regards to this whole situation?

17          A     What I said was that there was a notice put on  
18    the door on November 17th, 2006, and that the  
19    communication that was mailed to the house, including the  
20    bills and the notification that the gas safe turn-on  
21    inspection was still required was sent to the Mail To  
22    address that was installed on the account.

23          Q     To T.R. Hughes, not to me?

24          A     That's -- that's correct.

25          Q     So I repeat, you -- you did say that the



1 communication -- that I received no communication from  
2 Laclede Gas?

3 A We did not mail any communication directly to  
4 the premises.

5 Q Okay. Given -- given these errors --

6 MR. ZUCKER: Objection. The only one that I  
7 heard that was an error is the mailing address issue,  
8 which we have admitted. The rest of them aren't errors by  
9 Laclede. The fact that a piece of equipment not working  
10 correctly isn't Laclede's mistake.

11 DR. HARRISON: Is that not your -- your  
12 equipment?

13 MR. ZUCKER: Yes, it is.

14 DR. HARRISON: So when your equipment doesn't  
15 work, that's not your error?

16 MR. ZUCKER: No. If your car broke down on the  
17 way to Jefferson City, would you be at fault?

18 DR. HARRISON: I certainly would be responsible.

19 MR. ZUCKER: Responsible for what?

20 DR. HARRISON: For repairing my car.

21 MR. ZUCKER: Right. And so we --

22 JUDGE LANE: Mr. Zucker is not on the witness  
23 stand. If you can just -- you don't need to qualify the  
24 statement with that -- with that premise.

25 DR. HARRISON: Okay. That's fine.

1 JUDGE LANE: If you would just ask the question.

2 DR. HARRISON: That's -- that's fine.

3 Q (By Dr. Harrison) Given the situation, how am I  
4 to trust the figures that you're giving me based on other  
5 things? You have said so many things that have been  
6 incorrect, mistakes, errors, that kind of thing --

7 MR. ZUCKER: Objection.

8 Q (By Dr. Harrison) Okay. I take out the word  
9 error. Scratch that. How am I to believe what I'm seeing  
10 here or what I'm hearing? I know for a fact I called you  
11 guys. I wouldn't even know what to pay without calling  
12 you.

13 I know for a fact that I communicated with you  
14 guys on a number of occasions prior to getting to the  
15 point of calling the Commission. Someone from your office  
16 even gave me this contact.

17 MR. ZUCKER: Objection. Dr. Harrison's not  
18 testifying now. She did testify to the things that she's  
19 -- or at least about the subject she's talking about now.  
20 But Ms. O'Farrell is testifying.

21 Q (By Dr. Harrison) My question -- my question is  
22 how am I to believe this given all of the inconsistencies  
23 that I've heard?

24 A I cannot speak for you, Dr. Harrison. I can  
25 just go by my knowledge. And that's that these are actual

1 readings from the meter dials that the adjustment bill was  
2 rendered on, based on.

3 Q Did you come to my house and read at any time?

4 A Me personally?

5 Q Yes.

6 A No, ma'am, I did not.

7 DR. HARRISON: Okay. Thank you.

8 MS. O'FARRELL: Uh-huh.

9 JUDGE LANE: Does that conclude your  
10 cross-examination?

11 DR. HARRISON: Yes, sir.

12 JUDGE LANE: All right. It's now time for  
13 questions from the Bench, and I want to welcome  
14 Commissioner Clayton.

15 CROSS-EXAMINATION

16 BY COMMISSIONER CLAYTON:

17 Q I apologize for not being here. We have another  
18 hearing going across the hall, and it's -- unfortunately,  
19 we have two of these things going on, so I apologize for  
20 that. I want to ask, you're -- you're the witness for  
21 Laclede; is that correct?

22 A Yes.

23 Q And do your records reflect any contact from  
24 Dr. Harrison at any point, any contact from her to  
25 Laclede?

1           A     Yes, sir.

2           Q     Okay. Start from the beginning. What is the  
3 first contact that you reflect for Dr. Harrison?

4           A     October 23rd, 2006, to request service to be  
5 established for her as of November 17th, '06.

6           Q     Okay. So that is reflected so the service would  
7 begin on November 17th of 2006?

8           A     Yes, sir.

9           Q     Okay. And then what other contacts do you have  
10 reflecting -- reflected in your records?

11          A     The next contact from the customer --

12          Q     Uh-huh.

13          A     -- was March 14th, 2007.

14          Q     Okay. On November 17, 2006, did Dr. Harrison  
15 state where she wanted bills to be sent or what her  
16 address would be for mailing purposes?

17          A     You mean on October 23rd when she called in to  
18 establish service?

19          Q     That was date of service on November 17th.  
20 Yeah. Where would the address be where she would receive  
21 her bill on November 17th?

22          A     At the time that Dr. Harrison requested to  
23 initiate gas service, she did not specify where she wanted  
24 the bills to be mailed to.

25          Q     So what -- what will Laclede do in that instance

1 if you don't have a specific address? Where -- where  
2 would you send her first bill?

3 A The first -- to the premise address.

4 Q Okay. And -- and it was supposed to be the --  
5 when would the first bill have come out after November  
6 17th that she'd receive?

7 A Generally, after the account is established,  
8 there's a -- a delay until the next billing cycle. And as  
9 long as the account is established within so many days  
10 before the first billing cycle, we generate a bill at that  
11 time. In this case, it was sometime on or after December  
12 26th.

13 Q So she wouldn't get a bill until sometime in the  
14 month of December? That would be her first bill?

15 A Yeah. Normally, it's --

16 Q That would be normal --

17 A Within 45 days about, normally. It depends on  
18 when the turn-on is completed. But in this case, it would  
19 have been at the end of December.

20 Q Okay. And that December 26th bill would include  
21 the time period of November 17th, 2006, through  
22 approximately what date?

23 A Let me check my records. December 26, 2006.

24 Q So it would be dated around December 26th, and  
25 that would be the ending of that billing period --

1           A     Correct.

2           Q     -- correct? Okay. And on that bill, that would  
3     have her usage costs for that period as well as -- would  
4     there be hook-up charges also or transfer charges?

5           A     There would have been the charge for gas service  
6     plus applicable taxes and the service initiation fee which  
7     was either billed in one payment or sometimes it's spread  
8     over four. That option is given to the customer on the  
9     phone at the time service requested.

10          Q     Okay. And what was -- what were you -- what was  
11     requested of the service initiation fee?

12          A     The Laclede representative asked -- told her  
13     that there was an activation fee of \$36. Would she like  
14     that billed at one time or spaced out over four months,  
15     and Dr. Harrison's reply was one time.

16          Q     Okay. And the address of -- where is that --  
17     can I have this real quick? The address of the house in  
18     question, is this the 40 Gateview Court address?

19          A     Correct.

20          Q     Okay. And what address was used for that first  
21     bill, December 26th?

22          A     The mailing address, sir, is what you're asking?

23          Q     Uh-huh.

24          A     It was to T.R. Hughes' corporate headquarters.

25     I don't know the exact address.

1           Q     Okay. And T.R. Hughes would have been the  
2 developer or the contractor or the previous owner?

3           A     Correct.

4           Q     Is that correct? Okay. Okay. So -- so that  
5 was an error on Laclede's part right there. Would you  
6 agree with that?

