

1 STATE OF MISSOURI
2
3 PUBLIC SERVICE COMMISSION
4
5 TRANSCRIPT OF PROCEEDINGS
6 Hearing
7 January 14, 2008
8 Jefferson City, Missouri
9 Volume 2
10
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12 Teresita H. Fujii,)
13 Complainant,)
14)
15 V.) Case No. GC-2008-0053
16)
17 Laclede Gas Company)
18 Respondent)
19
20 MORRIS L. WOODRUFF, Presiding,
21 SENIOR REGULATORY LAW JUDGE.
22
23 REPORTED BY:
24 STEPHANIE DARR
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12 IN RE: TERESITA H. FUJII vs. LACLEDE GAS COMPANY
13
14 MISSOURI PUBLIC SERVICE COMMISSION hearing
15 produced on January 14, 2008, between the hours of
16 eight o'clock in the forenoon and four o'clock in the
17 afternoon of that day, at the office of the Public
18 Service Commission, 9900 Page Avenue, Suite 103, St.
19 Louis, Missouri, before Stephanie D. Darr, a
20 Certified Court Reporter and Notary Public within and
21 for Missouri.
22
23
24
25

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1 JUDGE WOODRUFF: We're on the record.
2 This is Case No. GC20080053, which is Teresita Fujii
3 versus Laclede Gas Company. We're going to start
4 today by taking entries of appearance, beginning with
5 Laclede.

6 MR. ZUCKER: This is Rick Zucker,
7 Z-u-c-k-e-r, here on behalf of Laclede Gas Company,
8 720 Olive Street, St. Louis, Missouri 63101.

9 JUDGE WOODRUFF: And for staff?

10 MR. BAKER: This is Blane Baker,
11 B-l-a-n-e B-l-a-k-e, appearing on behalf of the staff
12 of the Missouri Public Service Commission, P.O. Box
13 360, Jefferson City, Missouri 65102.

14 JUDGE WOODRUFF: And, Ms. Fujii,
15 you're representing yourself today?

16 MS. FUJII: Correct. Yes.

17 JUDGE WOODRUFF: Okay. And there is
18 no one here for the Office of Public Health, which
19 would be the other party. Again, welcome to the
20 hearing. This is the first for the Commission's
21 trying to do this with some of the parties being in
22 St. Louis with the rest of us here in Jefferson City.
23 So I hope you'll indulge us and excuse any
24 difficulties we might have with this. We're starting
25 a few minutes late for that reason. What we'll do

1 today is get started with opening statements from the
2 various parties, and then we'll go ahead and start
3 taking testimony from anyone who wants to offer
4 witnesses. Ms. Fujii, as the Complainant you'll go
5 first. What we'll start out with is opening
6 statements. This isn't your testimony. In a moment
7 I'll swear you in for you to give your testimony.
8 Right now I'm going to ask you to give us just a
9 brief summary of what you believe your case is about,
10 and then we'll give the other parties a chance to
11 give their summary. Then we'll come back to do the
12 testimony. Ms. Fujii, would you like to make an
13 opening statement?

14 MS. FUJII: Well, I'm here making
15 this complaint because I received extremely high gas
16 bills which I believe were inaccurate based on a
17 house that was vacant for a year and a half, and my
18 controlling the thermostat knowing what it was set at
19 then I don't see the possibility of the usage that
20 Laclede was claiming.

21 JUDGE WOODRUFF: Okay. Would staff
22 like to make an opening statement?

23 MR. BAKER: Yes, sir. May it please
24 the Commission. Ms. Fujii filed her formal complaint
25 with the Commission on August 27, 2007, stating that

1 Laclede had overbilled her account for gas usage
2 beginning in November of 2006 and continuing through
3 March 2007. Upon the filing of the formal complaint,
4 the staff of the Commission began investigating the
5 circumstances. The staff has reviewed the relative
6 documents of this case and information from Laclede
7 and Ms. Fujii and has concluded that Laclede has not
8 committed any tariff violations.

9 JUDGE WOODRUFF: Thank you.
10 Laclede's opening statement.

11 MR. ZUCKER: Thank you, Your Honor.
12 I'll give just a little more detail. In the Summer
13 of 2006 the Fujii's bought a home at 6363 Waterman in
14 University City. They decided to perform an
15 extensive renovation on the home and did not occupy
16 the home while this renovation work was done.
17 During the Winter of 2006-2007 Ms. Fujii received
18 monthly gas bills based on actual usage at the
19 property, and this property was built in 1908. In
20 Ms. Fujii's opinion, as you've heard, these bills
21 were unreasonably high given the fact that her family
22 was not occupying the property. She has disputed
23 four months of bills covering the heart of the winter
24 from November 2006 to March 2007. These bills total
25 roughly \$2,000. She has paid about \$1,100, and the

1 remainder is unpaid pending the outcome of this
2 dispute. In response to her complaints in late 2006,
3 Laclede performed a high bill investigation at the
4 Fujii's home on January 3, 2007. The inspector found
5 the thermostat set at 68 degrees at this large three
6 story home with a 3,610 square feet of total living
7 area. He found that the home was heated by a large
8 300,000 BTU boiler. He also found a 53,000 BTU gas
9 water heater and a gas cooktop. He found windows
10 with single pane glass, and his reading of the meter
11 index was consistent with the reads provided by
12 Laclede's remote reading device known as AMR. As a
13 result of this inspection Ms. Fujii and Laclede
14 agreed to replace the meter at their home and test
15 the removed meter for accuracy. The meter was
16 scheduled to be removed on January 3, 2007. Due to a
17 series of cancellations, two of which were by Ms.
18 Fujii, two of which were by Laclede. One was due to
19 an error in recording Ms. Fujii's phone number which
20 has a Chicago area code. The meter was actually
21 removed seven weeks later on March 14, 2007. Ms.
22 Fujii was invited to attend the meter accuracy test,
23 and she has stated that she did in fact attend the
24 test. The meter tested to be accurate and was well
25 within the tolerance allowed by Commission rules.

1 These test results on the meter in question should
2 bring an end to this inquiry. However, in an attempt
3 to further satisfy Ms. Fujii's protest, Laclede
4 performed further research reviewing previous usage
5 at this address, 6363 Waterman. We compared the
6 property's usage to other similarly sized homes on
7 the Fujii's block, and we tracked down daily readings
8 from the meter at the property during the 2006-2007
9 winter.

10 Finally, we compared the usage and
11 weather for this past month, December of 2007, while
12 the property was still vacant with the new meter in
13 place against usage and weather for December 2006
14 when the property was also vacant and the old meter
15 was in place. Laclede found the usage pattern in
16 December 2007 to be comparable to the usage pattern
17 in that same month in 2006, and that also provided a
18 real time confirmation of the 2006-07 meter readings.
19 All of the facts developed by Laclede lead to the
20 conclusion that the usage is not only accurate but
21 reasonable. The usage itself is in the normal range
22 for the Fujii home. However, since their family was
23 not occupying the property, Ms. Fujii understandably
24 believes that usage should be below average.
25 Although the Fujii family did not occupy the home,

1 Ms. Fujii indicated that the renovation work was --
2 that there was renovation work done there during that
3 Winter of 2006-2007. In an effort to help explain
4 the source of that average usage during that winter,
5 Laclede sought information from the Fujii's regarding
6 the renovation work. We have received some
7 information in response, but not very much. Despite
8 all of the time and effort expended here, Ms. Fujii
9 remains unconvinced that the usage billed in the
10 Winter of 2006-2007 was accurate.

11 Laclede is only interested here in
12 reaching the correct result. We have no interest and
13 we reek no benefit from charging the Fujii's for gas
14 they did not use. Conversely, we are inclined to
15 bill and collect for gas that they did consume.
16 Since the parties have been unable to reach an
17 acceptable resolution to this complaint, the
18 Commission has appropriately scheduled it for
19 hearing. In a complaint case, the Commission is to
20 determine whether the company has violated any laws
21 or Commission rules, orders or decisions. In this
22 case, Laclede has clearly committed no such
23 violations. To the contrary, Laclede has gone to
24 great lengths to investigate the customer's claim and
25 confirm whether their bills are accurate. Laclede

1 requests that the Commission find that the company
2 has violated no laws or Commission rules, orders or
3 decisions and dismiss the customer's complaint.
4 Thank you.

5 JUDGE WOODRUFF: Thank you, Mr.
6 Zucker. All right, we're ready then to actually hear
7 testimony. Ms. Fujii, I'll assume you'll want to
8 testify for yourself?

9 MS. FUJII: Yes.

10 JUDGE WOODRUFF: All right. Please
11 raise your right hand and I'll swear you in as a
12 witness. Do you solemnly swear or affirm the
13 testimony you're about to give in this matter is the
14 truth, the whole truth and nothing but the truth?

15 MS. FUJII: I do.

16 JUDGE WOODRUFF: All right. What I'm
17 going to let you do is just give us a -- tell us what
18 you want to tell us as far as your testimony. Then
19 I'll give Mr. Zucker a chance to ask you questions on
20 cross-examination. I've got a couple of
21 commissioners here also who may want to ask you
22 questions. Of course Mr. Baker can also ask you
23 questions. After they've asked their questions I'll
24 give you another chance to explain anything else you
25 want to explain. Go ahead and tell us what you want

1 to tell us.

2 MS. FUJII: All right. Thank you.

3 While I've been a homeowner since 1992 in homes with
4 gas heating and appliances and I have renovated
5 several older homes with gas heating over the winter
6 and while they were vacant in other cities, never had
7 such circumstances before this. But as stated, I
8 bought the home at 6363 Waterman Avenue in University
9 City. We closed on August 19, 2006, at which time I
10 had called Laclede Gas shortly before that to set up
11 service. A month later the previous homeowner was
12 asking why she was still being billed for the gas at
13 my property, and it turns out that Laclede had never
14 set up my account. So they finally did set up my
15 account a month later and billed me since August
16 19th.

17 We began the renovations, which ended
18 up taking a year and a half and are in fact somewhat
19 still in progress. We did not live in the house
20 until the night of January 6, 2008, just a few days
21 ago. I served as -- I'm an architect. I served as a
22 general contractor hiring and overseeing the
23 subcontractors. I was at the property every day of
24 the week, sometimes on weekends, and oversaw all of
25 the work of the subcontractors. I had heat pumps

1 installed, electric heat pumps installed in September
2 of 2006, which were in use until November of 2006
3 when the boiler was first turned on. I kept the
4 boiler at a temperature of 58 degrees until December
5 of 2006 when one of the workmen who was working on
6 the plaster told me that it was so cold in the house
7 that the plaster would not dry and cure properly
8 unless I raised the thermostat to 68 degrees. So I
9 did raise the thermostat to 68 degrees for about two
10 weeks because that's the amount of time that was
11 required for that plaster work to dry and cure
12 properly. Other than that I haven't kept it at 68
13 degrees until just November of 2007 when my husband
14 and my mother and myself started spending time in the
15 house installing closets and other things, other work
16 that we were doing ourselves, and we turned the
17 thermostat up for ourselves. I think this is
18 important in the comparison between the so called
19 usage from November of 2006 comparing it to November
20 of 2007 because the thermostat was at a much higher
21 temperature. About 72 to 74 on average in November
22 of 2007. Yet Laclede claims that the usage is very
23 close to or about the same as it was the previous
24 year with the old meter with no one living in the
25 home and workers not using more heat than 58 degrees

1 for the majority of the time. The workers were not
2 authorized to touch the thermostat, and in fact,
3 would probably not even know how to turn the boiler
4 on to get heat from the radiators because the heat
5 pumps are what come on when you set the thermostat on
6 the heat setting. It's only an emergency setting
7 that turns on the boiler. There are two thermostats
8 in the house. So they would have to know which
9 thermostat was controlling the air conditioning units
10 and which thermostat controlled the boiler. As I
11 said, I was in the house. I witnessed -- I checked
12 the thermostat every day and I know what it was set
13 at.

14 So then starting with my bill from
15 November 17, 2006, I noticed extremely high bills for
16 a house that was vacant, and at that time Laclede had
17 sent a meter reader to read the meter. He actually
18 encouraged me to find out about the accuracy of the
19 meter and the automatic meter reader on it saying
20 that there had been many, many problems with these.
21 The new automatic meter reader had just been
22 installed shortly before we closed on the purchase of
23 this house. So the first time I called to complain
24 about my high bill I was yelled at and treated in a
25 very condescending manner by a so called customer

1 service person. I mean from the beginning Laclede
2 has made errors in my account. When I called back
3 and spoke to someone else, as I said, the meter
4 reader was there on November 27th. On January 3rd
5 Laclede sent a technician for a high bill inspection,
6 and that was the time that the thermostat was set at
7 68 because of plaster repairs. He told me that the
8 meter had to be removed to be tested because I was
9 questioning its accuracy. It had to be sent to a
10 special testing facility, and he recommended that it
11 be replaced with a larger meter because that was not
12 the correct meter size for my home.

13 So we set up to have the meter
14 changed January 23rd, and Laclede was not able to
15 change the meter because they did not have the right
16 meter. On February 6th we rescheduled the meter
17 change and Laclede could not change the meter again
18 because they didn't have the right meter. On
19 February 16th we rescheduled the meter change.
20 Laclede still did not have the right meter. On
21 February 28th we were supposed to have the meter
22 changed and Laclede called the wrong area code. So
23 they could not reach me because they did not record
24 my phone number properly. So on these four occasions
25 the men who came out or called me said we don't have

1 the 425 meter. You need two men and a cube van to
2 upgrade to that meter, and we don't have that. So
3 they asked me do you want to change the meter, and I
4 said, well, you have not provided the proper meter
5 that you were supposed to bring. Their reports say
6 that the customer cancelled the installation. Now, I
7 mean that's obviously inaccurate and dishonest
8 because they failed to note that they did not show up
9 with or have in their possession the proper meter
10 that was supposed to be installed. So I was
11 repeatedly speaking with a billing supervisor named
12 Mr. Patterson, and I would call him before each
13 appointment and ask if he could please talk to
14 someone to ensure that they would send two men and a
15 a cube van with the proper size meter so we would not
16 have to be rescheduling as many times as we did.
17 Then on March 6th when we had rescheduled the fifth
18 appointment to change my meter, I was quite ill. I
19 couldn't get out of bed. So I had to cancel that
20 appointment. Of course, if the meter had been
21 successfully changed the previous four times then
22 that wouldn't have been an issue. Then on March 14th
23 the meter was finally changed properly.

24 Now, my home did not have any
25 electricity from December 1st through the 7th because

1 of the ice storm that St. Louis experienced. So my
2 boiler could not function for an entire week in
3 December, yet my -- you know, from January 22nd to
4 February 21st, for example, my bill was \$830.88 for
5 gas usage in an empty house where no one is using the
6 water heater, no one is cooking, and the thermostat
7 is at 58 degrees. So I just didn't see how it's
8 possible to have \$830 worth of gas usage in one
9 month. Laclede has continued to bill me for the
10 disputed amount to this day charging me late payment
11 charges, sending me numerous disconnection notices,
12 threatening to report me to collection agencies, and
13 this has continued throughout the period in dispute.
14 Every time I call them and say this is an amount
15 that's in dispute, I continue to get the same
16 disconnection notices, late charges on my bills and
17 threats to collection agencies.

18 I attended a meter test on April 26,
19 2007, at Laclede's own facility. At that time the
20 meter had been in their possession for 43 days since
21 it was removed from my home, and I was surprised that
22 it was not sent to an independent testing facility
23 but rather their own testing facility. So I really
24 don't know what has happened to that meter and in
25 fact if it was my meter since it was in their

1 possession for 43 days. I know that it's numbered,
2 but it could be changed potentially. Of the disputed
3 amount of \$2,069.11, I have paid more than half as
4 required by this process. Now, since Laclede asked
5 -- since our prehearing conference on November 24th
6 or 27th, and I'm sorry because I don't have that in
7 front of me, I received a request for all kinds of
8 information from Mr. Zucker on December 26th. So one
9 month after our prehearing conference. Shortly after
10 when I went out of town and then I replied to him and
11 gave him as much information -- well, I answered all
12 of the questions after I got back into town not very
13 long ago. But not being an attorney representing
14 myself and not knowing what the system requires in
15 these cases since I've never been in a case like this
16 before, I had no idea how much information would be
17 asked of me and what I needed to provide.
18 So I did my best in the very short amount of time
19 that I was given. But had I been given those
20 requests a month earlier, I certainly could have had
21 those back to him sooner. And then I did reply with
22 my own request for information, but I have not
23 received all of that yet. The comparisons with the
24 other homes in my neighborhood are showing usage for
25 homes that are inhabitant. There is no house that I

1 know of in these comparisons that have been vacant
2 for a year and a half. So I think that shows very
3 well that when my usage is very similar to -- or my
4 so-called usage is very similar to the homes that are
5 inhabitant, there is an error because those homes are
6 certainly not I doubt keeping their heat at 58
7 degrees and they're cooking and they're using their
8 hot water for more than my home was for a year and a
9 half that it was empty. I mean I think that the
10 usage recorded by the automated meter reader was
11 excessive and inaccurate.

12 Laclede failed to replace the meter
13 in a timely manner and that was to my detriment
14 resulting in unreasonable charges. So I am asking
15 that the remaining so called balance be dropped by
16 Laclede because I would not have had these charges if
17 Laclede had been able to deliver and install the
18 proper meter when it was originally requested. The
19 subsequent readings after his new meter installation
20 show comparable amounts to last year. Yet we have
21 had the heat on at 72 to 74, as I've been saying.
22 Not at 58 in November and December. So I am asking
23 that Laclede drop the rest of the charges. As I've
24 said, I already paid more than half. I feel that
25 I've paid more than what I owe and acknowledge that

1 there has been yet another error made on Laclede's
2 part in this case.