7           A     That the builder's Mail To address was not  
8 removed from the account when it was established for  
9 Dr. Harrison?

10          Q     Well, that that's where the December 26th bill  
11 was mailed to the wrong place under the wrong name.  
12 That's Laclede's fault, isn't it?

13          A     Yes. Due to a circumstance.

14          Q     Whatever. But it's Laclede's fault. It's not  
15 the fault of Dr. Harrison in that instance?

16          A     I would agree with that.

17          Q     Do you agree with that? Okay. Okay. Now, your  
18 records do not reflect any contacts from Dr. Harrison to  
19 Laclede or vice versa until March 14, 2007?

20          A     Correct.

21          Q     Okay. And when was the first payment received  
22 from Dr. Harrison?

23          A     The exact date is the December 29, 2006, is when  
24 the payment posted.

25          Q     I'm sorry. December what?

1           A     29th, 2006.

2           Q     And how much was that for?

3           A     \$200.

4           Q     \$200. Okay. Do you know -- do you have any

5 explanation of how that figure was determined or why it

6 was paid?

7           A     No, sir.

8           Q     Okay. And when was the next payment received

9 from Dr. Harrison on this account or from anyone on this

10 account?

11          A     April 3rd, 2007, the second payment was posted.

12          Q     And how much was that for?

13          A     \$229.91.

14          Q     Okay. Now, when would the -- the first bill

15 have been mailed under the correct name and under the

16 correct address?

17          A     Under the correct mailing address, the first

18 bill was mailed approximately April 13th, 2007. That was

19 the corrected bill.

20          Q     April 13, 2007. And how much was that bill for?

21 Was that bill for the 229.91?

22          A     It would have been \$1233.10 for the billing

23 period, for the charge for gas service, and then with the

24 taxes and then minus the adjustment that was made for

25 previous billings. So the total amount -- net amount was



1 803.19.

2 Q 803.19. Okay. Would -- does that 229.91  
3 represent anything specific? Is that a particular month's  
4 usage?

5 A It was the account balance effective as of  
6 3/1/07.

7 Q Okay. What is the total amount of CCF usage for  
8 the time period of November 17 through, I guess, April 13?  
9 Is that when the first bill came out?

10 A The first bill was through March 27th, 2007.

11 Q Okay.

12 A And it was approximately 100 CCFs. But I can  
13 verify exact. 1010 CCFs.

14 Q And is -- is that usage consistent with a res --  
15 with a -- with a facility of that size, a house of that  
16 size?

17 A Since that bill was rendered and we have billed  
18 her for another year plus since then, the usage from  
19 November 23rd, '07, through March 25th, '08, the average  
20 usage, which is CCFs divided by heating degree days is  
21 .3429.

22 The time period from November 17th '06 to  
23 February 20 -- excuse me -- March 27th, '07, the average  
24 usage was .3073. So the corrected bill usage was less  
25 than what she's been billed since then.

1           Q     Has -- has the meter been checked for accuracy  
2     at the -- at the residence?

3           A     The high bill premise inspector gauged the meter  
4     when he was there on 5/1/07.

5           Q     I'm sorry. What -- does that mean it's been  
6     tested?

7           A     It's not been physically removed and tested at  
8     our meter shop, no. But they do a cursory inspection.

9           Q     And they found -- they found no problems with  
10    the meter itself?

11          A     That's correct. No problems with the meters or  
12    any appliances.

13          Q     Okay. When -- when did you determine -- didn't  
14    you find an error in the AMR unit?

15          A     The AMR was not registering. Right. And that  
16    was -- Cell Net went out there in mid January to -- to fix  
17    that. And in my previous testimony, I accounted for that.  
18    And then it was repaired the second time in mid March.

19          Q     Okay.

20          A     Or early March.

21                COMMISSIONER CLAYTON: Okay. I don't think I  
22    have any questions for you. I did want to ask Mr. Zucker  
23    while I'm here, and I need to go upstairs to another  
24    meeting that I have. Laclede is not seeking any late  
25    charges or interest associated with these bills; is that

1 correct?

2 MR. ZUCKER: Sir, some late charges were  
3 assessed on the account over the winter while we weren't  
4 watching it. But when we picked it up in the spring about  
5 three weeks before this hearing, we saw the late charges.  
6 We've already credited them.

7 COMMISSIONER CLAYTON: Okay. Okay. Are there  
8 any other charges aside from gas usage on the outstanding  
9 account?

10 MR. ZUCKER: I do not believe so.

11 COMMISSIONER CLAYTON: Would you agree with  
12 that, Dr. Harrison?

13 DR. HARRISON: No. There are. They assessed me  
14 \$716.01 as a deposit, and they have consistently billed me  
15 for Lake St. Louis taxes.

16 COMMISSIONER CLAYTON: Okay. Have you all  
17 corrected the tax issue?

18 MR. ZUCKER: We've corrected the tax issue and  
19 removed the deposit, which is, again, assessed  
20 automatically when the balance isn't paid for enough  
21 months. So --

22 COMMISSIONER CLAYTON: So are there any other  
23 charges beyond that, Dr. Harrison?

24 DR. HARRISON: Not to my knowledge that I have.

25 COMMISSIONER CLAYTON: So that leaves gas --

1 DR. HARRISON: I have no documentation to what  
2 is being said.

3 COMMISSIONER CLAYTON: Okay. We got it on the  
4 record here. We got it on the record. I don't have any  
5 other questions. And I apologize for being late.

6 JUDGE LANE: Thank you, Commissioner Clayton.

7 DR. HARRISON: Thank you.

8 JUDGE LANE: I've got a few questions.

9 CROSS-EXAMINATION

10 BY JUDGE LANE:

11 Q You testified that it's Laclede's practice upon  
12 establishment of residential gas service to have someone  
13 actually enter the home, take a look at the equipment and  
14 do a -- some kind of safety related inspection. Is that  
15 -- is that true?

16 A Yes. That's what I testified. Uh-huh.

17 Q Okay. And that didn't happen in this case upon  
18 establishment of service, did it?

19 A No, it did not.

20 Q And I believe you also testified that that  
21 inspection, that safety inspection, was performed on May  
22 1st when the high bill investigator arrived, right?

23 A Yes, sir.

24 Q If Dr. Harrison had not requested a high bill  
25 investigation, would the -- would the -- would that safety

1 inspection ever have been performed?

2 A I believe it would have, sir, because we had  
3 already mailed one letter regarding the access needed for  
4 the inspection. Again, however, that did go to the  
5 builder in error. But I believe it would have been  
6 followed up on.

7 Q And how -- I mean, you know, I know there's no  
8 way to know, but, I mean, how long do you think it would  
9 have taken instead of the six or -- six months that it  
10 did?

11 A I don't know what the procedure is in Order  
12 Control, which is the department that handles those types  
13 of letters, if it's 90 days or however many days. I don't  
14 know what that is.

15 Q Okay. You testified as to Laclede's use of what  
16 you called an educated guess regarding estimated billing  
17 or -- on homes that are newly constructed. You were  
18 unable to get an actual meter read. And you testified  
19 also that you're not familiar as to the exact factors that  
20 are used, right?

21 A That is correct.

22 Q I think in response to a question from  
23 Mr. Poston, you mentioned a -- a pretty small amount of  
24 therms being the end result of this educated guess  
25 process, right, that were actually put on the estimated

1 bill? Is that -- is that what happened? The 41 therms, I  
2 think you mentioned?

3 A Let me look. Give me a second. I'm sorry. I  
4 didn't mark it. I'm trying to find that statement of  
5 bills and payments that Mr. Poston had.

6 MR. POSTON: I've got one here that I can hand  
7 to her.

8 Q (By Judge Lane) Do you have -- I haven't seen  
9 that yet. Is this a complete bill history on this  
10 account?

11 MR. ZUCKER: At the time, it was.

12 JUDGE LANE: Is this an exhibit -- this is  
13 attached to the complaint, isn't it?

14 MR. POSTON: That's Staff's report.

15 JUDGE LANE: We haven't seen that yet because  
16 Staff -- okay.

17 MR. POSTON: Can I -- on recross, I can enter  
18 that as an exhibit. She's testified to the numbers on  
19 that.

20 A Can you repeat your question, sir?

21 Q (By Judge Lane) Sure. The use of the educated  
22 guess process resulted in a relatively small amount of  
23 therms being estimated for a winter month, right?

24 A That's correct.

25 Q And what was that amount of therms and what

1 month was it?

2 A 21.4 therms, and it was from December 26, '06,  
3 to January 25th, '07.

4 Q Okay. And that's a really low estimate for a --  
5 for a home with a base area -- base square footage of  
6 2460, isn't it?

7 A Yes.

8 Q In a winter month?

9 A Yes.

10 Q So is there something wrong with that educated  
11 guess process?

12 A In reviewing the documents, for the first bill  
13 that went out in December was a re-bill, which was a  
14 manual adjustment for a 144 therms. So the first bill  
15 appeared that it went out with an -- a factor correctly.

16 The next time that the -- the bill was out for  
17 the service period we're talking about, the 21.4 therms  
18 with estimated usage, that would have been a manual  
19 adjustment. It would have been a modified index.

20 So I can't testify with all certainty, but in my  
21 experience from working customer accounting, it's possible  
22 that the clerk adjusted the factors before issuing the  
23 re-bill and just adjusted with incorrect factors.

24 Because the first bill went out with 144 therms  
25 for a winter month. The second one went out with more.

1 So someone would have had to have modified the factor for  
2 that to happen.

3 Q Are clerks authorized to adjust these factors on  
4 the fly like that?

5 A It's based on their experience and knowledge,  
6 but --

7 Q Right. But I mean --

8 A Yes.

9 Q Okay. And I guess did Laclede render any bills  
10 to Dr. Harrison, whether she received them or not, that  
11 used the term past usage in a way that really wasn't  
12 terribly accurate, referred past usage -- in other words,  
13 with regard to Dr. Harrison's letter of May 2007, I think  
14 Mr. Zucker asked you that, which he referred to the term  
15 past usage not being entirely accurate since there is no  
16 past usage for a newly constructed home.

17 A Uh-huh.

18 Q And you said at that time that that was a proper  
19 use of the term because there had been an actual reading.

20 A Right.

21 Q What about before that? Did Laclede render  
22 bills to Dr. Harrison for which the term past usage really  
23 wasn't a terribly accurate description of how the  
24 estimated bill was arrived at?

25 A The past usage phrase is used in that statement



1 that was printed on the corrected bill. And that general  
2 statement was printed on because it was a corrected bill.  
3 It would not have been on any of the bills rendered prior  
4 to that. So that term past usage would not have shown up  
5 on any of the other bills prior to that corrected bill  
6 going out.

7 Q Okay. So the other ones would have said what?  
8 Wouldn't it have said -- it wouldn't have said actual,  
9 right?

10 A Estimated.

11 Q Would it have said estimated?

12 A Estimated. Uh-huh.

13 Q And so those bills would have said estimated,  
14 but the customer doesn't know what -- how the estimate is  
15 arrived at, just estimated, right?

16 A Yes.

17 Q And the past usage doesn't show up until the  
18 bill she gets at the end of March; is that right?

19 A The bill that was rendered on or about April  
20 13th, 2007, is the bill that had the corrected bill term  
21 on it and then that general statement on the bottom with  
22 that terminology of past usage on it.

23 Q Okay. All right. I just wanted to straighten  
24 that out. Okay. Great. With regard to the AMRs, now,  
25 Cell Net came out and re-programmed the AMR attached to

1 the meter attached to Dr. Harrison's home in mid January  
2 2007, right?

3 A Yes, sir.

4 Q And whatever they did, it didn't work. Is that  
5 -- would that be fair to say?

6 A Yes, sir.

7 Q Okay. And when did you figure that out? When  
8 did Laclede figure out that the re-programming that was  
9 done in mid January didn't take effect, was -- it was  
10 still messed up?

11 A I don't know the exact date that it was  
12 realized, sir. But by March 7th, another Cell Net  
13 representative had gone out to make the second repair. So  
14 sometime in between --

15 Q Sometime between those two?

16 A Right.

17 Q Okay. And I think you testified that the Cell  
18 Net representative actually did attempt to make an actual  
19 reading when he was out there?

20 A Both representatives, yes, sir.

21 Q Right. And he -- he made an -- and he made an  
22 actual reading that was obviously incorrect since it was  
23 less than the previous figure --

24 A That is correct.

25 Q -- for that home?

1           A     Uh-huh.

2           Q     Okay.  If he had -- if the estimate -- let me  
3     just ask you a hypothetical here.  If the Cell Net  
4     represent had recorded an actual usage that was actually  
5     higher than the past usage, would you have had any way of  
6     knowing that -- and still made an error on reading the  
7     meter, would you have had any way of knowing that the  
8     actual reading wasn't accurate?

9           A     You're saying if the January Cell Net  
10    representative would have read higher than what he -- than  
11    what we would have anticipated?

12          Q     No.  If the Cell Net representative would have  
13    misread the meter --

14          A     Right.

15          Q     -- but read it higher --

16          A     Higher.

17          Q     -- in the past month instead of lower, would you  
18    have had any -- would you have had any way of knowing that  
19    he read the meter in error?

20          A     There are billing errors -- and our system is  
21    designed with billing errors in place that if there's a  
22    reading that's a certain percentile off the mark, then it  
23    would create a billing error that it would be manually  
24    reviewed.

25          Q     But that wouldn't be caught in the system for

1   probably another couple billing cycles, right?  It  
2   wouldn't be repaired -- it wouldn't be detected  
3   immediately, certainly?

4           A     It's generated when the reading comes in that's  
5   inconsistent with the prior reading.

6           Q     Okay.

7           A     And if it's a certain percentage too high, yes,  
8   there's a billing error generated for that.  But I don't  
9   know what those parameters are.

10          Q     Okay.  That's what I was trying to get at is  
11   what's the threshold?  What triggers this review process?

12          A     I don't know the exact percentage that the  
13   reading has to be too high to generate that error.  But  
14   there is an error there generated if there is a reading  
15   that's too high.

16          Q     All right.  Are you aware of any instances where  
17   Laclede -- Laclede employees have actually misread a meter  
18   in getting an actual physical reading?

19          A     At any premise?

20          Q     At any premise --

21          A     In my history, yes.

22          Q     -- are you aware?

23          A     There have been mistakes made.

24          Q     Is it pretty rare?  Pretty common?  Happens  
25   every once in awhile?

1           A     I don't know the statistics, sir.

2           Q     How about Cell Net?  What's your experience or  
3     knowledge with them?  How good are they at reading the  
4     meters, getting an actual reading?