3 JUDGE WOODRUFF: All right. Thank
4 you, Ms. Fujii. Mr. Baker, do you have any questions
5 for Ms. Fujii?

6 MR. BAKER: I guess I have a couple.
7 While all of the renovations were on during the time
8 period in question, were workers going in and out of
9 the building frequently?

10 MS. FUJII: I wouldn't say
11 frequently. I would say they'd typically arrive in
12 the morning, take their tools and their materials to
13 where they need them to be, work, go to lunch, come
14 back, work some more and then go home. So not
15 frequently in and out, no.

16 MR. BAKER: And I have a few
17 questions about the house itself. Are there tall
18 ceilings in the house?

19 MS. FUJII: There are ten and nine
20 and a half foot ceilings on the various floors.

21 MR. BAKER: Was it furnished during
22 the renovations? Was there carpet?

23 MS. FUJII: There is no carpet that
24 exists in the house. There are wood floors
25 throughout. There was no furniture in the house

1 until May of 2007. So after the disputed period.

2 MR. BAKER: And how big is the water
3 heater? Do you know what the gallon capacity is?

4 MS. FUJII: We replaced the existing
5 water heater to a 75 gallon water heater. But as I
6 said, the first time anyone has taken a shower in
7 that house was on January 6, 2008.

8 MR. BAKER: What floor is the
9 thermostat on?

10 MS. FUJII: There is a thermostat
11 that controls the boiler and the first floor air
12 conditioning on the first floor, and there is a
13 thermostat that controls the second and third floor
14 air conditioning on the second floor.

15 MR. BAKER: Okay. I believe that's
16 all of the questions I have, Your Honor.

17 JUDGE WOODRUFF: Mr. Zucker, do you
18 have any questions?

19 MR. ZUCKER: Yes, Your Honor. Thank
20 you. Good morning, Ms. Fujii.

21 MS. FUJII: Good morning.

22 MR. ZUCKER: I'm Rick Zucker. I'm an
23 attorney for Laclede Gas Company. Can you tell me do
24 you have any expertise in meter measurement of
25 natural gas?

1

2 MS. FUJII: No. Other than my
3 previous experience as a gas customer since 1992.

4 MR. ZUCKER: Okay. So other than
5 your experience in homes you've owned, you do not
6 have any experience in meter measurement?

7 MS. FUJII: Correct.

8 MR. ZUCKER: Okay. Do you know about
9 what year your house was built?

10 MS. FUJII: According to the records
11 we received it was 1913.

12 MR. ZUCKER: 1913. And what records
13 did you receive?

14 MS. FUJII: The real estate papers
15 from the county records.

16 MR. ZUCKER: Okay. Do you know about
17 what size your house is? How many square feet?

18 MS. FUJII: 3,600 square feet.

19 MR. ZUCKER: 3,600 square feet. And
20 how many bedrooms and baths does it have?

21 MS. FUJII: Well, currently it has
22 four rooms that operate as bedrooms and three and a
23 half bathrooms.

24 MR. ZUCKER: How many total rooms in
25 the house? Do you know that one?

1 MS. FUJII: Ten.

2 MR. ZUCKER: Is there -- how many
3 stories is the house?

4 MS. FUJII: Three stories.

5 MR. ZUCKER: Is the top story a full
6 story?

7 MS. FUJII: It is.

8 MR. ZUCKER: Okay.

9 MS. FUJII: I mean to the extent that
10 it's in the center of the house. It's a full story
11 in the center. It's not a full story at the roof
12 line where the roof slopes down.

13 MR. ZUCKER: Okay. The roof slopes
14 and so it's not as bag as --

15 MS. FUJII: Right. The footprint of
16 the third floor is not equal to the footprint of the
17 second and first floor.

18 MR. ZUCKER: Okay. That's what I was
19 asking.

20 MS. FUJII: Yes.

21 MR. ZUCKER: Thank you. So it is
22 accurate to state that you contacted Laclede to
23 complain about bills you received starting in late
24 2006?

25 MS. FUJII: Yes.

1 MR. ZUCKER: And as a result of these
2 complaints Laclede conducted a high bill
3 investigation at your home on January 3, 2007,
4 correct?

5 MS. FUJII: Correct. That's right.

6 MR. ZUCKER: And were you home that
7 day when the Laclede inspector performed that
8 investigation?

9 MS. FUJII: Yes. I walked through
10 with him, yes.

11 MR. ZUCKER: Okay. And you watched
12 him do his work?

13 MS. FUJII: Yes.

14 MR. ZUCKER: After the high bill
15 investigation was performed it was determined that
16 Laclede would remove and test your meter; is that
17 correct?

18 MS. FUJII: Yes. He suggested that.

19 MR. ZUCKER: Okay. And the meter
20 change was originally scheduled for January 23rd. I
21 believe that's what you testified to; is that right?

22 MS. FUJII: Correct. Uh-huh.

23 MR. ZUCKER: Okay. And in your
24 complaint you stated that on five occasions Laclede
25 repeatedly scheduled and cancelled appointments to

1 change the meter?

2 MS. FUJII: Well, five occasions were
3 cancelled. The last one I was sick. So Laclede
4 cancelled -- or Laclede did not provide the proper
5 meter. Did not have the proper equipment to install
6 the meter on four occasions. Then I was sick on the
7 fifth occasion. So that was not Laclede's fault.
8 But, of course, had the previous four attempts been
9 successful we wouldn't have had the fifth.

10 MR. ZUCKER: I guess if any attempt
11 had been successful there wouldn't have been any
12 more, right?

13 MS. FUJII: Well, there first attempt
14 would have been the ideal, yes.

15 MR. ZUCKER: Okay. But your point is
16 that the four occasions, I guess five occasions
17 total, four of them you assign responsibility to
18 Laclede?

19 MS. FUJII: That's right. For either
20 not having the proper equipment, which was told to me
21 by your own people that they did not have the meter
22 that they were supposed to have and the cube van, and
23 by not calling the proper phone number on one
24 occasion.

25 MR. ZUCKER: Okay. One moment,

1 please. On February 6, 2007, there was a -- was the
2 first rescheduled appointment, correct?

3 MS. FUJII: That's correct.

4 MR. ZUCKER: And our notes say it was
5 rescheduled per customer through Mr. Patterson.

6 MS. FUJII: Because the men said we
7 don't have what we're supposed to install. Do you
8 want us to go ahead and install? I said, no, because
9 I already have a smaller meter. You're here to
10 install a larger meter. You're telling me you don't
11 have what you need to install. So, of course, the
12 installation cannot go forward. But that's not my
13 decision or my fault. That was Laclede's fault.

14 MR. ZUCKER: So they had a -- you're
15 saying on that date they had a meter but it was in
16 your view not the right size?

17 MS. FUJII: Well, they called me on
18 the phone each time and said we can't do your
19 installation because we don't have the appropriate
20 meter that was requested.

21 MR. ZUCKER: Okay. And this was on
22 February 6th we're talking about?

23 MS. FUJII: That was the second time
24 that there was an incorrect meter, and therefore,
25 failed attempt to replace the meter.

1 MR. ZUCKER: Okay. And you're sure
2 of that date?

3 MS. FUJII: Yes, I am.

4 MR. ZUCKER: Okay. And on February
5 16th, what happened on that date?

6 MS. FUJII: The same thing.

7 MR. ZUCKER: The same exact thing?

8 MS. FUJII: The same exact thing.

9 MR. ZUCKER: Okay. And did you
10 receive the service tickets that I sent last week via
11 e-mail?

12 MS. FUJII: I have received some. I
13 don't know if these are service tickets. Things like
14 this?

15 MR. ZUCKER: Well, that is from our
16 customer information system. Then the service
17 tickets are more detailed. Those right there?

18 MS. FUJII: Right here. Uh-huh.

19 MR. ZUCKER: Right. Okay. So on --
20 did you review those?

21 MS. FUJII: Yes.

22 MR. ZUCKER: And did those help to
23 refresh your recollection as to what dates these
24 meter change appointments occurred?

25 MS. FUJII: Yes. They confirmed that

1 the meter was not able -- the proper meter was not
2 able to be installed because it was not with them.

3 MR. ZUCKER: Okay. And you've said
4 that on March 6th that appointment got cancelled
5 because you were sick; is that correct?

6 MS. FUJII: Correct.

7 MR. ZUCKER: Okay. And are you sure
8 of that date, March 6th?

9 MS. FUJII: Yes.

10 MR. ZUCKER: Okay. And if I were to
11 tell you that that date actually occurred on -- or
12 that your illness actually occurred on February 16th,
13 would you be surprised?

14 MS. FUJII: I do not believe it
15 occurred on February 16th. It was not on February
16 16th. It was on March 6th because I remember clearly
17 that it was the attempt before the actual successful
18 attempt. So that would be the March 6th attempt.

19 MR. ZUCKER: Okay. So where our
20 records say that on February 16th cancelled meter
21 change scheduled for February 16th per Ms. Fujii's
22 request --

23 MS. FUJII: That's false. When your
24 men, once again, asked me do you want us to go ahead
25 and proceed with this, I said no because you don't

1 have the right meter. So I mean they're shifting the
2 responsibility onto me because I suppose I'm guessing
3 that they don't want to write on their paperwork so
4 they don't get in trouble that they were not prepared
5 with the proper equipment.

6 MR. ZUCKER: Okay. Do you recall who
7 you spoke to when you called in as ill?

8 MS. FUJII: I don't -- I wasn't
9 keeping track of any this because I never expected
10 this to happen. I wasn't writing down my phone
11 calls.

12 MR. ZUCKER: Sure. Sure. And do you
13 remember that it was a Ms. Richard, R-i-c-h-a-r-d?

14 MS. FUJII: I don't --

15 MR. ZUCKER: That doesn't ring a
16 bell?

17 MS. FUJII: I don't know.

18 MR. ZUCKER: Do you remember what
19 kind of illness you had?

20 MS. FUJII: I was vomiting.

21 MR. ZUCKER: Okay. And was that
22 overnight or in the morning?

23 MS. FUJII: I was vomiting probably
24 from the night before.

25 MR. ZUCKER: Okay.

1 MS. FUJII: My children -- I have
2 young children who often bring home illnesses from
3 school that I catch, as I'm sure many of you are
4 familiar with.

5 MR. ZUCKER: All right. But you're
6 sure that did not happen on February 16th?

7 MS. FUJII: Correct.

8 MR. ZUCKER: Okay. Did you also see
9 the ticket for March -- let's see. It's dated
10 February 28th. I'm sorry.

11 MS. FUJII: Now that I did not
12 receive it looks like.

13 MR. ZUCKER: Well, it probably would
14 have been with this stuff here.

15 MS. FUJII: Right. That's why I'm
16 thinking I did not receive it because it was not in
17 this.

18 MR. ZUCKER: Maybe it's in front of
19 you. You have another one there.

20 MS. FUJII: That says March 6th

21 MR. ZUCKER: Okay.

22 MS. FUJII: Here is one. Yes. Here
23 it is.

24 MR. ZUCKER: Oh, okay. Very good.
25 And on that ticket do you see the phone number that

1 we had for you?

2 MS. FUJII: Yes.

3 MR. ZUCKER: And can you read that

4 phone number for us?

5 MS. FUJII: 415-2285.

6 MR. ZUCKER: What about the area

7 code?

8 MS. FUJII: Well, it's supposed to be

9 708 because that's my cell number. However, that's

10 not written on here.

11 MR. ZUCKER: Okay. Look up in the

12 upper section maybe about the third section down on

13 the far right.

14 MS. FUJII: Uh-huh.

15 MR. ZUCKER: Do you see that?

16 MS. FUJII: Uh-huh.

17 MR. ZUCKER: It says customer phone.

18 Can you read that phone number for me?

19 MS. FUJII: (314) 415-2285, which is

20 incorrect.

21 MR. ZUCKER: That's not the correct

22 number?

23 MS. FUJII: No. It should be (708)

24 415-2285.

25 MR. ZUCKER: And so when our people

1 called the 314 number, you wouldn't be surprised to
2 know that that number was not a working number?

3 MS. FUJII: Right. They called my
4 mother's number. Each time I asked them to call
5 ahead for the meter change so I could be there, and I
6 was told that I could not be called at a 708 area
7 code because it was from out of town and they could
8 only call a local area code. So I gave them my
9 mother's telephone number, which appears on the other
10 requests.

11 MR. ZUCKER: Uh-huh.

12 MS. FUJII: And so they would call my
13 mother and tell her we're on our way. Then I would
14 go over there.

15 MR. ZUCKER: So on this one did you
16 give them your cell phone number?

17 MS. FUJII: No. I did not -- I mean
18 I gave them the number that I always gave them. They
19 probably got my 708 number from my customer -- that's
20 my official customer phone number in your records for
21 my account. So either they made an assumption that
22 that was the telephone number and someone just
23 assumed that the area code was 314, or they didn't --
24 either they didn't ask me for a local phone number or
25 they made the assumption that it must be a local

1 phone number when in fact it's not.

2 MR. ZUCKER: Or it's possible that
3 you made an error in telling them the phone number?

4 MS. FUJII: No, because I wouldn't
5 use 314 with my cell phone number. That's just -- I
6 never -- I still don't have a 314 telephone number to
7 my name.

8 MR. ZUCKER: So it would be unusual
9 for you to make an error on that?

10 MS. FUJII: For my phone number. I
11 know my phone number, yes.

12 MR. ZUCKER: But it's possible that
13 you maybe were distracted and gave out the wrong area
14 code? Is that possible?

15 MS. FUJII: I suppose anything is
16 possible, but I highly doubt it.

17 MR. ZUCKER: Okay.

18 MS. FUJII: Because I know my cell
19 phone number. That's the only phone that I've been
20 having to use for the last year and a half not having
21 any local service because we haven't moved into the
22 house yet.

23 MR. ZUCKER: On the second page of
24 this February 28th form, do you see at the bottom
25 where it says called phone number. No service?

1 MS. FUJII: Right.

2 MR. ZUCKER: And then it says on the
3 second line no answer door. Vacant. Do you see
4 that?

5 MS. FUJII: It's hard to read the
6 writing. It looks like no -- yeah. No answer.
7 That's it looks like no since door something out. I
8 couldn't tell what they wrote.

9 MR. ZUCKER: Okay.

10 MS. FUJII: I can sense door vacant
11 what.

12 MR. ZUCKER: Well, it looks like it
13 says no answer door, vacant, is the first part?

14 MS. FUJII: And then there is
15 something else.

16 MR. ZUCKER: Right. And that next
17 thing is --

18 MS. FUJII: What is that?

19 MR. ZUCKER: That's C & T. Can you
20 -- given that I said that, can you see that it says
21 C & T? The letter C, an and symbol, and then a T?

22 MS. FUJII: Okay. Vaguely. It looks
23 like an OM to me.

24 MR. ZUCKER: Right. I'm sure it's
25 scribbled fast. In Laclede parlance it means closed

1 and tagged, meaning no one was home and we put a note
2 up saying that we were there.

3 MS. FUJII: Okay.

4 MR. ZUCKER: But no one was there.

5 MS. FUJII: Right. Because I didn't
6 get the phone call as I did all of the other times
7 that say we're coming. However, we don't have the
8 right meter.

9 MR. ZUCKER: Right. It makes perfect
10 sense if they didn't reach you by phone that you
11 didn't get the call. You didn't go to the house.
12 When they went to the house you weren't there?

13 MS. FUJII: Yes. That's correct.

14 MR. ZUCKER: Okay.

15 MS. FUJII: If indeed they had the
16 right meter at that time anyway.

17 MR. ZUCKER: Well, you don't know
18 whether they did or not?

19 MS. FUJII: No. Neither one of us
20 does.

21 MR. ZUCKER: Okay.

22 MS. FUJII: No. But I do know that
23 it was because of Laclede's error that I could not be
24 there for the meter to be changed.

25 MR. ZUCKER: Well, you don't --

1 you're not sure whose error it was?

2 MS. FUJII: Well, I'm sure that
3 that's not my telephone number and that I did not
4 give the person my telephone number as (314)
5 415-2285. So it was the person who wrote down the
6 number or made an assumption whose error it was.

7 MR. ZUCKER: Okay. Moving on. On
8 March 14, 2007, Laclede actually removed the meter
9 from your home?

10 MS. FUJII: Correct.

11 MR. ZUCKER: Correct?

12 MS. FUJII: Yes.

13 MR. ZUCKER: And the meter was
14 subsequently tested for accuracy, correct?

15 MS. FUJII: Well, a meter was
16 subsequently tested for accuracy. I don't know if it
17 was mine. It was in Laclede's possession for 43 days
18 I believe it was. Then it was tested at your own
19 facility on your own equipment.

20 MR. ZUCKER: Do you recall that
21 Laclede invited you to attend that meter test?

22 MS. FUJII: Yes, and I did.

23 MR. ZUCKER: And you did attend?

24 MS. FUJII: I did.

25 MR. ZUCKER: And you watched the

1 test?

2 MS. FUJII: I did watch the test.

3 MR. ZUCKER: You've never performed a
4 meter test yourself, have you?

5 MS. FUJII: No, I have not. So, you
6 know, I could only take their word for what they were
7 telling me was happening.

8 MR. ZUCKER: And have you ever seen a
9 meter test before that day?

10 MS. FUJII: No. Uh-uh.

11 MR. ZUCKER: And we have previously
12 discussed that your bill for December 2007 is
13 comparable to your bill for December 2006?