5           A     Getting an actual reading that's correct, sir?

6           Q     Yes.

7           A     Again, I don't know the percentages, sir, but  
8     I'd say it's more often than not read correctly.

9           Q     Okay.  And then let's see.  Your testimony was  
10    that in March 2007, Cell Net came back out to do another  
11    re-program of the AMR, right?

12          A     That's correct.

13          Q     Okay.  And why exactly were they sent out?  What  
14    triggered that event?

15          A     Again, sometime after the January  
16    re-programming, it could have been Laclede or it could  
17    have been Cell Net realized that the readings still were  
18    not being received or emitted or still stale, so that's  
19    when the second call would have been requested.

20          Q     Okay.  Do you have any knowledge if the problems  
21    the Jeffersons were having were exactly the same types of  
22    problems that Dr. Harrison was experiencing with regard to  
23    the AMR?

24          A     I don't believe it was the Jeffersons.  I  
25    believe it was Ms. Cox, the neighbor.

1           Q     Or Ms. Cox. I'm sorry. The problem -- those  
2 problems. Were they the same thing?

3           A     I don't know if they were the exact same  
4 circumstance, sir. I -- I know that she received a \$13  
5 bill that was based on zero usage, monthly customer charge  
6 plus applicable taxes only and that that had been repaired  
7 or -- you know, repaired and that she had received an  
8 adjusted billing.

9           Q     Did it take Cell Net two times to get that  
10 recalibration right in that case?

11          A     I don't know, sir.

12          Q     You do not know?

13          A     I don't know.

14          Q     Okay. What exact figure is Laclede expecting  
15 Dr. Harrison to pay in this matter?

16          A     Her actual account balance as of April 14th was  
17 \$1137.14.

18          Q     Okay. And how much of that is disputed? How  
19 much of that does Dr. Harrison dispute?

20          A     \$803.19 is what I believe she's disputing.

21          Q     803.19. And her current bill is what, did you  
22 say?

23          A     1137.14.

24          Q     1137.14. Okay. And that 1137.14 figure, is  
25 that based on a service start date of November 17th or

1 December the 6th?

2 A That's based on the November 17 start date.

3 Q Okay. And if it were to -- to be adjusted to  
4 December the 6th, which Dr. Harrison has testified is the  
5 date she actually moved into the home and started  
6 receiving the benefit of the gas for which she was being  
7 billed, what would that reduce your bill to? Do you know?

8 A I believe Mr. Zucker stated earlier it's  
9 approximately \$90, the difference between November 17th  
10 and December 6th.

11 MR. ZUCKER: I think you were out of the room,  
12 your Honor.

13 JUDGE LANE: Okay. I must have missed that. I  
14 think -- I think I missed that.

15 Q (By Judge Lane) Okay. So should the Commission  
16 -- if the Commission was to determine that the actual  
17 service start date should have been December the 6th,  
18 would Dr. Harrison be entitled to a credit for 94 or  
19 whatever -- whatever that figure is?

20 A Approximately \$90. Yes, sir.

21 Q Approximately \$90. If the Commission were to  
22 determine that?

23 A Yes, sir.

24 Q Okay.

25 A Uh-huh.

1           Q     Okay. And referring to Respondent's Exhibit B,  
2     and that's -- isn't that the one with the -- with the  
3     usage study? Is that -- is that B?

4           MR. ZUCKER: No. I think that's C.

5           Q     (By Judge Lane) Okay. Exhibit C. Looking at  
6     the figures here and just for Gateview Court, just for the  
7     40 Gateview Court address, in your opinion, does the CCF  
8     to HDD ratio for the two winter periods in question, that  
9     is the winter of '0 -- '05/'06 and the winter of '06/'07  
10    reflect any possible conservation activities on  
11    Dr. Harrison's behalf?

12          A     Since she received a catch-up bill, her usage  
13    has actually slightly increased for the winter of '07/'08.

14          Q     Okay. So your opinion is no?

15          A     That's correct.

16          Q     Okay. So according to the -- according to this  
17    information, if you were to just look at this date, it  
18    doesn't suggest that Dr. Harrison has engaged in any usage  
19    reduction measures?

20          A     Correct.

21           JUDGE LANE: Okay. That's what I wanted to  
22    know. And that's my last question. So redirect?

23           MS. SHEMWELL: Recross?

24           MR. POSTON: Recross.

25           JUDGE LANE: I am messing this up. It's time



1 for recross and then redirect. I've done that twice in a  
2 row now. Sorry about that.

3 MR. ZUCKER: That's okay.

4 JUDGE LANE: Staff?

5 MS. HERNANDEZ: Okay. Thank you.

6 RECROSS EXAMINATION

7 BY MS. HERNANDEZ:

8 Q Commissioner Clayton asked you about your --  
9 your call records for Dr. Harrison. Is there -- in your  
10 experience with how calls are logged into Laclede's  
11 system, is there any possibility that any of  
12 Dr. Harrison's calls could be logged into Dr. -- I'm sorry  
13 -- to T.R. Hughes' account?

14 A I have not revisited T.R. Hughes' account for  
15 remarks. If she calls in and gives the account number,  
16 social, name or address, the most recent -- the most  
17 current account is what comes up on the system for -- if  
18 you give the premise address or an account number, that's  
19 the account number that comes up. That's what it's  
20 remarked on. So --

21 Q Is it -- I'm --

22 A I mean, yes, it is still possible.

23 Q It is possible? Okay.

24 A It's possible, but improbable.

25 Q It's improbable. But you haven't looked at any

1 -- his account records to --

2 A No. I did not look at T.R. Hughes' account  
3 record for any logged calls from Dr. Harrison.

4 Q To make sure? Okay. Would -- would comments be  
5 included in that record if there were comments? Not just  
6 calls, but comments on the general -- Dr. Harrison's  
7 general account? Would -- could they be logged into his  
8 account?

9 A Comments as far as Laclede's comments without  
10 any customer contact?

11 Q Correct.

12 A Again, it's possible, but I would say  
13 improbable.

14 MS. HERNANDEZ: Okay. Nothing further. Thank  
15 you.

16 JUDGE LANE: All right. Mr. Poston?

17 MR. POSTON: Thank you.

18 RECROSS EXAMINATION

19 BY MR. POSTON:

20 Q In response to a question from the Judge, you  
21 said that if the Cell Net error was to actually err on the  
22 side of showing more usage than she actually incurred that  
23 there would be no way of knowing unless this -- a certain  
24 percentage would have set something off, correct?

25 A Correct.

1 Q And do you know what that percentage is?

2 A No. I do not know what the parameters are, sir.

3 Q Do you know how that percentage is -- how that's  
4 determined?

5 A No, I do not, sir. Huh-uh.

6 Q Would you agree that it would have to be based  
7 on some sort of prior history or something of that nature  
8 to compare it against that she didn't have?

9 A That is correct, sir. I just don't know what  
10 the exact numbers are.

11 MR. POSTON: Okay. Thank you. That's all.

12 JUDGE LANE: All right. Dr. Harrison?

13 RECROSS EXAMINATION

14 BY DR. HARRISON:

15 Q In a previous statement, you stated that I gave  
16 you the address in October as No. 40 Gateview Court,  
17 Wentzville, 63368. And when the Commissioner was here,  
18 you said you didn't -- that I didn't give you an address.  
19 Can you explain that?

20 A I don't recall saying that you didn't give an  
21 address, but if you would have given an address. You're  
22 talking about when I was explaining how we pull up our  
23 customer accounts?

24 MR. ZUCKER: I think the Commission asked about  
25 a mail -- it was a Mail To address asked for by Dr.

1 Harrison in the October 23rd call. Did Dr. Harrison  
2 specify where to send the bill?

3 A No, no.

4 MR. ZUCKER: That's what the Commissioner asked.  
5 And now Dr. Harrison is asking -- she's saying that there  
6 is an address right in where she said it and for you to  
7 reconcile the two positions.

8 A I'm still not quite sure. I don't know what --  
9 how to answer what -- what the question is.

10 Q (By Dr. Harrison) In your initial  
11 cross-examination by Mr. Zucker, you stated that when I  
12 called to initiate the service in October I gave you the  
13 address, No. 40 Gateview Court, Wentzville, 63368.

14 And when the Commissioner asked you what address  
15 did I give you for billing in October, you said that you  
16 weren't given an address. I'm asking for an explanation.

17 A There was no Mail To address. You didn't  
18 specify like a secondary address where to mail the bills.

19 Q Secondary?

20 A Right. A Mail To address. The premise address  
21 that was given by you is 40 Gateview Court, Wentzville,  
22 63368. And then I was asked if there was, you know, a  
23 Mail To address requested for the billings to be mailed  
24 to, and no, there was not. Not at that time, no.

25 DR. HARRISON: That's not what the Commissioner

1 asked. Thank you.

2 JUDGE LANE: All right. That concludes the  
3 testimony of this witness. You may step down.

4 MR. ZUCKER: How about -- how about redirect,  
5 your Honor?

6 JUDGE LANE: Do you have -- we have one -- now,  
7 see, I just skipped it.

8 MR. ZUCKER: Sorry.

9 JUDGE LANE: Do we have some redirect?

10 MR. ZUCKER: I actually do. I think I can help  
11 clarify a few things.

12 JUDGE LANE: We're getting kind of continued  
13 here. Let's -- we're doing great.

14 REDIRECT EXAMINATION

15 BY MR. ZUCKER:

16 Q Okay. There were some questions about how long  
17 we mailed the bills and other communications to the T.R.  
18 Hughes address. Do you recall those?

19 A Yes.

20 Q Okay. Once the incorrect address was put in,  
21 was Laclede aware of it at any particular time? In other  
22 words, once it started, did Laclede have any notice that  
23 it was wrong?

24 A No. I take that back. Yeah. We did get a --  
25 the gas safety inspection letter that was mailed was

1 returned. It was just returned. There was no  
2 documentation as to why it was returned. It was just  
3 noted that it was returned.

4 Q Okay. And other than that, did we get any  
5 notice before we talked to Dr. Harrison on March 14th that  
6 there was something wrong with the billing address?

7 A No, sir.

8 Q In other words, when we sent out bills every  
9 month, did we think they were going to the right place?

10 A Yes, sir.

11 Q That was just an error?

12 A That's correct.

13 Q But it wasn't as if we made a new error every  
14 month?

15 A That's correct, sir.

16 Q Is that correct?

17 A Right.

18 Q Okay. You were asked questions about why the --  
19 why the estimate was so low for the billing period of  
20 December to January. Do you recall that?

21 A Yes.

22 Q And I believe your answer was the first month's  
23 bill, November to December, had a normal size estimate  
24 based on normal estimating factors; is that correct?

25 A That is correct. It was 144.0 therms.

1 Q And that's a normal amount for that month?

2 A I don't know what normal would be, but yeah. I  
3 mean, it doesn't raise any red flags to me.

4 Q Okay. And the next month, though, there was an  
5 actual reading turned in by Cell Net, correct, in January?

6 A That's correct.

7 Q And that reading was modified, correct?

8 A That's correct.

9 Q And so a person actually took a -- a -- a manual  
10 look at the account to try to come up with a number; is  
11 that correct?

12 A That's correct.

13 Q Did Laclede have any reason to believe that the  
14 home was vacant?

15 A At this point in time, no, sir.

16 Q Do you have the -- the original November 17th  
17 order?

18 A Yes.

19 Q When -- when the service technician visited on  
20 November 17th, what were his remarks?

21 A One moment while I pull that up. Closed and  
22 tagged, new construction, vacant home.

23 Q Okay. And when we sent follow-up letters to try  
24 to get a gas safe inspection, did we get any response to  
25 those letters?

1           A     No. The letter was returned.

2           Q     Okay. And so was it possible if a customer  
3     accounting clerk took a manual look at the account that  
4     they made a reasonable estimate that the property was  
5     vacant and that there was only minimal usage? In other  
6     words, could that explain the 21 therm usage for a month  
7     of January?

8           A     It could. But in my opinion, they used the  
9     modified index, just changing the first dial to make it an  
10    eight instead of a seven, which is what I previously  
11    testified is what I believed happened.

12          Q     Well, I think you testified that that was likely  
13    the occurrence. But was that the -- what the -- what the  
14    customer did? I believe the reading was 7470 that he  
15    turned in. I'm sorry. What the -- what the clerk did,  
16    not the customer.

17                And if we look at the -- Staff -- Cell Net  
18    turned in the number at 7470; is that correct?

19          A     That's correct.

20          Q     Okay. And we billed to the number for that  
21    January 25th period 8241. So there's not much in common  
22    between those two numbers. Is that correct?

23          A     The reading turned in on January 19th was 7470.  
24    But the bill date went up to January 25th. So it would  
25    have been modified with extended usage from the time that



1 the read was obtained to the bill date.

2 Q But it's less than 8470?

3 A 8470. January 25th was 8241. 82 -- so, yes, it  
4 is less than. It was a read modified down.

5 Q So it doesn't look like they tied the read that  
6 we billed from to the wrong number turned in by Cell Net.  
7 Would you agree with that?

8 A I would agree with that. Yes.

9 Q So then is it possible that the clerk came to a  
10 conclusion that the home was still vacant?

11 A I don't know that answer.

12 Q Okay. All right. Let's try a few other areas.  
13 Dr. Harrison asked why didn't she get a notice when Cell  
14 Net came out in January to do their work. The January  
15 work did not result in the -- the meter being fixed; is  
16 that correct?

17 MR. POSTON: Objection. It's leading.

18 Q (By Mr. Zucker) Did the January work result in  
19 the meter being fixed?

20 A No.

21 Q And when -- did the March Cell Net work result  
22 in the meter being fixed?

23 A Yes, sir.

24 Q And was a notice sent in -- in March along with  
25 the bill that covered this issue?

1           A     Yes.  It was printed on the bill.

2           Q     Okay.  And that -- let's look at Dr. Harrison's  
3     Exhibit B again, which is the bill with the notice there.  
4     Do you know how that notice was developed?

5           A     I do not know how the notice was developed.  No.

6           Q     Do you know whether that notice was developed by  
7     Laclede working with Staff and Public Counsel?