14 MS. FUJII: Correct.

15 MR. ZUCKER: Do you recall that?

16 MS. FUJII: Which is -- right. Which
17 is -- I think that proves my point well because I've
18 had the heat on numerous days at 72 and 74 in
19 December 2007, and yet it was certainly not that high
20 in December 2006. And yet the old meter reading
21 being compared to the new meter readings are
22 comparable in usage.

23 MR. ZUCKER: Uh-huh.

24 MS. FUJII: So that shows a disparity
25 there in my opinion.

1 MR. ZUCKER: And why have you set it
2 to 72 or 74 in December 2007?

3 MS. FUJII: Because my husband, my
4 mother and myself were there working.

5 MR. ZUCKER: So you were in the house
6 then --

7 MS. FUJII: Right.

8 MR. ZUCKER: -- doing work yourself?

9 MS. FUJII: Correct.

10 MR. ZUCKER: Were there any I guess
11 third parties working on the house at that time?

12 MS. FUJII: Sometimes yes. Sometimes
13 no.

14 MR. ZUCKER: And were you in the
15 house -- you testified that you were in the house
16 regularly the year before in the Winter of 2006,
17 2007?

18 MS. FUJII: Correct.

19 MR. ZUCKER: And at that time you're
20 saying you did not turn the heat up?

21 MS. FUJII: Other than when it was
22 recommended to me for the plaster to properly cure
23 and dry because the existing temperature in the house
24 was too cold for that to happen properly.

25 MR. ZUCKER: Okay. So why is it that

1 you would have it at 58 at one point when you're in
2 the house regularly but then 74 at another time?

3 MS. FUJII: Because I'm not staying
4 at the house all day long every day of the winter of
5 2006.

6 MR. ZUCKER: So you're saying you
7 were in the house less in 2006, 2007?

8 MS. FUJII: Less for each period of
9 time. If I'm in the house all day in 2007, December
10 2007, and then the next day I'm in the house for a
11 short time, I'm not going to turn up the thermostat
12 the way I did when I was there for a long time.

13 MR. ZUCKER: Okay. When you bought
14 the house -- you've been renovating the house now for
15 almost a year and a half. Is that what you testified
16 to?

17 MS. FUJII: Correct.

18 MR. ZUCKER: When you bought it, what
19 condition was it in?

20 MS. FUJII: It was in liveable
21 condition. Just needed updating and improvements.
22 The previous owners had lived there for 36 years and
23 were elderly and had let some things go.

24 MR. ZUCKER: Okay. And what kind of
25 work was done at the house between November 2006 and

1 March 2007?

2 MS. FUJII: We had some carpentry and
3 plaster repairs. The plumber began doing work. I'd
4 have to check my notes. Yeah. And more plaster
5 work. There was one man doing carpentry and plaster
6 and one man doing just plaster and plumbing.

7 MR. ZUCKER: And can you tell us what
8 dates their work covered? When they started work and
9 when they finished work?

10 MS. FUJII: Well, most of them
11 probably started and finished before and after the
12 disputed time period.

13 MR. ZUCKER: Well, I guess I'm asking
14 you what dates did -- for example, you had one guy
15 who did carpentry and plaster you said?

16 MS. FUJII: Yes.

17 MR. ZUCKER: Is that one person?

18 MS. FUJII: Don DeClue.

19 MR. ZUCKER: Don DeClue?

20 MS. FUJII: Yes.

21 MR. ZUCKER: Do you know what date
22 Don DeClue started working in the home?

23 MS. FUJII: You know, I didn't bring
24 my calendar with me. But he was there -- there was
25 nothing in writing from him. It was all verbal. So

1 I have on my calendar days that he was there. It was
2 probably toward the end November and then he was in
3 through December. I believe he was finished in
4 December.

5 MR. ZUCKER: Okay. Do you have your
6 calendar with you?

7 MS. FUJII: No. As I just said, I
8 didn't bring my calendar with me for some reason.
9 I'm sorry.

10 MR. ZUCKER: And the person who did
11 -- you have a second person who did plaster repairs;
12 is that what you said?

13 MS. FUJII: Yes. Andre Borrelli.

14 COURT REPORTER: I'm sorry?

15 MS. FUJII: It's B-o-r -- I can't
16 remember if there are two Rs or one. I think
17 B-o-r-r-e-l-l-i.

18 MR. ZUCKER: That would be Borrelli
19 Plastering of O'Fallon, Missouri; is that correct?

20 MS. FUJII: I'm not certain if he's
21 in O'Fallon. But, yes, Borrelli Plaster.

22 MR. ZUCKER: And when did he begin
23 working at the home?

24 MS. FUJII: Unfortunately I took his
25 contract out of my copies here last night. If I

1 Borrelli?

2 MS. FUJII: Correct.

3 MR. ZUCKER: So it was either him or
4 him and an assistant. And he was there just for
5 plastering; is that correct?

6 MS. FUJII: Correct.

7 MR. ZUCKER: And can you tell me what
8 parts of the home he actually plastered?

9 MS. FUJII: He plastered all three
10 floors, ceilings and walls. Not every ceiling and
11 every wall. But some ceilings and some walls on all
12 three floors.

13 MR. ZUCKER: Okay. And the
14 information you provided me on this says that he
15 repaired plaster patch all areas caused by other
16 trades as of viewing 12/04/06?

17 MS. FUJII: Uh-huh.

18 MR. ZUCKER: Does that sound right?

19 MS. FUJII: That's right.

20 MR. ZUCKER: Do you know what other
21 trades he would have been talking about?

22 MS. FUJII: The electrician.

23 MR. ZUCKER: The electrician. Okay.

24 And so the electrician in doing his work, did he
25 create some holes in the wall?

1 MS. FUJII: Correct.

2 MR. ZUCKER: Who was the electrician?

3 MS. FUJII: That was before the
4 disputed period however.

5 MR. ZUCKER: Okay. All right. And
6 so the electrician was before November you're saying?

7 MS. FUJII: That's right.

8 MR. ZUCKER: And he did rewiring
9 work? What kind of work did the electrician do?

10 MS. FUJII: We added some lighting.

11 MR. ZUCKER: Okay. And as a result
12 of that there were some holes that needed to be
13 patched?

14 MS. FUJII: Correct.

15 MR. ZUCKER: Okay. And those holes
16 remained there since from before November until Mr.
17 Borrelli patched them in February '07?

18 MS. FUJII: Well, Don DeClue patched
19 some of them.

20 MR. ZUCKER: Okay.

21 MS. FUJII: In December.

22 MR. ZUCKER: He patched some of them?

23 MS. FUJII: Yes.

24 MR. ZUCKER: So here it says you
25 hired Mr. Borrelli to patch all areas caused by other

1 trades, and you said that that patching was from the
2 electrician. Are you saying now that Mr. DeClue
3 patched the electrician's holes?

4 MS. FUJII: No. He patched holes
5 from -- he didn't patch holes. He patched cracks and
6 things like that. Actually, there were two holes in
7 the living room caused by the electrician that he did
8 patch.

9 MR. ZUCKER: Mr. DeClue did?

10 MS. FUJII: That's right.

11 MR. ZUCKER: Okay.

12 MS. FUJII: It was evident at a
13 certain point that the plaster work, we needed
14 someone who just specialized in plaster work.

15 MR. ZUCKER: Okay. And that's when
16 you picked up Mr. Borrelli?

17 MS. FUJII: Correct.

18 MR. ZUCKER: Okay. And you're saying
19 Mr. Borrelli started February 2nd to the best of your
20 recollection?

21 MS. FUJII: We signed February 2nd.
22 It was shortly thereafter.

23 MR. ZUCKER: Okay. And how long did
24 he work?

25 MS. FUJII: He worked through April.

1 MR. ZUCKER: That's a lot of
2 plastering.

3 MS. FUJII: Well, he only works about
4 an hour and a half a day.

5 MR. ZUCKER: Okay.

6 MS. FUJII: Both because he needs
7 certain areas to just cure and because he has back
8 problems that prevent him from working for a long
9 period of time.

10 MR. ZUCKER: Okay. And so did the
11 temperature in the home have to also be raised to
12 cure and dry Mr. Borrelli's plastering?

13 MS. FUJII: No, because by that time
14 it was warm enough outside.

15 MR. ZUCKER: Okay. What about in
16 February of 2007?

17 MS. FUJII: It was actually quite
18 warm.

19 MR. ZUCKER: You're saying it was
20 warm in February of 2007?

21 MS. FUJII: Yeah. Plus what they
22 call the brown coat, which is the initial part of the
23 plastering, is not something that needs to cure and
24 dry at a higher temperature like the final stages.
25 So it was not required by him at that time. Then by

1 the time he needed warmer temperatures it was already
2 warmer.

3 MR. ZUCKER: So having worked with
4 Mr. DeClue, you knew that the room needed to be
5 warmer to cure the plaster work, right?

6 MS. FUJII: Right.

7 MR. ZUCKER: And so wouldn't it have
8 made sense to you to keep the room warmer to cure Mr.
9 Borrelli's work?

10 MS. FUJII: He uses a completely
11 different material. Mr. Borrelli is a classic old
12 school plasterer who starts, as I said, with a
13 scratch coat, a brown coat. He used a metal lathe
14 and does many, many steps. Mr. DeClue was filling
15 plaster with a quick dry method. It's completely
16 different than Mr. Borrelli's.

17 MR. ZUCKER: If I were to tell you
18 that February 2007 was actually one of the coldest
19 months we've had in a number of years, would you be
20 surprised?

21 MS. FUJII: It didn't affect, as I
22 said, Mr. Borrelli's work because of his method. He
23 doesn't need warmer temperatures. But I mean if it
24 was it was. It was not an issue or he certainly
25 would have brought it up to me.

1 MR. ZUCKER: Right. Okay. But you
2 said February of 2007 was warm?

3 MS. FUJII: Well, I'm not testifying
4 about the weather. I don't know -- I don't have
5 records of the weather.

6 MR. ZUCKER: I think you did testify
7 about the weather?

8 MS. FUJII: I'm saying -- no. I'm
9 saying if it was it was because it was warmer. I
10 mean he never asked me and I never kept the house
11 warm unless somebody asked me and Mr. DeClue was the
12 only one all of the workmen whoever asked me to turn
13 up the heat.

14 MR. ZUCKER: Okay.

15 MS. FUJII: And it was based on the
16 type of quick setting material that he was using
17 versus the long plaster process that Mr. Borrelli was
18 using.

19 MR. ZUCKER: So we have a carpentry
20 and plaster from DeClue. Plaster from Borrelli. You
21 said you also had a plumber in the house?

22 MS. FUJII: That's right.

23 MR. ZUCKER: What did the plumber do?

24 MS. FUJII: He did a new rough end
25 for two bathrooms and changed the piping in the

1 basement.

2 MR. ZUCKER: So the water piping?

3 MS. FUJII: Yes.

4 MR. ZUCKER: To those bathrooms?

5 MS. FUJII: For the whole house.

6 MR. ZUCKER: Okay.

7 MS. FUJII: And installed a new water

8 heater.

9 MR. ZUCKER: When did he do this

10 work?

11 MS. FUJII: He began in -- if I may

12 see your copy of the plumbing contract.

13 MR. ZUCKER: Okay.

14 MS. FUJII: So he began in November

15 and wasn't finished until the final of about April

16 after the disputed period was over.

17 MR. ZUCKER: So he was there the

18 whole time?

19 MS. FUJII: Well, no. A plumber does

20 his rough end and then tile work. Other things

21 happen later and then the plumber comes back and

22 finishes the final installation.

23 MR. ZUCKER: So he comes and goes?

24 MS. FUJII: He comes and does his

25 rough, and then he's not needed for a while, right.

1 MR. ZUCKER: Okay. All right. And
2 then you said that you kept the house in the Winter
3 of '06-'007 so much colder than this last month
4 because you did not spend as much time in the house,
5 right?

6 MS. FUJII: I wasn't working for a
7 long period of time on a project. My mother was, was
8 -- my mother was working on furniture and she needs
9 it warm. So I keep it warm when she's going over
10 there.

11 MR. ZUCKER: Okay. And you testified
12 that if you I guess had been there longer hours in
13 the Winter of '06-'07 you would have kept it warmer
14 for yourself?

15 MS. FUJII: No. I didn't testify to
16 that. I said that I wasn't doing work there myself
17 in terms of physical work. So the thought never
18 crossed my mind to turn up the heat for any reason,
19 other than what Mr. DeClue needed.

20 MR. ZUCKER: Okay. So we have
21 carpentry and plasterer and plumber and electrician.
22 Any other trades?

23 MS. FUJII: No. The electrician was
24 not there during the disputed period.

25 MR. ZUCKER: The electrician was

1 there before the disputed period?

2 MS. FUJII: Correct.

3 MR. ZUCKER: Okay. Any other trades
4 that were there --

5 MS. FUJII: Not during the disputed
6 period, no.

7 MR. ZUCKER: How about before the
8 disputed period?

9 MS. FUJII: I don't see how that's
10 relevant.

11 MR. ZUCKER: Well, I guess you can
12 make that objection.

13 MS. FUJII: I object.

14 MR. ZUCKER: Your Honor, she's
15 objecting to the question of what work went on prior
16 to the disputed period.

17 JUDGE WOODRUFF: Mr. Zucker, what is
18 the relevance of that?

19 MR. ZUCKER: Well, obviously if an
20 electrician was there before the disputed period and
21 left some damage to the property, that could affect
22 the amount of heat used during that time.

23 JUDGE WOODRUFF: With that
24 clarification I'll allow the question.

25 MR. ZUCKER: Okay.

1 JUDGE WOODRUFF: See if you can
2 answer his question.

3 MR. ZUCKER: What other tradesmen
4 were there before the disputed period?

5 MS. FUJII: Well, the electrician,
6 who didn't open up any walls to the exterior. It was
7 all interior work. So I don't think it would have a
8 huge impact on heating.

9 MR. ZUCKER: Anybody else? Any other
10 tradesmen?

11 MS. FUJII: There was a new air
12 conditioning system, two new air conditioning systems
13 put in in September of '06, which is when the heat
14 pumps were installed.

15 MR. ZUCKER: And the air conditioning
16 system that was in there prior to that was removed?

17 MS. FUJII: Yes. In September of '06
18 when it was quite warm.

19 MR. ZUCKER: Okay. And what did --
20 what kind of air conditioning system was put in?

21 MS. FUJII: Two Unico systems.

22 MR. ZUCKER: So do you have then what
23 they call zoned air conditioning?

24 MS. FUJII: That's right. There is
25 one unit for the first floor and one unit for the

1 second and third floors.

2 MR. ZUCKER: And your boiler, do you
3 have two boilers or just one?

4 MS. FUJII: No. Just one.

5 MR. ZUCKER: And the one boiler
6 provides the heat for the entire home?

7 MS. FUJII: Correct. That's why I
8 said that there are two thermostats because of the
9 two different air conditioning systems. So one would
10 be if someone wanted to adjust my thermostat he would
11 need to know which thermostat controlled the boiler
12 and that the setting that says heat does not actually
13 turn on the boiler. It turns on the heat pump.

14 MR. ZUCKER: But it seems like
15 somebody who was proficient in the trades might be
16 able to figure that out. A person who does a lot
17 work in a home?

18 MS. FUJII: Well, I don't think that
19 --

20 MR. ZUCKER: Would you concede that?

21 MS. FUJII: I don't think that an
22 expert in plastering say or carpentry or plumbing is
23 going to be a heating and air conditioning expert,
24 no.

25 MR. ZUCKER: But might know how to

1 work a thermostat?

2 MS. FUJII: It's not a typical
3 thermostat though. That's what I'm saying. It's an
4 unusual situation. I mean I had to have it explained
5 to me. I didn't know how to turn on my heat pumps
6 and turn on my boiler until they showed me.

7 MR. ZUCKER: Do you know how the
8 boiler works? How does it provide heat to the home?

9 MS. FUJII: It warms the water, which
10 then circulates through the radiator, which then
11 radiates the heat.

12 MR. ZUCKER: Okay. And how does the
13 water -- is there a radiator, for example, on the
14 third floor?

15 MS. FUJII: Yes.

16 MR. ZUCKER: How does the water get
17 up to the third floor?

18 MS. FUJII: Through piping.

19 MR. ZUCKER: I mean what forces it up
20 that way?

21 MS. FUJII: There is a pump in the
22 boiler.

23 MR. ZUCKER: And did you have -- you
24 said you've replaced the air conditioning system.
25 Did you have the heating system, the boiler

1 inspected?

2 MS. FUJII: Yes.

3 MR. ZUCKER: And who inspected that,
4 do you recall?

5 MS. FUJII: It was the same people
6 who put in the air conditioning.

7 MR. ZUCKER: Okay. And was it at the
8 same time we're talking about, prior to November
9 2006?

10 MS. FUJII: Prior to November 2006,
11 yes.

12 MR. ZUCKER: Okay. And you did not
13 replace the boiler; is that correct?

14 MS. FUJII: Correct.

15 MR. ZUCKER: And do you remember why
16 you did not replace the boiler?

17 MS. FUJII: Because it works well.

18 MR. ZUCKER: Okay.

19 MS. FUJII: It works fine. I'm sure
20 in the future, you know, we may look into another
21 boiler. But it's not broken, so we don't need to
22 replace it yet.

23 MR. ZUCKER: Okay. Do you know how
24 old that boiler is?

25 MS. FUJII: I don't know the age of

1 it. People have looked at it and given me
2 guesstimates. But I've received various different
3 guesses. So they're all guesses.