8           A     I do not know that for a fact, sir.

9           Q     Okay.  Okay.  Oh, all calls to Laclede are not  
10    -- are all -- all -- let me ask this question in a  
11    non-leading fashion.  Are all calls to Laclede recorded?

12          A     As long as the representative whose station the  
13    call comes into has the recording capability.

14          Q     Okay.  Let say the call goes to a supervisor.  
15    Is that recorded?

16          A     No, sir.

17          Q     Let's say a call goes to a certain desk other  
18    than a regular -- what do you call those people?  
19    Communications clerks?

20          A     Customer service representatives?

21          Q     Yes.

22          A     The specialized customer service  
23    representatives, some of their phones are not recorded.

24          Q     If someone calls into the collection department,  
25    are those calls recorded?

1           A     No, sir.

2           Q     Okay. Commissioner Clayton asked you about the  
3     payment that Dr. Harrison made of \$229.91. Do you recall  
4     that?

5           A     Yes.

6           Q     And was that the balance as of March 14th when  
7     Dr. Harrison called in to inquire about the bill?

8           A     Yes.

9           Q     Okay. When Laclede does estimates, are you  
10    aware whether it does it in connection with a -- an  
11    approved tariff on estimating factors and procedures?

12          A     I do not know what the exact tariff is regarding  
13    how estimated factors are established. No, I don't.

14          Q     Do you know whether one exists?

15          A     I do not know.

16          Q     Okay. There was some questions about what if  
17    Cell Net had made an error but -- but we didn't know it.  
18    It wasn't an obvious error like the one in which the  
19    reading was below previous readings. Do you recall those  
20    questions?

21          A     Yes.

22          Q     Regardless of whether that happened, wouldn't  
23    that all get straightened out once we got an actual  
24    reading?

25          A     Yes. Once an actual reading is obtained, the

1 account would be reconciled or adjusted.

2 Q Okay. You -- you were also asked questions  
3 about whether Dr. Harrison's usage pattern was higher or  
4 lower in '07/'08 versus '06/'07. Do you recall those  
5 questions?

6 A Yes.

7 Q Are you aware of whether more people have lived  
8 at Dr. Harrison's house during the '07/'08 versus '06/'07?

9 A Yes. In Dr. Harrison's testimony, she mentioned  
10 other persons staying at the house, a friend that had  
11 moved in from another city while they were building a  
12 house in the area, and a refugee who had been living at  
13 the house.

14 Q And didn't you also testify that the '06/'07  
15 figure was artificially low because it was spread out over  
16 a longer period than Dr. Harrison actually lived there?

17 A Yes. That was earlier testimony. Very earlier.

18 Q So do you have any -- any change to make to your  
19 testimony that her conservation in '07/'08 was definitely  
20 worse than '06/'07?

21 A I believe what I testified earlier is that the  
22 adjustment for usage between December 6th, '06, and March  
23 27, '07, would have been more comparable to what she used  
24 in '07/'08 than --

25 Q Okay.

1           A     It would have been higher and more in line with  
2     what she used from November '07 to March '08.  So  
3     regardless -- I don't -- can't answer the question as far  
4     as what kind of conservation measures, if they have made  
5     any significant change or not.

6           MR. ZUCKER:  Okay.  Thank you, Ms. O'Farrell.

7           MS. O'FARRELL:  All right.

8           JUDGE LANE:  Thank you.  And that should wrap it  
9     up unless anyone has additional cross based on that last  
10    little exchange there.  Anyone?  All right.  Does that  
11    conclude Laclede's evidence, Mr. Zucker?

12          MR. ZUCKER:  Yes, it does.

13          JUDGE LANE:  All right.  I'll tell you what.  
14    Let take a ten-minute break, and we'll push to the end for  
15    tonight.  Okay?

16          (Break in proceedings.)

17          JUDGE LANE:  All right.  We're back on the  
18    record for the final haul in GC-2008-0041, Harrison versus  
19    Laclede Gas.  We're done with the evidence from  
20    Dr. Harrison and Laclede.

21                 And Staff's evidence is up now.  And I believe  
22    we have a witness on the stand, and we're seeing her right  
23    now.  So would you please identify yourself and spell your  
24    name for the record?

25          MS. DOERHOFF:  My name is Marilyn Doerhoff,

1 D-o-e-r-h-o-f-f. And I'm with Staff for the Commission.

2 JUDGE LANE: Would you please raise your right  
3 hand and be sworn?

4 MARILYN DOERHOFF,  
5 being first duly sworn to testify the truth, the whole  
6 truth, and nothing but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. HERNANDEZ:

9 JUDGE LANE: Thank you very much. Ms.  
10 Hernandez?

11 MS. HERNANDEZ: Thank you, Judge.

12 Q (By Ms. Hernandez) Ms. Doerhoff, can you state  
13 again where you're employed?

14 A I'm employed with the Missouri Public Service  
15 Commission.

16 Q Okay. And what is your job title?

17 A I am a Consumer Services Coordinator.

18 Q And what are your -- your duties as --

19 A My -- okay.

20 Q -- in that position?

21 A My duties are to invest -- assist with the  
22 investigation of informal complaints with the Commission,  
23 making sure that the rules and -- and regulations and  
24 tariffs are being followed when those complaints are  
25 received.

1 Q Okay. And how long have you been employed here?

2 A Since 2001.

3 Q Okay. And you've been in the same position  
4 since that time?

5 A I was a Consumer Service Specialist I, and then  
6 a II, and now I'm the coordinator. So I have advanced in  
7 those years.

8 Q Okay. And did you complete a Staff report in  
9 this case?

10 A Yes, I did.

11 Q And what was your understanding of the issue?

12 A My understanding of the issue was that the bill  
13 was high, it was estimated, and then it was too high based  
14 on the usage that Dr. Harrison felt that she would have  
15 used.

16 Q Okay. And has your Staff report been filed?

17 A Yes, it has.

18 Q And do you have any changes to this report?

19 A Yes, I did. I did find an error on page 3. The  
20 second to the bottom, a paragraph -- the -- I -- I -- I  
21 indicate through February 25th, 2007, the second line.  
22 That should state January and not February.

23 Q Okay. And then with that one correction, is  
24 there anything else that needs to be corrected?

25 A No. No. That's the only correction that I saw.

1           Q     And with that one change, is the report true and  
2     correct to the best of your knowledge and belief?

3           A     Yes, it is.

4           Q     Okay. And can you -- what was your  
5     recommendation from that report?

6           A     My recommendation was that the investigation  
7     showed that Laclede had not violated any Commission rules  
8     or filed tariffs for the billings rendered; however,  
9     concurred that Laclede in their adjustment of Ms.  
10    Harrison's account start date and appropriate taxes which  
11    would result in a bill adjustment and then recommended  
12    that the case be dismissed following these adjustments.

13           MS. HERNANDEZ: Okay. I'd like to move at this  
14    time to admit Staff's report into evidence.

15           JUDGE LANE: Do you have an extra copy of that?

16           MS. HERNANDEZ: I do. I have one copy for you  
17    and five --

18           JUDGE LANE: Okay. We're going to mark --

19           MS HERNANDEZ: -- for the Commissioners.

20           JUDGE LANE: Staff's Exhibit A?

21           MS. HERNANDEZ: Staff's Exhibit A.

22           MS. SHEMWELL: Judge, none of these exhibits  
23    have been marked with the correction Ms. Doerhoff just  
24    made.

25           JUDGE LANE: Okay. Well, let's see.



1 MS. HERNANDEZ: Can that just be reflected in  
2 the record or --

3 JUDGE LANE: Yeah. Or we could just do it by  
4 interlineation and that be the official copy that we hand  
5 to the reporter. How about that? Can we do that?

6 MS. HERNANDEZ: Sure. Can I have a moment  
7 quickly?

8 JUDGE LANE: Sure.

9 MS. HERNANDEZ: That was page 3, second  
10 paragraph from the bottom?

11 MS. DOERHOFF: Yes.

12 MS. HERNANDEZ: January instead of February?

13 MS. DOERHOFF: Yes.

14 JUDGE LANE: Any objections to the admission of  
15 Staff's Exhibit A?

16 MR. ZUCKER: No objection.

17 JUDGE LANE: Hearing none, it's admitted into  
18 evidence.

19 (Staff Exhibit A was offered and admitted into  
20 evidence.)

21 MS. HERNANDEZ: Judge, can that be accepted --  
22 I'm sorry. Can the Staff's report be accepted as direct  
23 testimony?

24 JUDGE LANE: If there are no objections, I don't  
25 see any reason.

1 MR. ZUCKER: Fine with me.

2 JUDGE LANE: All right.

3 MS. HERNANDEZ: Thank you. I have no further  
4 questions and will tender the witness at this time.

5 JUDGE LANE: All right. Cross-examination,  
6 Mr. Zucker?

7 CROSS-EXAMINATION

8 BY MR. ZUCKER:

9 Q Ms. Doerhoff, you indicated that you have been  
10 doing this job for seven years, correct?

11 A Going on seven. Yes.

12 Q Going on seven?

13 A Yes.

14 Q And have you seen customers before contesting  
15 bill usage as being too high?

16 A Yes.

17 Q And do you -- based on your experience, do you  
18 have an opinion of whether a four-month winter bill  
19 covering a 1,010 CCF is reasonable for a 3700 square foot  
20 home with a thermostat setting of 74 degrees?

21 A Based on the information that I received, that  
22 does not seem unreasonable, you know, for that size of a  
23 bill. For that size of house, that does not seem an  
24 unreasonably high bill.

25 MR. ZUCKER: Thank you, Ms. Doerhoff. That's

1 all I have.

2 JUDGE LANE: Mr. Poston?

3 MR. POSTON: Thank you.

4 CROSS-EXAMINATION

5 BY MR. POSTON:

6 Q Would you agree that there have been several  
7 errors that led to this complaint?

8 A Based on testimony, there were a couple of  
9 different areas that, yes, that should have been handled  
10 differently. I agree.

11 Q And who was responsible for those errors?

12 A It -- I would say, you know, both parties in a  
13 -- in one way or another. Ms. Harris (sic) gave an  
14 incorrect address -- or address at the beginning, and then  
15 Laclede did fail to correct their addresses. So --

16 Q When did Dr. Harrison give a -- an incorrect  
17 address?

18 A When she gave the Wentzville, Missouri, address  
19 in October when she -- when she called. Wentzville was  
20 not --

21 Q Okay.

22 A Okay. That's my --

23 Q And how long have you been in your current --  
24 current position?

25 A In my current position? Since March of last

1 year, so March of '06. Yeah. March of '06.

2 Q In the last few years, I mean, you have a good  
3 understanding of all the complaints that come in, like the  
4 number of complaints that are coming into --

5 A Yes, sir.

6 Q -- your department, correct?

7 A Yes, sir.

8 Q All right. And would you agree that a high  
9 percentage of those complaints are against Laclede Gas  
10 Company?

11 MR. ZUCKER: I'm going to object to that. I  
12 don't see the relevance of other complaints to this  
13 complaint.

14 JUDGE LANE: Well, I mean, I think, the witness  
15 can testify as to that.

16 A Laclede does have a fair amount of complaints  
17 coming through, yes.

18 Q (By Mr. Poston) Compared to all of the other  
19 gas companies in the state, would you say they have the  
20 highest number of complaints?

21 A Over the last couple -- over the last year and a  
22 half, yes, they -- they do have a higher number.

23 Q And is -- would you agree that it's considerably  
24 higher than the numbers coming in for the other -- from  
25 the other companies?

1           A     Yes.

2           Q     Okay.

3           A     Yes.  Yes.

4           Q     And those are generally complaints about what?

5           A     It -- various reasons.  They've -- either a  
6     high bill, estimated bills.  I'm trying to think.  
7     Disconnections.  You know, there's just a quality -- you  
8     know, just different reasons for that.

9                     MR. POSTON:  Thank you.  That's all I have.

10                    JUDGE LANE:  All right.  There's no one here, of  
11     course, from the Commission.  I don't have any questions  
12     of the witness.  So --

13                    MR. POSTON:  Well --

14                    DR. HARRISON:  May I ask questions?

15                    JUDGE LANE:  And I've skipped Dr. Harrison.

16                    DR. HARRISON:  It's all right.  It's getting  
17     late.  It's been a long day.  It's getting late.  It's  
18     quite all right

19                    JUDGE LANE:  I've made one mistake on every  
20     witness so far.  So you --

21                    DR. HARRISON:  Join the club, huh?

22                    JUDGE LANE:  Join the club.  I am so sorry.  Go  
23     ahead.

24                    DR. HARRISON:  Not a problem.  It's really not a  
25     problem at all.

1 CROSS-EXAMINATION

2 BY DR. HARRISON:

3 Q Marilyn, during your investigation --

4 A Yes.

5 Q -- did you contact me to discuss this matter?

6 A Did I contact you? No, I did not. I did not  
7 handle the initial informal investigation. That was  
8 handled by another Consumer Service Specialist.

9 Q Did that Specialist contact me to discuss the  
10 matter?

11 A Let me check. Bear with me just a moment. I'm  
12 going to look at my records. It appears that she did not  
13 prior to closing the informal complaint. But then she did  
14 receive a call from you in July of 2007 and requested the  
15 formal paperwork at that time.

16 Q After a decision was rendered; is that correct?

17 A That's correct.

18 Q Okay. So I was not contacted prior to -- during  
19 the investigation?

20 A No. Not -- not --

21 Q Okay.

22 A We took the information that you had submitted  
23 and -- and used that for our investigation.

24 Q Okay.

25 A Okay.

1           Q     Did you find a past history of -- of gas usage  
2     for 40 Gateview Court?

3           A     Excuse me?

4           Q     In your investigation, did you find a past usage  
5     or history of usage for 40 Gateview Court?

6           A     No.

7           Q     Okay. Was your recommendation then based on  
8     records that you received from Laclede Gas? You didn't  
9     talk to me. You didn't find a past history. So was your  
10    investigation and your -- your recommendation based on the  
11    facts that you received from Laclede Gas, then?

12          A     Yes.

13          Q     Okay. Are you aware that in October of 2006  
14    Wentzville was, indeed, the address for 40 Gateview Court?

15          A     No, I was not aware of that.

16          Q     Okay. And, upon closing, O'Fallon Post Office  
17    was registered as the official address. Were you aware of  
18    that? At the date of closing on December 6th, O'Fallon  
19    was listed as the official address for 40 Gateview Court?