4 MR. ZUCKER: What's the range of
5 those guesses?

6 MS. FUJII: That it might be from the
7 1950s. That it might be from the 1960s.

8 MR. ZUCKER: Do you know the
9 efficiency level of that boiler?

10 MS. FUJII: I think someone told me
11 70 percent. 60 to 70 perhaps. I'm not sure.

12 MR. ZUCKER: Okay.

13 MS. FUJII: I'm certain it's not the
14 type of efficiency that a brand new boiler would
15 have, and I understand that that uses more gas than a
16 new boiler. I just don't believe that it can use as
17 much gas as I was being billed for with such a low
18 setting on the thermostat.

19 MR. ZUCKER: Okay. Obviously you've
20 said you do not believe you used the gas that you
21 were billed for during the disputed period?

22 MS. FUJII: Not that quantity,
23 correct.

24 MR. ZUCKER: Do you know how much you
25 did use during that period?

1 MS. FUJII: I would have to -- no, I
2 don't, because if I don't know the readings are
3 accurate then there would be no record of the
4 accurate usage.

5 MR. ZUCKER: Okay.

6 JUDGE WOODRUFF: Mr. Zucker?

7 MR. ZUCKER: Yes, sir.

8 JUDGE WOODRUFF: I have a question
9 from Commissioner Clayton who needs to leave shortly,
10 but he wants to ask a couple of questions. Would it
11 be all right for him to jump in here?

12 MR. ZUCKER: Yes. I think that would
13 be okay.

14 JUDGE WOODRUFF: Okay. Go ahead,
15 Commissioner Clayton.

16 COMMISSIONER CLAYTON: If this is a
17 bad time, Mr. Zucker, I understand.

18 MR. ZUCKER: No. It's just fine.

19 COMMISSIONER CLAYTON: I know in
20 cross-examination you may be at a point where you
21 can't stop. So don't hesitate advising me of that.

22 MR. ZUCKER: No. I was just looking
23 at whether I even have more questions. So this is a
24 fine time.

25 COMMISSIONER CLAYTON: Ms. Fujii, my

1 name is Robert Clayton. I'm one of the five members
2 of the Public Service Commission, and I appreciate
3 you making yourself available here today. I just had
4 a couple of questions associated with some of your
5 opening comments that you made, and I wanted to see
6 if you could either elaborate or provide me some more
7 information.

8 MS. FUJII: Sure.

9 COMMISSIONER CLAYTON: You said that
10 when you started having contact with Laclede Gas that
11 you had -- you either were faced with some very poor
12 treatment from customer service officials or you had
13 some bad experiences of communication. I was
14 wondering if you could elaborate on that a little
15 bit.

16 MS. FUJII: Well, the first time, as
17 I said, I had called to set up my account, I was told
18 that everything was set up. Then a month later it
19 turns out nothing had been set up. So I wondered,
20 you know, what the quality of service that's provided
21 to customers can be when an account can't even be
22 opened for someone.

23 COMMISSIONER CLAYTON: What was that
24 date when you set up the account?

25 MS. FUJII: I called them the day

1 before closing on my house. So it would have been
2 August 18, 2006.

3 COMMISSIONER CLAYTON: And do you
4 remember who you spoke with on that day?

5 MS. FUJII: I don't. I just called
6 in and pressed the numbers that say, you know, to set
7 up a new account and I did and I gave my information.
8 I was told everything was done, and then it turned
9 out it had not been done.

10 COMMISSIONER CLAYTON: So was the bad
11 experience on or about August 18th or 19th, or it was
12 at a different time?

13 MS. FUJII: No. It was, it was,
14 well, a month later --

15 COMMISSIONER CLAYTON: Right.

16 MS. FUJII: -- when the previous
17 owner called my real estate agent and says why am I
18 still receiving gas bills for the property that I no
19 longer own? Didn't they set up their gas service? I
20 was notified. So then I called Laclede back and we
21 re-set up the account.

22 COMMISSIONER CLAYTON: So really your
23 experience on or about August 18th wasn't bad. It's
24 just apparently the information didn't get conveyed
25 at that time. So the bad experience would have

1 occurred about 30 days later; is that correct?

2 MS. FUJII: Correct. Well, no.

3 Well, yes. When I found out that the account had
4 never been set up.

5 COMMISSIONER CLAYTON: So it would
6 have been approximately 30 days after that, maybe
7 September 18th?

8 MS. FUJII: Correct.

9 COMMISSIONER CLAYTON: Give or take a
10 week maybe?

11 MS. FUJII: Right. Whenever Laclede
12 would have been sent out the next bill that was
13 received by the previous owner.

14 COMMISSIONER CLAYTON: And do you
15 recall -- you don't recall the person that you dealt
16 with on that call, correct?

17 MS. FUJII: No. I was not recording
18 things. I never thought that I would need this
19 information.

20 COMMISSIONER CLAYTON: Now, aside
21 from the disagreement on the meter and the
22 disagreement on the charges on your bill, have you
23 ever had any other circumstances or experiences with
24 Laclede where you feel like you were treated poorly?
25 I don't mean, you know, if they disagree with you

1 that's fine. That's what this case is set up to
2 resolve. But did they treat you poorly in the manner
3 that they talked to you or anything like that?

4 MS. FUJII: Well, as I mentioned
5 before, someone in the customer service department
6 who is in I guess the high bill complaint department,
7 the first time I called to say, I know, there must be
8 an error in my bill because it's very high for a
9 vacant home, she yelled at me and said that I didn't
10 know what I was talking about. She was extremely
11 rude. I was appalled that this was someone in
12 customer service. I couldn't believe the way I was
13 being treated. You know, basically I could see that
14 I wasn't going to get anywhere with her. So I just
15 hung up and I called someone and got someone else.

16 COMMISSIONER CLAYTON: Do you
17 remember that person's name?

18 MS. FUJII: I don't.

19 COMMISSIONER CLAYTON: Okay?

20 MS. FUJII: It was an unusual name.
21 She claimed to be the head of customer service. I
22 don't know if that was true. So, you know, my first
23 two experiences -- my first three experiences with
24 Laclede Gas employees certainly didn't inspire much
25 confidence on my part as to their ability to do

1 things correctly.

2 COMMISSIONER CLAYTON: Now, what date
3 do you think that high bill complaint occurred?

4 MS. FUJII: That would have been
5 perhaps the same day I received my first high bill.
6 You know, if it was mailed out on -- I don't know
7 what date they mail their bills out on. But, you
8 know, the amount of time it takes. Maybe the third
9 week of November. The amount of time it would have
10 taken for the mail to deliver that bill.

11 COMMISSIONER CLAYTON: And then any
12 other problems with customer service people that you
13 spoke to?

14 MS. FUJII: No. I have just
15 repeatedly called and asked why am I getting
16 disconnect notices and why am I getting late charges
17 when the amount was under dispute, and I was referred
18 to Mr. Patterson, the billing supervisor, who then
19 handled my call. I would just call and ask for him,
20 and then he would call me back. He was certainly
21 cordial in attempting to assist me, especially when I
22 expressed to him my frustration and not having them
23 come out with the proper meter to replace my meter so
24 many times.

25 COMMISSIONER CLAYTON: Okay. Let me

1 ask you this. Well, hang on here. What is the
2 amount of money that you believe you've been
3 overcharged? Do you have a dollar figure?

4 MS. FUJII: I don't know, you know,
5 what my bill would have actually been, you know, had
6 this been an accurate reading in my opinion.
7 Therefore, I have just suggested to Laclede Gas that
8 since I've already paid than more than half the
9 disputed amount that we just call it done as it is.
10 So there is a remainder --

11 COMMISSIONER CLAYTON: I understand.
12 I notice where you had made some payments on the
13 disputed amount. I'm trying to identify the amount
14 of the dispute?

15 MS. FUJII: Yeah. I don't see how
16 any of us could know unless there is a formula for
17 calculating -- if you take a reading for a house that
18 is occupied, a house such as mine in terms of size
19 and equipment and so forth, and there is some sort of
20 a formula that is applied when a house is vacant or a
21 thermostat is kept at 58 degrees, perhaps there is
22 some way to come up with what the actual usage would
23 have been. I don't know if that --

24 COMMISSIONER CLAYTON: I understand.
25 I understand. Thank you.

1 MS. FUJII: That would be my one way
2 I could guess to do it.

3 COMMISSIONER CLAYTON: I wanted to
4 ask Mr. Zucker real quick on a matter of Laclede's
5 position. On the disputed amount, I guess the amount
6 that Ms. Fujii at least raised a red flag or raised a
7 concern, does Laclede -- what is that amount? What
8 amount is the dispute in this case?

9 MR. ZUCKER: Well, the total amount
10 billed for the disputed period which starts November
11 17th and ends March 22nd is approximately \$2,060.

12 COMMISSIONER CLAYTON: I'm sorry.
13 \$2,050?

14 MR. ZUCKER: I think \$2,060.

15 COMMISSIONER CLAYTON: Okay. Thank
16 you. Thank you.

17 MR. ZUCKER: And, you know, as Ms.
18 Fujii stated, we're not sure exactly what she thinks
19 she used. So it's hard to tell what the amount of
20 the dispute is. But what she's suggesting is since
21 she's paid approximately \$1,100 of that amount that
22 she thinks it would be reasonable to call it good
23 right there.

24 COMMISSIONER CLAYTON: I understand.
25 Did Laclede -- on her bill, is it correct as she said

1 in her opening statement or opening testimony that
2 Laclede is assessing late fees on the amount that is
3 in dispute? I'm not sure if interest is on there
4 either. Are those dollars racking up right now as
5 this case is in dispute?

6 MR. ZUCKER: Late fees in our
7 arrangement is the same thing as interest. There
8 isn't any separate interest.

9 COMMISSIONER CLAYTON: Okay.

10 MR. ZUCKER: Our computer does assess
11 late fees on the charge and then we manually credit
12 that.

13 COMMISSIONER CLAYTON: Okay. So is
14 she going to be charged or not charged depending on
15 how we rule in this case? I mean you say it's going
16 to be credited back. I'm trying to understand what
17 Laclede's position is. Is it believed that they're
18 entitled to late fees on the amount that is in
19 dispute.

20 MR. ZUCKER: No. We do not intend to
21 charge or collect late fees, and that's why we
22 continue to credit the late fees.

23 COMMISSIONER CLAYTON: I see. You're
24 crediting them as they're being placed on the bill
25 today?

1 MS. FUJII: No.

2 MR. ZUCKER: After they're placed on
3 the bill.

4 MS. FUJII: Only after I call and ask
5 for the amount to be taken off my bill.

6 COMMISSIONER CLAYTON: Okay. I don't
7 think I have any other questions. Ms. Fujii, thank
8 you very much for bringing this to our attention.

9 MS. FUJII: Thank you.

10 COMMISSIONER CLAYTON: I will leave it
11 at that. Thank you, Judge.

12 JUDGE WOODRUFF: Thank you,
13 Commissioner. Mr. Zucker, do you have any other
14 questions?

15 MR. ZUCKER: Yes. Just a few more.
16 Ms. Fujii, you recited in your direct testimony that
17 Laclede set up the account -- failed to set up the
18 account back when you first sign up in August 2006,
19 correct?

20 MS. FUJII: Correct.

21 MR. ZUCKER: And did you put that
22 information in your complaint?

23 MS. FUJII: I may have. I may not
24 have. I don't know. I'd have to check. Probably
25 not because it was before the disputed period. So I

1 would say probably not.

2 MR. ZUCKER: So that wasn't something
3 that Laclede had notice of that you were complaining
4 about?

5 MS. FUJII: In this complaint?

6 MR. ZUCKER: Yes.

7 MS. FUJII: No.

8 MR. ZUCKER: Okay. And you also said
9 that you were treated rudely by somebody you called
10 in connection with your complaint, high bill
11 complaint?

12 MS. FUJII: That's right.

13 MR. ZUCKER: Did you put that in your
14 formal complaint filing?

15 MS. FUJII: No. That was before the
16 -- well. No. That one was not before the period in
17 dispute. But I mentioned those because I believe
18 they reflect the lack of accuracy. You know, the way
19 Laclede does things that I do not believe to be
20 accurate.

21 MR. ZUCKER: Okay. But you didn't
22 put either of these things in your complaint so far?

23 MS. FUJII: Correct.

24 MR. ZUCKER: And --

25 MS. FUJII: Not to my recollection

1 anyway.

2 MR. ZUCKER: And you did mention that
3 the bills you were receiving had a disconnect notice
4 on it?

5 MS. FUJII: Not only the bills. But
6 I was receiving disconnection notices and threats to
7 report me to collection agencies.

8 MR. ZUCKER: Okay.

9 MS. FUJII: As separate pieces of
10 correspondence.

11 MR. ZUCKER: And when you raised that
12 at the prehearing conference, had the disconnect
13 notices stopped after that?

14 MS. FUJII: No. My current bill I
15 believe said that, yeah, I had a disconnection notice
16 on it.

17 MR. ZUCKER: Okay.

18 MS. FUJII: So it's not sent --
19 they're not being sent now as separate notices. But
20 they are still a part of my bill.

21 MR. ZUCKER: So you're not getting a
22 separate disconnect notice that --

23 MS. FUJII: Correct.

24 MR. ZUCKER: -- says disconnection is
25 about to occur?

1 MS. FUJII: Right. The current bill
2 still has disconnection threats on it.

3 MR. ZUCKER: Okay. You attributed
4 the problem with the meter reads to our automated
5 meter reading device in your direct testimony; is
6 that correct?

7 MS. FUJII: Well, either the
8 automatic meter reader or the meter itself is faulty.
9 I don't know.

10 MR. ZUCKER: Okay. And if the -- are
11 you aware that the meter index itself agrees with the
12 automated meter reading reads that we receive?

13 MS. FUJII: When you say the meter
14 index you mean when the person physically took a
15 reading, or what do you mean?

16 MR. ZUCKER: Yes. The meter reader
17 index itself is the physical index that you could
18 look at when you look at your meter.

19 MS. FUJII: Uh-huh.

20 MR. ZUCKER: Have you noticed that
21 those are consistent with the automated reads that we
22 bill you on?

23 MS. FUJII: Well, that's what the
24 meter reader told me at the time.

25 MR. ZUCKER: Okay.

1 MS. FUJII: That his reading was the
2 same as what the automatic reader said. So I myself
3 can't testify that they were the same. But that's
4 what he told me. Yes. That's correct.

5 MR. ZUCKER: You haven't looked at it
6 yourself to determine if they're the same?

7 MS. FUJII: Looked at what?

8 MR. ZUCKER: At the meter index on
9 your meter?

10 MS. FUJII: No.

11 MR. ZUCKER: Okay.

12 MS. FUJII: I mean I don't know how
13 to read a meter.

14 MR. ZUCKER: Your Honor, could I have
15 a moment?

16 JUDGE WOODRUFF: Sure. I'll step
17 outside for a moment to review my notes here, and
18 then I'll determine whether I have any further
19 questions.

20 JUDGE WOODRUFF: Well, why don't we
21 take about a five minute break.

22 MR. ZUCKER: Okay.

23 JUDGE WOODRUFF: We'll take a break
24 now. We'll come back at 11:35.

25 (WHEREIN, a brief recess was taken at

1 11:30 a.m.)

2 JUDGE WOODRUFF: Let's go back on the
3 record. Do you have any other questions, Mr. Zucker?

4 MR. ZUCKER: Yes. Just a few more if
5 I could. In trying to get to the bottom of your
6 usage, I'd like to ask you some more questions about
7 your thermostat that you said were difficult to work.
8 You said you have one upstairs. Is that on the
9 second floor?

10 MS. FUJII: Correct.

11 MR. ZUCKER: And that one runs the
12 air conditioning?

13 MS. FUJII: Correct.

14 MR. ZUCKER: Okay. And that one runs
15 both, both air conditioning units?

16 MS. FUJII: No.

17 MR. ZUCKER: No?

18 MS. FUJII: The air conditioning unit
19 for the second and third floor.

20 MR. ZUCKER: Oh, okay. And then
21 there is a thermostat on the first floor?

22 MS. FUJII: Correct.

23 MR. ZUCKER: And what does that run?

24 MS. FUJII: The air conditioning unit
25 for the first floor and the boiler.

1 MR. ZUCKER: Okay. How does the heat
2 pump come on?

3 MS. FUJII: In the heat settings.

4 MR. ZUCKER: In the heat settings?

5 MS. FUJII: There is a setting for
6 air conditioning and there is a setting for heat.
7 There is a setting that says emergency.

8 MR. ZUCKER: Give me that again. I'm
9 sorry?

10 MS. FUJII: There is a setting that
11 says air conditioning.

12 MR. ZUCKER: AC. Okay.

13 MS. FUJII: There is a setting that
14 says heat, which is what turns on the heat pumps.
15 There is a setting that says emergency, and that is
16 actually what turns on the boiler.

17 MR. ZUCKER: So let's say there is
18 cold weather. Do you put it on emergency?

19 MS. FUJII: Once the weather reaches
20 the 30s then the heat pumps should no longer be used
21 and the boiler should then be turned on.

22 MR. ZUCKER: So you have to manually
23 switch between the heat pump and the boiler?

24 MS. FUJII: Correct.

25 MR. ZUCKER: So you can't just say

1 give me heat and the heat pump will work until it
2 can't keep up anymore and then --

3 MS. FUJII: No. You have to select
4 what you want and tell it what to do. You have to
5 choose which equipment you want to run.

6 MR. ZUCKER: Okay. So in other
7 words, if a trades person who was in the house wanted
8 to -- and you had the heat on heat, which was just
9 the heat pump and wanted to increase the heat, he
10 would have to change the set to go emergency and that
11 would cause the boiler to come on?

12 MS. FUJII: He would have to change
13 it then to emergency and program in a temperature.
14 But as I said, I know that wasn't done because I was
15 there and I saw what the thermostat was set to.

16 MR. ZUCKER: When the Unico people
17 came out they gave you a Unico thermostat I assume?

18 MS. FUJII: There is no such thing as
19 a Unico thermostat. It's manufactured by one of the
20 thermostat manufacturers.

21 MR. ZUCKER: So they put in a
22 thermostat, their own thermostat, a new thermostat
23 that went with the air conditioning?

24 MS. FUJII: Correct.

25 MR. ZUCKER: And did they also

1 replace the first floor thermostat?

2 MS. FUJII: Yes.

3 MR. ZUCKER: So both thermostats
4 we're talking about are new; is that correct?

5 MS. FUJII: Correct.

6 MR. ZUCKER: So when you want to set
7 the heat in the house, you would then program it --
8 you would then program it to what temperature you
9 want?

10 MS. FUJII: Right. First you choose
11 your equipment. As I say, you choose your heat pump
12 or you choose your boiler, and then you program what
13 temperature you would like to achieve or attain.

14 MR. ZUCKER: Do you recall discussing
15 this with the high bill inspector on January 3, 2007?

16 MS. FUJII: The thermostat?

17 MR. ZUCKER: Yes.

18 MS. FUJII: No.

19 MR. ZUCKER: Okay. I believe that's
20 all I have, Your Honor.

21 JUDGE WOODRUFF: All right. Thank
22 you. I have no further questions from the bench.
23 I'll ask Mr. Baker if he has any questions based on
24 the questions from the Commissioner?

25 MR. BAKER: I have a few.

1 JUDGE WOODRUFF: Go ahead.

2 MR. BAKER: You were talking about
3 the third floor of the house. The third floor now,
4 it is a full floor?

5 MS. FUJII: It has a smaller
6 footprint than the second and first floors.

7 MR. BAKER: Okay.

8 MS. FUJII: The roof of the house is
9 a gabled roof. So the rooms on the third floor run
10 along the highest point, the peak of that roof, and
11 as the roof slope goes down to the sides of the house
12 obviously the roof -- the ceiling height would be too
13 low to enable those to be rooms. So the rooms end
14 where the slope gets too low.

15 MR. BAKER: Is there insulation
16 between the ceiling of the third floor and the roof?
17 Is there insulation up in there?

18 MS. FUJII: Yes. Actually, we put
19 blown in insulation in there.

20 MR. BAKER: You mentioned tile
21 earlier in the bathroom. In the bathroom or
22 bathrooms; is that correct?

23 MS. FUJII: Yes. Correct.

24 MR. BAKER: Okay. The rest of the
25 house is hardwood?

1 MS. FUJII: Correct.

2 MR. BAKER: Did you refinish the
3 hardwood during these renovations?

4 MS. FUJII: We did. It was done in
5 stages based on our work going on. It all occurred
6 before and after the period in dispute.

7 MR. BAKER: None of it was refinished
8 during the period in question then?

9 MS. FUJII: Correct.

10 MR. BAKER: Okay. You said somebody
11 inspected the boiler of the house, and I did not
12 catch who you said inspected it?

13 MS. FUJII: It was my heating and air
14 conditioning contractor.

15 MR. BAKER: Okay.

16 MS. FUJII: They specialize in the
17 air conditioning systems for homes with radiators,
18 with radiant heat. So they serve as boilers and
19 radiators and these air conditioning systems.

20 MR. BAKER: I think that's all of the
21 questions I have.

22 JUDGE WOODRUFF: All right. Mr.
23 Zucker, did you have any other questions based on
24 those questions?

25 MR. ZUCKER: No, Your Honor.

1 JUDGE WOODRUFF: Then, Ms. Fujii, I'm
2 going to send it back to you. Is there anything else
3 you would like to explain?

4 MS. FUJII: No. I think we've
5 covered everything. I -- no. I think we've covered
6 everything.

7 JUDGE WOODRUFF: Okay. Very good.
8 We'll then move to staff. I believe staff has a
9 witness they would like to call.

10 MR. BAKER: Yes. Staff would like to
11 call Marilyn Doerhoff.

12 JUDGE WOODRUFF: Please raise your
13 right hand. Do you solemnly swear or affirm the
14 testimony you're about to give in this matter is the
15 truth, the whole truth and nothing but the truth?

16 MS. DOERHOFF: Yes.

17 JUDGE WOODRUFF: You may proceed.

18 MR. BAKER: Can you state your full
19 name and job title for the record?

20 MS. DOERHOFF: My name is Marilyn
21 Doerhoff, D-o-e-r-h-o-f-f, and my job title is
22 Consumer Services Coordinator.

23 MR. BAKER: How long have you been
24 with the Commission?

25 MS. DOERHOFF: Six years.

1 MR. BAKER: How long --

2 COURT REPORTER: I'm sorry. Could I
3 have you speak close to the speaker maybe?

4 MR. BAKER: Can you hear us better
5 now?

6 COURT REPORTER: Yes. Thank you.

7 MR. BAKER: What did you do before
8 you were at the Commission?

9 MS. DOERHOFF: Before I came to the
10 Commission?

11 MR. BAKER: Yes.

12 MR. DOERHOFF: I worked with the
13 Department of Revenue in consumer services.

14 MR. BAKER: What all do your duties
15 include as Consumer Services Coordinator?

16 MS. DOERHOFF: I supervise five
17 consumer service specialists. Review consumer
18 complaints that come in. Answer any phone questions
19 that may be directed to me. I look over complaints
20 to make for sure that the original violation of the
21 Commission rules are (inaudible) and try to act as a
22 mediator between the consumer and the utility company
23 in complaint issues.

24 MR. BAKER: Are you familiar with the
25 circumstances regarding this case?

1 MS. DOERHOFF: Yes.

2 MR. BAKER: Did you prepare a report
3 for this case?

4 MS. DOERHOFF: Yes.

5 MR. BAKER: Did anybody help you with
6 this report?

7 MS. DOERHOFF: No.

8 MR. BAKER: What items of information
9 did you rely on when you were formulating your
10 report?

11 MS. DOERHOFF: I relied on the
12 informal complaint information that we had received
13 prior to the formal complaint coming in. I took the
14 company's information, Ms. Fujii's information, the
15 statement of bills attainment from Laclede along with
16 the high bill inspection and the meter test results
17 that were provided.

18 MR. BAKER: I have your report that I
19 have marked as Exhibit 1HC. Is this a true and
20 accurate copy of your report?

21 MS. DOERHOFF: Yes, it is.

22 MR. BAKER: I move to submit staff's
23 report into evidence as Exhibit 1HC.

24 JUDGE WOODRUFF: All right. Exhibit
25 1HC has been offered, and I understand of course that

1 you don't have an exact copy of it. It says here
2 Staff Investigation Report. I believe both parties
3 have all seen this before; is that correct?

4 MR. ZUCKER: Yes, Your Honor.

5 MS. FUJII: Yes.

6 JUDGE WOODRUFF: Does anyone have any
7 objection to it being received into evidence?

8 MR. ZUCKER: I have no objection.

9 MS. FUJII: No objection.

10 JUDGE WOODRUFF: Hearing no objection
11 it will be received. I'll note to the court reporter
12 I'll just keep this here and give it to the person
13 here at the Commission that handles this, which
14 you'll be giving the other exhibits to.

15 MR. BAKER: When you were conducting
16 the investigation into this matter, did you find any
17 tariff violations that Laclede committed in this
18 case?

19 MS. DOERHOFF: No, I did not.

20 MR. BAKER: Any rule violations which
21 Laclede committed?

22 MS. DOERHOFF: No.

23 MR. BAKER: Any violation of
24 Commission decisions, orders?

25 MS. DOERHOFF: No.

1 MR. BAKER: Anything along those
2 lines?

3 MS. DOERHOFF: No.

4 MR. BAKER: And what was the overall
5 conclusion of your report?

6 MS. DOERHOFF: I concluded that
7 Laclede billed Ms. Fujii through an accurately
8 measuring meter, the correct consumption through that
9 meter, and that no rules or tariffs have been
10 violated.

11 MR. BAKER: Has anything come -- has
12 any new information come to your attention or
13 anything come to light which would change that
14 conclusion?

15 MS. DOERHOFF: No.

16 MR. BAKER: Thank you. I present the
17 witness for cross.

18 JUDGE WOODRUFF: For
19 cross-examination, first of all, Mr. Zucker, do you
20 have any questions for Laclede?

21 MR. ZUCKER: I do not have any
22 questions. Thank you, Your Honor.

23 JUDGE WOODRUFF: Ms. Fujii, do you
24 have any questions that you want to ask Ms. Doerhoff?

25 MS. FUJII: Yes. Was all of Ms.

1 Doerhoff's information about the meter and its
2 accuracy and its testing supplied to her solely by
3 Laclede?

4 MS. DOERHOFF: Yes. They are the --
5 they are who test the meters whenever we look at
6 meter tests, yes.

7 MS. FUJII: So meters are never
8 tested by an independent facility?

9 MS. DOERHOFF: No, ma'am.

10 MS. FUJII: So Laclede is asked to
11 police themselves?

12 MS. DOERHOFF: Excuse me.

13 MS. FUJII: So Laclede is asked to
14 police themselves?

15 MS. DOERHOFF: That's the way the
16 Commission has the -- you know, that's the way the
17 Commission has the meter testing information done,
18 yes, ma'am.

19 MS. FUJII: Uh-huh. Okay. Those are
20 all of my questions.

21 JUDGE WOODRUFF: All right. Thank
22 you. I have no questions from the bench. So no need
23 for recross. Any redirect?

24 MR. BAKER: No, Your Honor.

25 JUDGE WOODRUFF: Then we're finished

1 with Ms. Doerhoff. Does staff have any other
2 witnesses?

3 MR. BAKER: No.

4 JUDGE WOODRUFF: Then we'll move to
5 Laclede. Do you have some witnesses?

6 MR. ZUCKER: Yes, Your Honor. We
7 will start with Mr. Fred Maly.

8 JUDGE WOODRUFF: Mr. Maly, can you
9 spell your name for us.

10 MR. MALY: M-a-l-y.

11 JUDGE WOODRUFF: All right. If you
12 would please raise your right hand. I'll swear you
13 in. Do you solemnly swear or affirm that the
14 testimony you're about to give in this matter is the
15 truth, the whole truth and nothing but the truth?

16 MR. MALY: I do.

17 JUDGE WOODRUFF: All right. Mr.
18 Zucker, you can proceed with your questions.

19 MR. ZUCKER: Mr. Maly, who are you
20 employed by?

21 MR. MALY: Laclede Gas Company.

22 MR. ZUCKER: And what is your title
23 at Laclede?

24 MR. MALY: Superintendent of
25 Measurement.

1 MR. ZUCKER: As the Superintendent of
2 Measurement, what are your responsibilities?

3 MR. MALY: To operate the meter
4 department.

5 MR. ZUCKER: And what does the meter
6 department do?

7 MR. MALY: The meter department is
8 responsible for the accuracy of the meters.

9 MR. ZUCKER: Do you also keep track
10 of meters in the meter department?

11 MR. MALY: Yes, we do.

12 MR. ZUCKER: How do you keep track of
13 them?

14 MR. MALY: Through a -- each meter
15 has its own meter number or serial number.

16 MR. ZUCKER: Okay. How long have you
17 been at Laclede?

18 MR. MALY: 28 years.

19 MR. ZUCKER: And what other positions
20 have you held at Laclede? What did you do when you
21 first started?

22 MR. MALY: I started in '79 as a
23 laborer. In '80 I tested meters for accuracy and
24 leaks. '80, '81 and '82 to about '84 I drove a
25 truck. From '85 I was in building maintenance. In

1 '86 to '88 I was a field and regulator technician.
2 In '89 I was the foreman. In 1992 I was promoted to
3 assistant to the superintendent of the meter
4 department. In '93 I was promoted to assistant
5 superintendent of the meter department. In '95 I was
6 promoted to superintendent of the meter department.
7 In '97 I was promoted to superintendent of
8 measurement.

9 MR. ZUCKER: What's the difference
10 between the superintendent of meter department and
11 superintendent of measurement?

12 MR. MALY: The superintendent of the
13 meter department oversees the meter department
14 operations. Where the superintendent of measurement
15 oversees the entire department.

16 MR. ZUCKER: Okay. Can you give us
17 your educational background?

18 MR. MALY: I have an associate's
19 degree in engineering science from St. Louis
20 Community College. I've got a Bachelor of Science in
21 Electronic Engineering from SIE in Jackson,
22 Mississippi, and a master's in management from
23 Bellevue University in Omaha, Nebraska.

24 MR. ZUCKER: Okay. Have you served
25 in any special capacity regarding meters and gas

1 measurement?

2 MR. MALY: I served as the Chairman
3 of the Measurement and Control Committee for MEA,
4 Midwest Energy Association. I also shared, twice
5 shared on the SGA, Southern Gas Association,
6 Measurement and Control Committees. I'm currently on
7 the Measurement and Control Committee for American
8 Gas Association, AGA.

9 MR. ZUCKER: Okay. What is the
10 purpose of your testimony today?

11 MR. MALY: The purpose of my
12 testimony is to testify on the accuracy of the meter
13 from 6363 Waterman, the amount of gas that passed
14 through it.

15 MR. ZUCKER: Okay. Do you know Ms.
16 Fujii's meter number?

17 MR. MALY: It's 1324914.

18 MR. ZUCKER: This meter was at the
19 Fujii residence until what date?

20 MR. MALY: Until March 14, 2007.

21 MR. ZUCKER: 2007?

22 MR. MALY: That's correct.

23 MR. ZUCKER: And on March 14, 2007,
24 was meter 1324914 removed from the Fujii residence?

25 MR. MALY: Yes, it was.

1 MR. ZUCKER: Okay. And what was the
2 reading on that meter when it was removed?

3 MR. MALY: 0450.

4 MR. ZUCKER: Okay. Is it a three
5 digit meter?

6 MR. MALY: It's a four digit. It's
7 0450 and that reads in hundreds.

8 MR. ZUCKER: Hundreds of what?

9 MR. MALY: Cubic feet.

10 MR. ZUCKER: Okay. Is that the same
11 as hundreds of cubic feet?

12 MR. MALY: That's correct.

13 MR. ZUCKER: Okay. When the meter
14 was removed on March 14, 2007, where was it taken?

15 MR. MALY: To the meter shop at 2801
16 Gravois.

17 MR. ZUCKER: When you say that it
18 read 0450, is that the meter index itself, the
19 physical meter index that reads that?

20 MR. MALY: That's correct.

21 MR. ZUCKER: What about the automated
22 meter reading device? What reading did it give?

23 MR. MALY: It gave the same reading,
24 0450.

25 MR. ZUCKER: Okay. And do you -- is

1 your office at the meter shop on Gravois?

2 MR. MALY: Yes, it is.

3 MR. ZUCKER: Was meter 1324914 tested

4 at the meter shop?

5 MR. MALY: Yes, it was.

6 MR. ZUCKER: I am going to hand you a

7 document. Okay. Here we go. I'll ask you if you

8 recognize it? That is document that I e-mailed to

9 the folks in Jefferson City, and I don't remember

10 what it's called now. But it has something to do

11 with special meter test. I think it's called Fujii,

12 Teresita special meter test. Did you receive that in

13 Jefferson City?

14 JUDGE WOODRUFF: Yes.

15 MR. ZUCKER: Do you have one, Ms.

16 Fujii? I'll be glad to give you one?

17 MS. FUJII: Yes, I do.

18 MR. ZUCKER: Okay. All right. Mr.

19 Maly, do you recognize this document?

20 MR. MALY: Yes, I do.

21 MR. ZUCKER: Is this a report done

22 for the special meter test for meter 1324914, which

23 was removed from the Fujii home at 6363 Waterman on

24 March 14, 2007?

25 MR. MALY: Yes.

1 MR. ZUCKER: And does this appear to
2 be a true and correct copy of that special meter test
3 report?

4 MR. MALY: Yes.

5 MR. ZUCKER: Did you approve this
6 test report?

7 MR. MALY: Yes.

8 MR. ZUCKER: And what --

9 MR. MALY: That's my signature on the
10 bottom.

11 MR. ZUCKER: And what date did you
12 approve it?

13 MR. MALY: On May 17, 2007.

14 MR. ZUCKER: I move that the special
15 meter test be entered into evidence.

16 JUDGE WOODRUFF: We'll go ahead and
17 mark it as Exhibit No. 2. Are there any objections
18 to receiving it into evidence?

19 MR. BAKER: No objection.

20 JUDGE WOODRUFF: Hearing no objection
21 it will be received.

22 MR. ZUCKER: Thank you, Your Honor.
23 Mr. Maly, when was the meter tested?

24 MR. MALY: The meter was tested on
25 April 26, 2007.

1 MR. ZUCKER: And it was removed on
2 March 14th?

3 MR. MALY: That's correct.

4 MR. ZUCKER: Do you know why it
5 wasn't tested until six weeks after it was removed?

6 MR. MALY: A special meter test we
7 notify the customer in advance so they can have the
8 opportunity to witness that test. So it takes a
9 little bit of time.

10 MR. ZUCKER: Okay. So how do you
11 notify the customer?

12 MR. MALY: Through a letter.

13 MR. ZUCKER: You send the customer a
14 letter?

15 MR. MALY: Correct.

16 MR. ZUCKER: And in that letter does
17 it provide the date that the meter will be tested?

18 MR. MALY: The date and the time.

19 MR. ZUCKER: The date and the time
20 and the address?

21 MR. MALY: That's correct.

22 MR. ZUCKER: Okay. And is it your
23 understanding that Ms. Fujii did attend the meter
24 test?

25 MR. MALY: Yes, it is.

1 MR. ZUCKER: Do you remember seeing
2 her at the meter shop?

3 MR. MALY: I don't recall.

4 MR. ZUCKER: Can you tell us how the
5 meter test is performed?

6 MR. MALY: Through a bell prover.

7 MR. ZUCKER: What is a bell prover?

8 MR. MALY: It's a device that has a
9 known volume of air, and it runs through the meter,
10 the known volume of air. The meter is compared to
11 that device.