20          A     No, I was not.

21          Q     Okay. Okay. Are you aware that mail sent to  
22    No. 40 Gateview Court in Wentzville was delivered and  
23    received, not by Laclede, but by other places? Are you  
24    aware of that --

25          A     No.

1           Q     -- that if you were to mail something to me at  
2     that address, it would be received?

3           A     No.

4           Q     Okay.  Because I believe you guys did mail  
5     things to me at that address initially, and I received it.

6           A     The Commission mailed the information to you?

7           Q     I think so.

8           A     Okay.

9           DR. HARRISON:  That's all I have.

10          JUDGE LANE:  All right.  Any redirect, Ms.  
11     Hernandez?

12          MS. HERNANDEZ:  None.

13          JUDGE LANE:  None?

14          MS. HERNANDEZ:  No.

15          JUDGE LANE:  All-righty.  Any further witnesses  
16     from Staff?  Any other matters we need to take up?

17          MS. HERNANDEZ:  Oh, I'm sorry.  No.

18          JUDGE LANE:  You do have some redirect?

19          MS. HERNANDEZ:  No.  I don't have any other  
20     witnesses.

21          JUDGE LANE:  Oh, okay.  All right.  Well, I  
22     think that -- that pretty much wraps this up.  Let me --  
23     let me ask this.  Does anybody feel that post hearing  
24     briefs would be helpful in this case, or should we just go  
25     on the record that we've got submitted and the exhibits



1 and -- and proceed with a report and order from there?  
2 I'm willing to -- to hear suggestions from all the parties  
3 on this.

4 MS. SHEMWELL: Judge, Staff is in the position  
5 to do whatever the Court prefers.

6 JUDGE LANE: Do you have a preference,  
7 Mr. Poston?

8 MR. POSTON: I would like to write a short  
9 brief. I don't -- it doesn't have to be very extensive.  
10 Just something short.

11 JUDGE LANE: All right. Mr. Zucker?

12 MR. ZUCKER: I would like Marc to write a short  
13 brief, also. I mean, I might write one a little bit  
14 longer.

15 JUDGE LANE: All right. And how about you,  
16 Dr. Harrison?

17 DR. HARRISON: Write a brief.

18 JUDGE LANE: You will write something up?  
19 Super. I tell you what we'll do. We'll have the  
20 transcript produced. There's no need for an expedited  
21 transcript in this matter. She's in no danger of being  
22 disconnected, et cetera, et cetera.

23 DR. HARRISON: Thank you.

24 JUDGE LANE: We've got that taken care of right  
25 away. So let's -- what is it usually? Is it usually two

1 weeks, two weeks for the transcript? And let's say post  
2 hearing briefs by everyone another two weeks after that?  
3 Briefs should be -- or is that -- is that too little  
4 amount of time?

5 MR. ZUCKER: Maybe 20 days.

6 JUDGE LANE: Okay. I'll tell you what, three  
7 weeks.

8 MR. ZUCKER: Okay.

9 JUDGE LANE: How's that? So I will just have  
10 the transcript produced in the normal time. And then  
11 three weeks after the date the transcript is filed in  
12 EFIS, your post hearing briefs will be due.

13 If Staff -- Staff, if you would, please notify  
14 Dr. Harris (sic) that -- I don't know if she has access to  
15 EFIS and has been checking.

16 MS. SHEMWELL: We'll make sure --

17 JUDGE LANE: To know when the transcript is  
18 filed and make sure she gets a copy of that.

19 MS. DOERHOFF: I've already talked -- I talked  
20 it over with her, and I will be giving her a call and  
21 letting her know whether that is available.

22 JUDGE LANE: All right. Super. Okay. And then  
23 the Commission will be in a decision to render -- or will  
24 be in a position to render a decision in this case.

25 I want to thank everybody. It's been kind of a

1 long day. Thank you, those of you who made the trek here  
2 from St. Louis in particular and still have that drive  
3 ahead of you.

4 I want to thank our court reporter. She's done  
5 a great job with the kind of on -- on again, off again  
6 spurts that we've had today.

7 And if we don't have any more witnesses, that  
8 means I can't make a fourth mistake on direct and cross.  
9 So I'm just -- just going to adjourn this hearing. Thank  
10 you so much.

11 MS. SHEMWELL: Thank you, Judge.

12 DR. HARRISON: Thank you, Judge.

13 (The proceedings were concluded at 5:00 p.m. on  
14 April 23, 2008.)

15

16

17

18

19

20

21

22

23

24 REPORTER'S CERTIFICATE

25

1     STATE OF MISSOURI     )  
                                      )ss.  
2     COUNTY OF OSAGE     )

3

4             I, Monnie S. VanZant, Certified Shorthand Reporter,  
5     Certified Court Reporter #0538, and Registered  
6     Professional Reporter, and Notary Public, within and for  
7     the State of Missouri, do hereby certify that I was  
8     personally present at the proceedings as set forth in the  
9     caption sheet hereof; that I then and there took down in  
10    steno type the proceedings had at said time and was  
11    thereafter transcribed by me, and is fully and accurately  
12    set forth in the preceding pages.

13

14             IN WITNESS WHEREOF, I have hereunto set my hand and  
15    seal on May 5, 2008.

16

17

18

19                             \_\_\_\_\_  
                           Monnie S. VanZant, CSR, CCR #0539  
20                             Registered Professional Reporter

21

22

23

24                             I N D E X

25    WITNESS:   DR. HORTENSE LUCINDA HARRISON

PAGE

1	Testimony of Dr. Hortense Harrison	29
2	Cross-Examination by Ms. Hernandez	43
3	Cross-Examination by Mr. Zucker	46
4	Cross-Examination by Judge Lane	74
5	Recross Examination by Mr. Zucker	86
6	WITNESS: RHONDA O'FARRELL	PAGE
7	Direct Examination by Mr. Zucker	92
8	Cross-Examination by Ms. Hernandez	132
9	Cross-Examination by Mr. Poston	135
10	Cross-Examination by Dr. Harrison	145
11	Cross-Examination by Commissioner Clayton	161
12	Cross-Examination by Judge Lane	170
13	Recross Examination by Ms. Hernandez	183
14	Recross Examination by Mr. Poston	184
15	Recross Examination by Dr. Harrison	185
16	Redirect Examination by Mr. Zucker	187
17		
18	WITNESS: MARILYN DOERHOFF	PAGE
19	Direct Examination by Ms. Hernandez	196
20	Cross-Examination by Mr. Zucker	200
21	Cross-Examination by Mr. Poston	201
22	Redirect Examination by Ms. Harrison	204
23	Reporter's Certificate	210
24	E X H I B I T S	
25	PETITIONER'S	

1				
2	A	Letter to Commission	40	41
3	B	Gas Bill	40	41
4	C	Gas Bills	40	41
5	D	Neighbor's Bills	40	41
6	E	Fax	40	41
7	F	Letter to Laclede	40	41
8	G	Copy of Law	40	41
9	H	Copy of Bill	40	41
10	I	Disconnect Notice	40	41
11	J	Bill Showing Deposit	40	41
12	K	Statements	40	41
13	RESPONDENT'S EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
14	A	Transcript	95	95
15	B	High Bill investigation Report	117	117
16	STAFF EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
17				
18	A	Staff's Report	199	199
19				
20		(All exhibits retained by Public Service Commission.)		
21				
22				
23				
24				
25				