12 MR. ZUCKER: Okay. And what does the
13 test tend to show? When the test is over, what do
14 you normally get?

15 MR. MALY: It gives a percentage of
16 -- it shows a percentage of accuracy with 100 being
17 exact. Then there is a range of plus or minus two
18 percent tolerance on each meter.

19 MR. ZUCKER: Is that range the
20 Commission approved tolerance?

21 MR. MALY: Yes, it is.

22 MR. ZUCKER: Okay. So you're looking
23 to make sure that the meter comes between -- if 100
24 is perfect, you're looking to see that it comes
25 between 98 and 102?

1 MR. MALY: That's correct.

2 MR. ZUCKER: How do you know whether
3 this bell prover is accurate? How do you know that
4 it has a known volume of air?

5 MR. MALY: Each morning a meter is
6 run across each prover, and through control charts if
7 the prover is within tolerance then we use that for
8 the day. If it's out of tolerance then we take the
9 prover out of service until we can re-calibrate it or
10 get it repaired. Along with that, every five years
11 we have a third party come in and certify each prover
12 with instruments that are traceable back to the
13 National Bureau of Standards.

14 MR. ZUCKER: Okay. When was the last
15 time you had this third party certify your prover?

16 MR. MALY: I believe it was June of
17 '07. 2007.

18 MR. ZUCKER: June of 2007. Okay.
19 How many provers do you have?

20 MR. MALY: We have a total of 16.

21 MR. ZUCKER: 16. So you could do as
22 many as 16 meter tests at one time if you had the
23 personnel to do them?

24 MR. MALY: Correct.

25 MR. ZUCKER: And did the certifier --

1 who was the certifier?

2 MR. MALY: Elster Meteorology
3 Services.

4 MR. ZUCKER: And did the certifier
5 certify all 16 provers?

6 MR. MALY: Yes.

7 MR. ZUCKER: When you test a meter,
8 do you test it at one speed or at different speeds?

9 MR. MALY: At two speeds.

10 MR. ZUCKER: What are the two speeds?

11 MR. MALY: At 20 percent of the
12 meter's rated capacity with a half inch differential
13 and at 100 percent of the rated capacity at a half
14 percent differential.

15 MR. ZUCKER: How did meter 1324914
16 fair on the accuracy test?

17 MR. MALY: On the first test at 20
18 percent of the meter's rated capacity it was 99.5.
19 We consider that fast. So that was one half of a
20 percent fast.

21 MR. ZUCKER: Okay.

22 MR. MALY: And on the open test or
23 the 100 percent of the rated capacity it was 99.1
24 fast, which is nine tenths of one percent fast.

25 MR. ZUCKER: So it was 99.1 percent

1 accurate? Would that be correct?

2 MR. MALY: That's correct.

3 MR. ZUCKER: Which is the same as .9

4 percent fast?

5 MR. MALY: That's correct.

6 MR. ZUCKER: Okay. And on these two

7 tests, is 99.5 a passing grade?

8 MR. MALY: Yes, it is.

9 MR. ZUCKER: Is 99.1 a passing grade?

10 MR. MALY: Yes, it is.

11 MR. ZUCKER: So put together this

12 meter passed the accuracy test; is that correct?

13 MR. MALY: That's correct. And it

14 also passed it within one percent.

15 MR. ZUCKER: Okay. So you had a two

16 percent tolerance, and this meter was within one

17 percent?

18 MR. MALY: That's correct.

19 MR. ZUCKER: Okay. Did you witness

20 the test?

21 MR. MALY: No, I did not.

22 MR. ZUCKER: Do you know who

23 performed the test?

24 MR. MALY: Mr. Sapienza.

25 MR. ZUCKER: Does Mr. Sapienza work

1 in your department?

2 MR. MALY: Yes, he does.

3 MR. ZUCKER: And does he report to
4 you?

5 MR. MALY: Yes. He reports up
6 through me through the foreman.

7 MR. ZUCKER: Okay. Has he been
8 trained in operating the prover?

9 MR. MALY: Yes, he has.

10 MR. ZUCKER: How long has he been
11 doing that work?

12 MR. MALY: Mr. Sapienza has been
13 operating the same two provers for the last seven
14 years.

15 MR. ZUCKER: Okay. So in your
16 opinion, did meter 1324914 measure gas usage
17 accurately during the Winter of 2006-2007 at 6363
18 Waterman?

19 MR. MALY: Yes.

20 MR. ZUCKER: Could this meter have
21 mismeasured gas usage at 6363 Waterman but later
22 passed a test at the meter shop?

23 MR. MALY: No.

24 MR. ZUCKER: Why not?

25 MR. MALY: That would be -- a meter

1 either registers or it does not register. An erratic
2 reading would not apply.

3 MR. ZUCKER: Okay. So you're saying
4 if it was -- well, let me ask you. Are you saying
5 that if the meter was not accurate while it was in
6 the customer's home it would also test as not
7 accurate at the meter shop?

8 MR. MALY: That's correct.

9 MR. ZUCKER: As part of her complaint
10 Ms. Fujii has alleged that on five separate occasions
11 Laclede scheduled and cancelled appointments to
12 change her meter. I believe today she has corrected
13 that to four appointments. Did you hear her
14 testimony on that?

15 MR. MALY: Yes, I did.

16 MR. ZUCKER: Do you agree with her
17 that Laclede cancelled the appointments on four
18 occasions?

19 MR. MALY: No, I do not.

20 MR. ZUCKER: Have you reviewed the
21 service tickets for these appointments?

22 MR. MALY: Yes, I have.

23 MR. ZUCKER: Have you also looked at
24 the company's customer information system for this
25 customer's account?

1 MR. MALY: Yes, I have.

2 MR. ZUCKER: And are you familiar
3 with service tickets and the company's customer
4 information system?

5 MR. MALY: Yes, I am.

6 MR. ZUCKER: All right. And what did
7 you conclude from this information? First of all,
8 let's start with the first appointment. What is the
9 date of that first appointment? If you need to look
10 at the tickets, please let me know.

11 MR. MALY: It was January 23rd.

12 MR. ZUCKER: January 23rd. And who
13 rescheduled that appointment?

14 MR. MALY: Laclede.

15 MR. ZUCKER: Do you know why?

16 MR. MALY: They did not have the
17 right size meter.

18 MR. ZUCKER: Okay. The meter at the
19 customer's house was going to be upgraded to a larger
20 meter; is that correct?

21 MR. MALY: That's correct.

22 MR. ZUCKER: When was that
23 appointment rescheduled for?

24 MR. MALY: For February 6th.

25 MR. ZUCKER: What did the records

1 show happened on February 6th?

2 MR. MALY: The records show that the

3 customer had called in and cancelled the appointment.

4 MR. ZUCKER: Okay. When was that

5 appointment rescheduled to?

6 MR. MALY: February 18th.

7 MR. ZUCKER: And February 18th --

8 hold on a second. I don't have one on February 18th.

9 Are you sure of that date?

10 MR. MALY: February 16th.

11 MR. ZUCKER: February 16th?

12 MR. MALY: 16th. That's correct.

13 MR. ZUCKER: Okay. And what happened

14 to that appointment?

15 MR. MALY: Actually, I need to look

16 at the notes.

17 MR. ZUCKER: Let me see if I can get

18 them for you. Do you have them yourself? I think I

19 have them here somewhere. Okay. Here we go. Oh,

20 okay. You have them?

21 MR. MALY: Yes.

22 MR. ZUCKER: All right. And so we're

23 talking about the meter change appointment of

24 February 16th?

25 MR. MALY: That's correct.

1 MR. ZUCKER: Mr. Maly is looking
2 through his papers. Do you have this page?

3 MR. MALY: I do have that page. I'm
4 sorry. What was the question?

5 MR. ZUCKER: So the question was what
6 happened to the appointment for February 16th?

7 MR. MALY: The customer had called in
8 -- Ms. Fujii called in and cancelled that
9 appointment.

10 MR. ZUCKER: Okay. When was this
11 rescheduled for?

12 MR. MALY: It was rescheduled for
13 March 6th.

14 MR. ZUCKER: Was there one before
15 March 6th?

16 MR. MALY: February 28th.

17 MR. ZUCKER: Okay. That agrees with
18 what Ms. Fujii testified to. What happened to the
19 February 28th appointment?

20 MR. MALY: The February 28th
21 appointment was the wrong area code. The area code
22 was 314, and Ms. Fujii's area code was 708. So we
23 had called that number, received a message of no
24 service, went to the house and the house was vacant.

25 MR. ZUCKER: Okay. So because the

1 phone number was wrong the parties did not hook up.
2 Although both of them may have -- well, obviously
3 Laclede was prepared to go to the house. We have --
4 do you have any indication that Ms. Fujii was not
5 prepared to go to the house?

6 MR. MALY: No, I don't.

7 MR. ZUCKER: Okay. So because of the
8 bad phone number the meter change did not occur on
9 February 28th; is that your testimony?

10 MR. MALY: That's correct.

11 MR. ZUCKER: Can you tell whose fault
12 it is that the phone number was entered wrong?

13 MR. MALY: No, I cannot.

14 MR. ZUCKER: Okay. When was the
15 meter change rescheduled to?

16 MR. MALY: March 6th.

17 MR. ZUCKER: And what happened on
18 that date?

19 MR. MALY: Laclede was not prepared.
20 We didn't have the right fittings on the truck.

21 MR. ZUCKER: What do you mean by the
22 right fittings?

23 MR. MALY: With upgrading the meter
24 from a 250 to a 425 required larger pipe fittings,
25 and they didn't have the right fitting on their truck

1 for that.

2 MR. ZUCKER: What happened next after
3 March 6th? When was it next rescheduled to?

4 MR. MALY: March 14th.

5 MR. ZUCKER: On March 14th was the
6 meter change done?

7 MR. MALY: Yes, it was.

8 MR. ZUCKER: Okay. So would it be
9 accurate to state that there were delays on both
10 sides?

11 MR. MALY: Yes.

12 MR. ZUCKER: Let me ask you this, Mr.
13 Maly: Regardless of who was responsible for the
14 delay from January 23rd to March 14th in removing
15 meter 1324914, was Ms. Fujii harmed in any way by
16 that delay?

17 MR. MALY: No, she was not.

18 MR. ZUCKER: And why do you say that?

19 MR. MALY: Because the meter that was
20 in service at that time at 6363 Waterman was
21 accurate.

22 MR. ZUCKER: So you're saying because
23 the meter passed an accuracy test it didn't matter
24 when it was removed?

25 MR. MALY: That's correct.

1 MR. ZUCKER: Okay. Thank you, Mr.
2 Maly. That's all of the questions I have.
3 JUDGE WOODRUFF: All right.
4 MR. ZUCKER: Oh. Excuse me, Your
5 Honor. I think I have one more.
6 JUDGE WOODRUFF: Go right ahead.
7 MR. ZUCKER: At the April 26, 2007,
8 meter test, was the meter itself tested?
9 MR. MALY: Yes, it was.
10 MR. ZUCKER: And what about the AMR
11 device? Did you test that?
12 MR. MALY: Yes.
13 MR. ZUCKER: And in this case it was
14 tested?
15 MR. MALY: That's correct.
16 MR. ZUCKER: What does the AMR device
17 show?
18 MR. MALY: It was in agreement with
19 the index.
20 MR. ZUCKER: Thank you, Mr. Maly. No
21 further questions.
22 JUDGE WOODRUFF: All right. Thank
23 you. For cross-examination, is there anything from
24 staff?
25 MR. BAKER: Your Honor, I have no

1 questions.

2 JUDGE WOODRUFF: Ms. Fujii, do you
3 have any questions you want to ask Mr. Maly?

4 MS. FUJII: I do.

5 JUDGE WOODRUFF: Go right ahead.

6 MS. FUJII: Mr. Maly, had the meter
7 that was at my house which was removed ever had any
8 other meter number attached to it, or does a meter
9 only get one number from the time it's manufactured
10 until the time it leaves service permanently?

11 MR. MALY: The meter does not have
12 any other meter numbers attached to it.

13 MS. FUJII: So some of your meters do
14 get their numbers changed for various reasons?

15 MR. MALY: If they're from another
16 company and they're purchased by Laclede then we will
17 change the other company's number and put a Laclede
18 badge number on it.

19 MR. BAKER: Your Honor, we can't
20 hear.

21 JUDGE WOODRUFF: If you could speak
22 up.

23 MR. MALY: Sure. I'll speak up. If
24 Laclede purchases another company, when that meter
25 comes in it is re-badged to a Laclede number and the

1 other company's number is removed.

2 MS. FUJII: Uh-huh. Okay. So I mean
3 have you ever had any instances where meters were
4 misidentified or not numbered or --

5 MR. MALY: No. Everything is based
6 on the meter number.

7 MS. FUJII: Right. Have you ever had
8 any instances where the meter number was -- a meter
9 may have had an incorrect number or may be missing a
10 number?

11 MR. MALY: No.

12 MS. FUJII: How is the meter number
13 attached to or posted on the meter?

14 MR. MALY: It's riveted. On this
15 particular meter it has two rivets. One on each side
16 of a metal badge, metal tag, and it's riveted to the
17 front case.

18 MS. FUJII: Have you ever seen any
19 number fall off of a meter?

20 MR. MALY: Uhm, no, I have not.

21 MS. FUJII: Okay. Have you ever
22 heard of anything like that happening? It's possible
23 that it might fall off, correct?

24 MR. MALY: I have never seen one
25 where it's riveted fall off.

1 MS. FUJII: But it would be possible?

2 MR. MALY: No. I don't think so.

3 MS. FUJII: You think it's impossible

4 for --

5 MR. MALY: Yes.

6 MS. FUJII: -- a rivet to ever fall

7 out?

8 MR. MALY: Yes. I have never seen a

9 rivet fall out on a meter badge.

10 MS. FUJII: No. I understand that

11 you have not. But you cannot say with certainty that

12 it is impossible, correct?

13 MR. MALY: Yes. I can say with

14 certainty that it's --

15 MS. FUJII: Not possible?

16 MR. MALY: Not possible.

17 MS. FUJII: And you stated that the

18 prover is used each morning to test the accuracy of

19 the bell meter; is that correct?

20 MR. MALY: Correct. A meter --

21 actually, a meter is used to test the accuracy of

22 each bell to make sure it's within tolerance.

23 MS. FUJII: You used the word prover.

24 Is that -- are you speaking of a person or the

25 machine?

1 MR. MALY: That's the equipment. The
2 apparatus is called a prover.

3 MS. FUJII: The prover is used to
4 test --

5 MR. MALY: Gas meters.

6 MS. FUJII: Okay. So the machine
7 that tests the gas meter is the prover?

8 MR. MALY: That's correct.

9 MS. FUJII: And you're saying each
10 morning one of your employees checks the prover?

11 MR. MALY: That's correct.

12 MS. FUJII: Not an outside entity?

13 MR. MALY: That's correct.

14 MS. FUJII: So it's Laclede's own
15 personnel are checking the equipment that is testing
16 the meters?

17 MR. MALY: That's correct.

18 MS. FUJII: And you said that the
19 prover on which my meter was tested was last checked
20 on June of 2007, correct?

21 MR. MALY: No. It's checked every
22 morning.

23 MS. FUJII: No. I'm talking about --

24 MR. MALY: It's a control chart.

25 MS. FUJII: I'm talking about by the

1 outside certifiers? I'm sorry.

2 MR. MALY: Yes. That's correct.

3 MS. FUJII: Okay. Now, my meter was
4 tested in April of 2007, a few months before that.
5 So you were saying the certifiers certify them every
6 five years. So would the last time that that prover
7 was certified would have been 2002?

8 MR. MALY: That's correct.

9 MS. FUJII: So it had been just about
10 five years ago that an outside independent body had
11 certified that prover as being accurate?

12 MR. MALY: Correct.

13 MS. FUJII: Or working properly.

14 Okay. And I didn't understand in Mr. Zucker's
15 question, how is it that a meter may not be working
16 properly, may not be recording gas usage properly
17 when it is installed in a home and yet be able to
18 test accurately? You were saying that would not be
19 possible. Can you explain how that would not be
20 possible that it would be erratic that it might work
21 properly sometimes and might not work properly other
22 times?

23 MR. MALY: Sure. The meter is a
24 positive -- what's called positive displacement
25 measuring device.

1 MS. FUJII: Uh-huh.

2 MR. MALY: And it's got chambers in
3 it, four measuring chambers, and gas fills up each
4 chamber and then gets emptied. That chamber is
5 counted. It's similar to if you bake a cake and
6 you're measuring some kind of liquid for the cake.
7 You're measuring it in a cup. So with the chambers
8 filling and emptying and then we tested it while it's
9 in your house and then we test it at the shop, if
10 there was anything wrong with those chambers it would
11 have shown up in that test. But since the meter
12 tested good then the meter would have worked well on
13 your residences also.

14 MS. FUJII: But you stated that you
15 tested it at my house. But you did not test it at my
16 house because it's not possible?

17 MR. MALY: No. Afterwards we tested
18 it in the shop.

19 MS. FUJII: Right. Right. But how
20 can we be guaranteed that that process that you
21 described may or may not be erratic? That those
22 chambers may not function the way you're talking
23 about sometimes and then yet function properly other
24 times?

25 MR. MALY: Well, no. It's a

1 measuring chamber. So it would function properly --
2 if it's functioning during the test then prior to the
3 test it would have been functioning properly also.

4 MS. FUJII: But how do we know that?

5 MR. MALY: How do we know that?

6 That's because we've -- that's been the standard in
7 the industry for hundreds of years and that's the
8 ways it's worked. It hasn't changed the -- the
9 design hasn't changed. The principle hasn't changed.
10 It's a repetitive device.

11 MS. FUJII: So you're saying in the
12 last hundred years of these types of meter usage
13 there have never been erratic meters that worked
14 properly at times and improperly at other times?

15 MR. MALY: That's correct.

16 MS. FUJII: Never in the history of
17 gas meters?

18 MR. MALY: Not to my knowledge.

19 MS. FUJII: Okay. I mean I would
20 find that difficult to believe. Not that you are
21 lying, but that we just aren't aware of it. But it
22 seems amazing to me that any mechanical device of any
23 sort can work without any problems in a hundred
24 years?

25 MR. MALY: They do go out of

1 calibration and they can be recalibrated, or they
2 fail. When they fail there would be no reading, as
3 opposed to more than reading when there should have
4 been.

5 MS. FUJII: Uh-huh.

6 MR. MALY: So those are the two
7 scenarios.

8 MS. FUJII: Okay. And --

9 MR. MALY: And I should say it
10 wouldn't go back and forth. It wouldn't be a failure
11 and then fix itself, a failure and fix itself.

12 MS. FUJII: Just because why?

13 MR. MALY: Just because, like I said,
14 it's a mechanical device. It wouldn't break and then
15 repair itself.

16 MS. FUJII: Well, I mean we all know
17 of mechanical devices that are erratic and sometimes
18 work and sometimes don't. So, you know, I'm not an
19 engineer. But I don't understand exactly how anyone
20 can know if a meter was never working erratically.
21 Now, when you stated on the attempts for Laclede to
22 install a new meter at my house and you said -- how
23 do you know of the delays that were supposedly on my
24 side? I mean what information did you receive for
25 you or someone else to come to the conclusion that I

1 cancelled the installation?

2 MR. MALY: In reviewing the service
3 tickets and our customer information system.

4 MS. FUJII: So they write down that
5 because they asked me if I wanted the installation to
6 occur and I said, no, because you don't have the
7 proper meter, they don't record the fact that you
8 showed up without the proper equipment? They just
9 record the fact that the meter was not installed?

10 MR. MALY: Give me just a minute
11 here.

12 MS. FUJII: I guess my question is
13 you're testifying to the information that was given
14 to you. However, you do not know how that
15 information was arrived at by whomever takes this or
16 records this information?

17 MR. MALY: Yes. So on 03/06 of the
18 CIS form, the service ticket, has that it was
19 cancelled because they need two men and a cube van.

20 MS. FUJII: Right. Which is what I
21 had been told repeatedly every time that the
22 installation was to be done.

23 MR. MALY: So in this case they did
24 state that it was --

25 MS. FUJII: But in all of the

1 previous cases they did not state that, correct?

2 MR. MALY: Rescheduled per customer
3 is what's on 01/23.

4 MS. FUJII: Uh-huh. So --

5 MR. MALY: That's correct.

6 MS. FUJII: So they did not write
7 down why the customer did not want the incorrect
8 meter installed. They did not write the reason why
9 the customer cancelled, or perhaps they just thought
10 that it makes Laclede look better to write the
11 customer cancelled rather than Laclede was
12 unprepared. I mean I don't know if you have any
13 records of requests for the cube van and the two men
14 that I was told repeatedly were necessary to complete
15 this type of installation. I don't know if those
16 requests -- are those requests made to you, or is
17 that to someone else perhaps?

18 MR. MALY: To someone else.

19 MS. FUJII: To someone else. Okay.
20 All right. So you really don't know when you testify
21 that I was the cause of the delays. You really don't
22 know what the circumstances were that day when the
23 meter was unable to be installed, correct?

24 MR. MALY: It's based off of the CIS,
25 the service ticket in the CIS information system.

1 MS. FUJII: Right. And the service
2 information system does not give any details as to
3 why supposedly the customer cancelled, correct?

4 MR. MALY: Well, there is some
5 details in why the customer cancelled or why we
6 cancelled.

7 MS. FUJII: I did not see any details
8 as to why the customer supposedly cancelled.
9 What do you have that I haven't seen?

10 MR. MALY: Well, the detail is one
11 called number. No service.

12 MS. FUJII: Right. Because the
13 person assumed that it was a 314 area code and called
14 the wrong number.

15 MR. MALY: And we didn't have two men
16 and a cube van is another instance.

17 MS. FUJII: Right. But for January
18 23rd, February 6th and February 16th, you don't have
19 any reason why it was cancelled?

20 MR. MALY: On January 23rd it was
21 because we didn't have the proper meter.

22 MS. FUJII: And on February 6th and
23 February 16th?

24 MR. MALY: February 6th the customer
25 cancelled.

1 MS. FUJII: But it doesn't tell you
2 why, what the circumstances were of why I supposedly
3 cancelled?

4 MR. MALY: Not on the CIS form.

5 MS. FUJII: Okay. But somewhere
6 there do you know if there are records as to what the
7 workmen recorded at the time that they didn't have
8 the equipment?

9 MR. MALY: Nothing on the CIS form.

10 MS. FUJII: But somewhere Laclede has
11 some sort of record as to what your workmen are
12 doing, when and why? You know, when there is an
13 installation that gets cancelled, the reasons for
14 that cancellation are not recorded anywhere?

15 MR. MALY: They're recorded on the
16 CIS form, the customer information service ticket.

17 MS. FUJII: But they don't, they
18 don't elaborate as to why they think the customer is
19 canceling?

20 MR. MALY: The amount of detail I
21 guess would vary.

22 MS. FUJII: Uh-huh. So it makes it
23 tough to determine why the meter was not actually
24 installed I would say. Well, you're not the person
25 who schedules the meter changes, correct?

1 MR. MALY: Correct.

2 MS. FUJII: So you would not have
3 spoken with Mr. Patterson, the supervisor in billing,
4 whom I had personally asked numerous times to call
5 whomever does schedule these to please ask them to be
6 prepared with the correct meter and the cube van and
7 the men? That wouldn't involve you at all?

8 MR. MALY: Correct.

9 MS. FUJII: So Laclede would not
10 record anywhere other than what you mentioned with
11 not having the proper meter on one occasion and not
12 having the cube van on another occasion when -- well,
13 for some reason it was recorded in some instances and
14 it was not recorded in other instances what the
15 circumstances of the cancellation were?

16 MR. ZUCKER: Asked and answered.
17 That's an objection.

18 JUDGE WOODRUFF: Simply the objection
19 is you've asked the question and he's already
20 answered it. So we can move on to something else.

21 MS. FUJII: All right. I apologize.
22 I'm not an attorney. So I don't --

23 JUDGE WOODRUFF: That's all right.
24 It's not intended as a criticism.

25 MS. FUJII: No. I understand. So as

1 the person responsible for the accuracy of meter
2 testing, you are testifying that it is Laclede and
3 only Laclede who tests the meters, is in possession
4 of the meters, and that they are never sent to an
5 independent tester?

6 MR. MALY: In reference to your
7 meter, or all meters?

8 MS. FUJII: Well, both. In my meter
9 and in any other meters?

10 MR. MALY: That's correct.

11 MS. FUJII: So mine as well as any
12 other meters that you handle are never tested by an
13 outside independent entity?

14 MR. MALY: Correct.

15 MS. FUJII: So we are relying on
16 Laclede to give us Laclede's information about gas
17 accuracy in the meters?

18 MR. MALY: Correct.

19 MS. FUJII: All right. Then I have
20 no more questions for Mr. Maly.

21 JUDGE WOODRUFF: All right.

22 MS. FUJII: Oh, I'm sorry. Can I ask
23 one more question?

24 JUDGE WOODRUFF: Sure. Go right
25 ahead.

1 MS. FUJII: I just saw that. When
2 you stated that you tested the AMR, the automatic
3 meter reader, how is that tested?

4 MR. MALY: It's plugged into the
5 computer and the reading is read internally.
6 Electronically.

7 MS. FUJII: And is that ever verified
8 or certified by a government body or an outside
9 agency for its accuracy?

10 MR. MALY: The device itself?

11 MS. FUJII: The way that AMR is
12 tested?

13 MR. MALY: Not to my knowledge.

14 MS. FUJII: So that's all under
15 Laclede's -- that's not verified by an outside
16 entity?

17 MR. MALY: But it does match the
18 index read of that meter.

19 MS. FUJII: Okay. I'm finished now.
20 Thank you.

21 JUDGE WOODRUFF: All right. No
22 questions from the bench so there is no need for
23 recross. Anything from redirect?

24 MR. ZUCKER: No, Your Honor.

25 JUDGE WOODRUFF: All right. Mr.

1 Maly, you can step down. You're finished for the
2 day.

3 MR. MALY: Thank you.

4 JUDGE WOODRUFF: Your next witness
5 for Laclede?

6 MR. ZUCKER: We call Theodore B.
7 Reinhart to the stand. Can you see him okay?

8 JUDGE WOODRUFF: Yes.

9 MR. ZUCKER: Okay. He'll testify
10 from his current spot.

11 JUDGE WOODRUFF: That will be fine.
12 Please raise your right hand. Do you solemnly swear
13 or affirm that the testimony you are about to give in
14 this matter is the truth, the whole truth and nothing
15 but the truth?

16 MR. REINHART: I do.

17 JUDGE WOODRUFF: You can inquire.

18 MR. ZUCKER: Can you state and spell
19 your name for the record?

20 MR. REINHART: Theodore B. Reinhart,
21 R-e-i-n-h-a-r-t.

22 MR. ZUCKER: And do you go by
23 Theodore?

24 MR. REINHART: Normally I go by Ted.

25 MR. ZUCKER: And who do you work for?

1 MR. REINHART: Laclede Gas Company.

2 MR. ZUCKER: And what is your
3 business address?

4 MR. REINHART: 720 Olive Street, St.
5 Louis, Missouri 63101.

6 MR. ZUCKER: What is your present
7 position with Laclede Gas Company?

8 MR. REINHART: I'm the manager of
9 Utilization Engineering and Market Development.

10 MR. ZUCKER: Okay. And how long have
11 you held that position?

12 MR. REINHART: Since I believe 2002.
13 But I'm not sure.

14 MR. ZUCKER: Okay. 2002. Can you
15 describe your responsibilities?

16 MR. REINHART: I supervise the
17 technical people in the marketing department. We
18 deal with customer usage, customer equipment.
19 Anything downstreaming the meters pretty much.

20 MR. ZUCKER: Okay. And can you
21 describe your experience with Laclede?

22 MR. REINHART: I have been in the
23 Marketing Department for 22 years. I entered what
24 was called then the Sales Engineering Department in
25 1985 as a project engineer. Then I became an

1 engineering supervisor in that department. I don't
2 recall the year. The name of the department was
3 changed to utilization engineering. Then a couple of
4 years later I was promoted to be manager of that
5 department. That was in 1996. Again, I don't recall
6 when I was given the added responsibility market
7 development. But what that included was I was
8 assigned what are called special projects group, and
9 those are technical people who are involved with
10 particular types of equipment. Types of equipment
11 that are new on the market that require special
12 attention to help customers use them.

13 MR. ZUCKER: So you have been in
14 charge of the Utilization Engineering Department for
15 more than 10 years now?

16 MR. REINHART: That's right.

17 MR. ZUCKER: Can you give us your
18 educational background?

19 MR. REINHART: In 1978 I received a
20 Bachelor's of Arts from Rice University in Houston,
21 Texas, with a major in physics. In 1984 I received a
22 Master of Science degree in mechanical and aerospace
23 engineering from the University of Missouri in
24 Columbia.

25 MR. ZUCKER: And are you a licensed

1 engineer?

2 MR. REINHART: Yes. I'm a registered
3 licensed engineer in the states of Missouri and
4 Illinois.

5 MR. ZUCKER: Have you previously
6 testified before this Commission?

7 MR. REINHART: I filed testimony in
8 Laclede's most recent rate case.

9 MR. ZUCKER: And what is the purpose
10 of your testimony today?

11 MR. REINHART: Well, the purpose of
12 my testimony is to look at the usage of the home and
13 see if it fits in with what would be expected. I'm
14 aware that the meter readings, the meters have
15 already been tested, and then my job is to look at
16 the meter readings and the usage and the weather and
17 to see if that makes sense.

18 MR. ZUCKER: Do you believe that it's
19 necessary to supplement the meter test?

20 MR. REINHART: No. No. In fact,
21 most of what we do when we look at people's usage is
22 we rely on the meters, and that's what provides the
23 basis of our analysis, along with weather data. If
24 the meter readings are off then there is really --
25 you can't make sense at all out of it. Generally it

1 would be, as witness Maly pointed out, that it would
2 be a meter that's just not registered. That would be
3 no use to us at all.

4 MR. ZUCKER: Can you tell us if you
5 have this information how much gas was used at the
6 Fujii home according to Laclede's meter between
7 November 17, 2006, to March 22, 2007?

8 MR. REINHART: Yes. On November 17,
9 2006, the AMR device registered an index of 8873.
10 Then on March 14th that meter was removed and the
11 index was recorded as 0450, which would indicate an
12 increase of 1577 hundreds of cubic feet, or CCFs. On
13 that same date, March 14th, the new meter was
14 installed, and its index was recorded at 9655. On
15 that final meter reading on March 22nd the AMR
16 recorded it being 9720, which would be a total of 65
17 CCFs. So with the 1577 used on the original meter
18 and the 65 used on the second meter, that would be a
19 total of 1642 CCFs for the period in question.

20 MR. ZUCKER: And can you explain what
21 a CCF is?

22 MR. REINHART: That's a hundred cubic
23 feet. That's the volume that our meters measure in.

24 MR. ZUCKER: Do you consider 1642
25 CCFs to be a reasonable amount of gas usage for this

1 home?

2 MR. REINHART: Yes. It compares with
3 the other homes in the area and with just a house
4 that size.

5 MR. ZUCKER: Okay. Now, Ms. Fujii
6 claims, as you know, that the house was vacant during
7 this period and the thermostat was set low at about
8 58 degrees for a good part of the period at least.
9 Therefore, her conclusion is that gas usage should
10 have been well below normal and not within a normal
11 range for her home or for her neighborhood. Doesn't
12 she have a point?

13 MR. REINHART: Well, to a certain
14 extent that's true. If there are no people in the
15 house then there is no human activity. People
16 generate a certain amount of heat. They certainly
17 turn on electric appliances and operate things such
18 as ranges and use hot water. They open and close
19 doors, which goes the other way as far as increasing
20 the load. But the thing is a house is -- even
21 without people the house is still going to use
22 energy. You can turn down the thermostat to a
23 certain extent. But it's still going to use energy.

24 MR. ZUCKER: Okay. Now, if the home
25 is vacant what kind of -- I assume there would be no

1 use of the cooktop. Would you say that's a
2 reasonable assumption?

3 MR. REINHART: If there is no people
4 there at all that would be a reasonable assumption.

5 MR. ZUCKER: What about the use of
6 the water heater? Does the water heater continue to
7 run if people aren't running water?

8 MR. REINHART: It would have a pilot
9 light, and then there are standby losses. Those are
10 usually pretty minimal. People actually have to use
11 the hot water or there has to be a leak of some sort
12 in order for the water heater to use a significant
13 amount of gas, or a normal amount of gas.

14 MR. ZUCKER: So as the water in the
15 water heater cools there will be some pull of gas to
16 heat that water back up?

17 MR. REINHART: Right. Right. It
18 should be maintaining the temperature, unless it's
19 set back to vacation or shut off so that only the
20 pilot is on.

21 MR. ZUCKER: But that would not be a
22 large amount you're saying?

23 MR. REINHART: No. A standby loss,
24 no. It wouldn't be very large. It might be -- I'm
25 just guessing from some examples I looked at

1 recently, it might be 100 cubic feet a week or
2 something like that. A very small amount.

3 MR. ZUCKER: Okay. So you're saying
4 the presence of people cuts both ways?

5 MR. REINHART: Yes.

6 MR. ZUCKER: In some ways it reduces
7 heat because the people provide heat themselves and
8 run electric appliances, and in some ways their
9 absence increases -- well, their absence increases
10 gas usage because there is no one in there doing
11 that?

12 MR. REINHART: That's correct.

13 MR. ZUCKER: And in some ways the
14 presence of people increases usage because they want
15 to be more comfortable and turn the heat up?

16 MR. REINHART: And they're opening
17 and closing doors and windows.

18 MR. ZUCKER: All right. So why would
19 the Fujii's use for this winter be in the average
20 range?

21 MR. REINHART: Well, you can't -- a
22 building -- my understanding is the house wasn't
23 totally unoccupied. There were people there. There
24 were workmen there. Ms. Fujii was there from time to
25 time operating lights, opening and closing doors and

1 windows. To what extent we can't be sure.
2 Thermostats can be operated by various people.
3 They're not locked up. People who will know how to
4 use them can use them. You really -- if you had a
5 perfect building that had no people in it and you
6 knew exactly what time of day the meter was read each
7 day and it was calibrated -- or precision was maybe
8 even better than 100 cubic feet because that's really
9 all we really get from the index. If you could see
10 maybe 10 cubic feet at a time, we might be able to
11 track weather exactly. But we can't really ever
12 explain the way all of the anomalies that occur when
13 a human being is in the building.

14 MR. ZUCKER: Ms. Fujii testified that
15 she had to turn the heat up for two weeks in December
16 to 68 to let plaster dry. Does that sound right to
17 you that you have to turn heat up with plaster?

18 MR. REINHART: I'm not an expert at
19 plastering. Sorry.

20 MR. ZUCKER: Okay.

21 MR. REINHART: I can't answer that.

22 MR. ZUCKER: Do you know when the
23 Fujii's home was built?

24 MR. REINHART: I think the records
25 that I looked at said it was 1908, which would put it

1 at 100 years.

2 MR. ZUCKER: Okay. So that's close
3 to Ms. Fujii's date. I think she testified to 1913?

4 MR. REINHART: Yes.

5 MR. ZUCKER: Is that right?

6 MR. REINHART: Or 1913 or -- I did
7 make a note of that.

8 MR. ZUCKER: So can we conclude that
9 even houses lie to make themselves look younger?

10 MR. REINHART: I don't know. 1913.
11 That's what I wrote down.

12 MR. ZUCKER: I am going to show you a
13 report. This is going to be -- let's see. It's
14 called Fujii, Teresita high bill investigation.
15 That's not it. It looks like you have one already?

16 MR. REINHART: Yeah. I think I have
17 a copy of what you're looking at.

18 MR. ZUCKER: Okay. Does that look
19 like the field inspection report?

20 MR. REINHART: Yes, it does.

21 MR. ZUCKER: And was that report
22 created as part of a high bill inspection?

23 MR. REINHART: Yes. That's what it's
24 used for.

25 MR. ZUCKER: And what date is on that

1 report that the inspection took place?

2 MR. REINHART: The inspection took
3 place on January 3, 2007.

4 MR. ZUCKER: And can you tell where
5 the inspection occurred?

6 MR. REINHART: On the original
7 request on the other side it says it was for 6363
8 Waterman. It lists the account number, which matches
9 the account number on the other side.

10 MR. ZUCKER: And --

11 MR. REINHART: I'm sorry. No, it
12 doesn't. There is no account number on the other
13 side.

14 MR. ZUCKER: So it does give the
15 address?

16 MR. REINHART: It does give the
17 address on the one side.

18 MR. ZUCKER: And what about meter
19 number? Does it give the meter number on the report?

20 MR. REINHART: On the field
21 inspection report the meter number is 1324914.

22 MR. ZUCKER: I move to enter this
23 field inspection report, also known as a high bill
24 investigation, into evidence.

25 JUDGE WOODRUFF: It will be number 3.

1 It's been offered into evidence. Any objection to
2 its receipt?

3 MR. BAKER: No objection.

4 JUDGE WOODRUFF: Hearing none it will
5 be received into evidence.

6 MR. ZUCKER: Can you tell who
7 requested this report?

8 MR. REINHART: It looks like -- this
9 is a side I don't normally look at. This side
10 indicates that it was requested by Teresita Fujii.

11 MR. ZUCKER: Are you familiar with
12 these reports?

13 MR. REINHART: The other side
14 normally. But I've seen this side a couple of times.

15 MR. ZUCKER: So by this time you're
16 referring to the result side of the report?

17 MR. REINHART: Yes.

18 MR. ZUCKER: It's the side you're
19 familiar with?

20 MR. REINHART: The result side is the
21 one I've looked at several of these.

22 MR. ZUCKER: What does this report
23 indicate to you?

24 MR. REINHART: Well, it indicates
25 that the inspector found three pieces of gas

1 equipment, a cooktop, a water heater and a central
2 boiler. The cooktop did not have a BTU load listed
3 on the label. But it was clocked at the meter at 26
4 cubic feet per hour. The water heater had a label
5 listing of 53,000 BTUs per hour. But apparently it
6 clocked at only about 43 cubic feet per hour. The
7 boiler was listed as 300,000 BTUs an hour.

8 MR. ZUCKER: Okay. What is the
9 temperature setting?

10 MR. REINHART: The thermostat is
11 listed -- it's at 68 and it's listed as being at
12 heat, and then there is apparently no fan setting on
13 this thermostat and it's not programmable.

14 MR. ZUCKER: In your view is 68
15 degrees a setting that is cold, medium or warm?

16 MR. REINHART: Most people set their
17 thermostats higher than that I think. 68 is a
18 temperature setting for someone who is trying to
19 conserve energy and doesn't want to use a whole lot.

20 MR. ZUCKER: Okay.

21 MR. REINHART: A lot of people will
22 set it at up to 70.

23 MR. ZUCKER: Can you tell me if there
24 is anything notable under the general condition of
25 the house?

1 MR. REINHART: It doesn't -- it looks
2 like the house has been well maintained. There is no
3 broken windows. The basement isn't heated. The
4 basement isn't finished. It looks like the condition
5 of the house, other than its age, is similar to the
6 way it was built. It still had single pain windows
7 and it has storm windows. I can't tell if those were
8 original wood frame storm windows or say maybe
9 aluminum storm windows.

10 MR. ZUCKER: Is there anything on
11 this report that would lead you to believe that the
12 customer would use a larger than expected amount of
13 gas?

14 MR. REINHART: No.

15 MR. ZUCKER: I am going to show you
16 another exhibit. One moment. I believe this one is
17 called -- this is the one I re-sent this morning, and
18 it's called Fujii daily use 11/06 to 03/07.

19 JUDGE WOODRUFF: That's a graph?

20 MR. ZUCKER: Yes. If you have a
21 color screen it should look orange and gray.

22 JUDGE WOODRUFF: Yes.

23 MR. ZUCKER: And can we mark this as
24 Exhibit 4?

25 JUDGE WOODRUFF: Very well.

1 MR. ZUCKER: Okay. Mr. Reinhart, did
2 you prepare Exhibit 4?

3 MR. REINHART: Yes.

4 MR. ZUCKER: Can you describe it for
5 us?

6 MR. REINHART: I obtained daily meter
7 readings from the Information Services Department at
8 Laclede. They were able to track down through an old
9 tape the daily reads for 6363 Waterman for November,
10 December of 2006, and January, February, March of
11 2007. What I also -- what I did was I listed that
12 date on a spreadsheet, found the average daily
13 temperature from the St. Louis weather data from the
14 National Weather Service. I calculated base 65
15 heating degree days, otherwise known as heating
16 degree days, for each of those days. I then -- there
17 was 11 occasions when data was missing. The meter --
18 the AMR device is really meant for billing purposes.
19 We need to have a good reading each month to bill
20 people accurately. They're doing a great job of
21 that. We don't always get a read every day though,
22 which is frustrating for marketing people because we
23 like to see it every single day. But you can usually
24 guess what it would have been because the index will
25 always advance when the readings return, either in a

1 day or two in this case. There were all together I
2 think eight instances of missed readings, three of
3 those being two days in a row. So a total 11 missing
4 readings out 150.

5 MR. ZUCKER: Okay. And looking at
6 the first page of this exhibit with the orange and
7 gray chart, it appears that you have charted use and
8 heating degree days for 6363 Waterman; is that
9 correct?

10 MR. REINHART: That's correct.

11 MR. ZUCKER: And what is a heating
12 degree day?

13 MR. REINHART: I take the average --
14 a heating degree day is defined as the sum of the
15 number of degrees each day that the temperature is
16 below 65. If the temperature is over 65 there is
17 zero heating degrees day. If the average temperature
18 for the day is 40 degrees there are 25 heating degree
19 days that day.

20 MR. ZUCKER: And this looks at
21 average temperature?

22 MR. REINHART: Average temperature is
23 the weather service each day records a minimum and
24 maximum temperature for that day and then they add
25 those two together and divide by zero. If by chance

1 the sum of the two is an odd number they always round
2 up, and that's the average temperature for the day.

3 MR. ZUCKER: Did you say divide by
4 zero?

5 MR. REINHART: I'm sorry. Divide by
6 two.

7 MR. ZUCKER: Okay.

8 MR. REINHART: Thank you.

9 MR. ZUCKER: I think I learned in my
10 high school math you can't divide by zero. Okay.
11 Divide by two?

12 MR. REINHART: Divide by two.

13 MR. ZUCKER: Okay. Thank you. Thank
14 you. Okay. And the second chart has the same two
15 entries -- well, it has heating degree days, and then
16 it appears to have something called Sunday to Friday
17 in orange and Friday to Sunday in green. Can you
18 describe this chart for us?

19 MR. REINHART: Yes. What I did in
20 this case was I was curious as to whether I -- it
21 looked to me like there were certain days that were
22 above -- first let me go back. I have two different
23 axes on this chart so that we can kind of plot them
24 together. This house typically uses around a half of
25 a CCF per heating degree day. So it was easier to

1 see how they tracked together if I plotted them on
2 two different Y axes. So I put the heating degree
3 days on a zero to 100 scale and the daily volumes on
4 a zero to 50 scale. If the two coincide exactly
5 that's equivalent to point 5 CCFs per heating degree
6 day for that day. I notice some went above and some
7 went below. So I was curious as to -- because I knew
8 the house was being remodelled and there may be more
9 activity there during the week. I was curious as to
10 whether some of those peaks that were above the line,
11 whether they were more likely to be on weekends or
12 weekdays.

13 MR. ZUCKER: Okay.

14 MR. REINHART: So that's why I
15 plotted it this way to take a look at that.

16 MR. ZUCKER: And then the last four
17 pages are all numbers. What does this data
18 represent?

19 MR. REINHART: Well, this is the data
20 that the two graphs are based on. The left columns
21 are basically taken from the spreadsheet that I got
22 from the information systems. The three columns
23 labeled adjusted read, read date and reading, that
24 all came from them. I then found the average daily
25 temperature from the weather service. Then I had to

1 -- then I calculated the CCFs. That may have
2 actually been on the original spreadsheet from IS
3 too. But the CCFs are the difference in the
4 readings. As I was talking about before, sometimes
5 readings are missed. It doesn't really make sense to
6 graph it that way because it would load all of the
7 usage for two or three days on one day. That's not
8 really what happened at the house. But of course we
9 can't really know what happened at the house. We
10 missed that reading or two readings. So what I do is
11 basically I don't take out a calculator and
12 interpolate it that way. I simply eyeball the
13 average temperature and the CCFs total for the two or
14 three days and distribute it in a reasonable manner
15 between the two of them so that I will -- so that the
16 graph will -- it will eliminate unnecessary spikes
17 that aren't really there.

18 MR. ZUCKER: And how do I know which
19 of the numbers in the interpolated column for days of
20 the week and Friday to Sunday and Sunday to Friday,
21 how do I know which of those are interpolated and
22 which of those are real numbers?

23 MR. REINHART: If you look at the
24 read date column you'll see those are all sorted by
25 date. It's the third column. They're actually a

1 code that was put in the file by IS. It's not
2 formatted like a normal date. It's just an eight
3 digit number. But if you see the first four are the
4 year. The fifth and sixth ones are the month and
5 last two are the day of the month. If you look down
6 that column you'll see that sometimes days are
7 repeated and at the same time a day is skipped. For
8 instance, the fourth one in the column is the second
9 occurrence of the 2nd of November. Then it skips
10 ahead to the 4th of November. What that means is
11 that the reading on the 3rd of November was missed.

12 MR. ZUCKER: And so that's where you
13 interpolated a number?

14 MR. REINHART: Right. The original
15 file would have had then for the -- instead of -- if
16 you look over under the interpolated use column
17 you'll see that I have a sign for the second November
18 2nd, which really was November 3rd, I assigned five
19 CCFs to that day. Then the 4th of November is four
20 CCFs. What the original file would have shown was
21 nine CCFs for the 4th and zero for the 2nd.

22 MR. ZUCKER: Okay. So you took nine
23 CCFs worth of use over two days and spread them and
24 drew your own estimate?

25 MR. REINHART: Right. The adjusted

1 day -- the adjusted usage for the 3rd of November is
2 five and for the 4th is four because it was a little
3 colder on the 3rd. It's an odd number. I had to put
4 five one place and four in another. I put five on
5 the colder day.

6 MR. ZUCKER: And so these last four
7 pages, do they purport to be actual usage except
8 where you interpolated for the Fujii's home at 6363
9 Waterman?

10 MR. REINHART: Yes.

11 MR. ZUCKER: Between November 2006
12 and March 2007?

13 MR. REINHART: Yes, they do.

14 MR. ZUCKER: I move to offer this
15 document into evidence.

16 JUDGE WOODRUFF: Exhibit 4 has been
17 offered into evidence. Any objections to it?
18 Hearing none it will be received into evidence.

19 MR. ZUCKER: Okay. Going back to the
20 first chart. What can you conclude from this chart?

21 MR. REINHART: Well, other than the
22 period when Ms. Fujii states they had lost power, the
23 usage tracks the heating degree days fairly closely.
24 When it gets closer, when the grey line moves up and
25 there is more heating degree days on given days, the

1 usage goes up. When it goes down the usage goes
2 down.

3 MR. ZUCKER: Okay. And so does that
4 tend to mean that the meter readings are more
5 accurate or less accurate?

6 MR. REINHART: It means they're
7 neither more nor less. It means they're accurate.
8 It confirms that the -- I mean I look at that and I
9 don't have any questions that the meter is accurate.
10 Now I know it was tested so I know it's accurate
11 anyway. But when I look at this I see that the meter
12 is tracking weather, which is what you would expect
13 for a heated building.

14 MR. ZUCKER: Okay. Well, let's turn
15 to the second chart then. What is your conclusion
16 from the information on the second chart? This is
17 called day of week detail.

18 MR. REINHART: Yes. What this did,
19 again, not a statistical analysis, but just
20 eyeballing the typical consumption of the cubic feet,
21 100 cubic feet per heating degree day. Just looking
22 at it it seems orange spikes tend to be, which are
23 weekdays, tend to be above the line more than the
24 green ones do. What I did was to go through and try
25 to be more analytical about it. I looked at I think

1 there were 16 full weeks starting with Saturday
2 ongoing through Friday during the period in question
3 and excluding the week when the power was out. What
4 I noticed was that 15 of those 16 weeks, the
5 weekdays, had at least one day that went above one
6 half, or 500 cubic feet per heating degree day, or
7 one half of -- I'm sorry. 50 cubic feet per heating
8 degree day. I'm trying to think here. I don't have
9 the numbers in front of me. It's point 5 hundred
10 cubic feet per heating degree day, which would be 50
11 cubic feet per heating degree day. It went above
12 that 15 of those 16 weeks on at least one day.
13 Whereas only 7 of the 16 weekends had had that kind
14 of excursion.

15 MR. ZUCKER: So you're saying more of
16 the weekday usage was above the gray line than the
17 weekend usage?

18 MR. REINHART: That's correct.

19 MR. ZUCKER: The weekend usage tended
20 to be more below the gray line?

21 MR. REINHART: That's right.

22 MR. ZUCKER: Okay.

23 MR. REINHART: That's unusual. You
24 know, for an occupied house you would expect just the
25 opposite. You would expect an occupied house where

1 someone is living there but working, and if nobody is
2 home during the day they tend to set the thermostat
3 back. The higher usage would occur during the
4 weekend.

5 MR. ZUCKER: So an occupied house
6 would have more use during the weekend. Why would an
7 occupied house have more use during the weekday?

8 MR. REINHART: Well, I can't really
9 say because I wasn't there. Again, there are human
10 beings in there. You wouldn't really expect any
11 difference between weekends and weekdays if the house
12 was actually vacant and it had a set thermostat
13 setting and there were no activities, no doors
14 opening or closing. The house doesn't know if it's a
15 weekend or a weekday as long as there is no change in
16 the thermostat setting and no activity.

17 MR. ZUCKER: Okay. So the fact that
18 the weekday use is higher than the weekend use
19 indicates what to you?

20 MR. REINHART: There was more
21 activity during the weekdays than there was during
22 the weekend.

23 MR. ZUCKER: And the meter reacted to
24 that?

25 MR. REINHART: And the meter reacted

1 to that, right.

2 MR. ZUCKER: Okay.

3 MR. REINHART: I mean knowing that
4 the meter tested accurately, I would have to assume
5 that the thermostat setting was higher during the --
6 or that doors or windows were open.

7 MR. ZUCKER: Okay. You mentioned the
8 power outage a couple of times. Let's talk about
9 that. During this case Ms. Fujii has claimed and I
10 think testified today that she had a power outage
11 connected to the ice storm of December 1st. So her
12 point is how could I have high bills during that
13 first week in December when I didn't even have a
14 working boiler? Doesn't she have a good point there?

15 MR. REINHART: Well, to a certain
16 extent. But the house was getting very cold during
17 that time. So houses tend to recover when the power
18 returns. You can see that in the graph. It might be
19 better if we looked at the data. But there in the
20 graph shortly before the date 12/10/2006, you see a
21 very large spike, the largest spike during the
22 period, preceded by three days usage of one CCF and
23 one day of zero. That data actually is on the --
24 it's either the first -- I think it's on the -- yes.
25 It's on the very first page of the spreadsheet down

1 near the bottom. You can see that on Friday,
2 December 10th, there were 15 CCFs used --

3 MR. ZUCKER: Wait, wait, wait.

4 MR. REINHART: I'm sorry.

5 MR. ZUCKER: Friday, December 10th?

6 MR. REINHART: December 1st. Thank
7 you for correcting me. Friday, December 1st. It's
8 the reading just after the double asterisk there.

9 MR. ZUCKER: Okay. I see it.

10 MR. REINHART: The index is 8979.
11 The average temperature was 26 and the consumption
12 was 15 CCFs.

13 MR. ZUCKER: Okay. I see that.

14 MR. REINHART: Which is actually kind
15 of low for this -- for previous usages at that kind
16 of a temperature. If you look at it you kind of
17 expected a little bit more that day. So that would
18 indicate maybe the power went off that day. Part of
19 the way through the day some of the gas had been --
20 some gas had been used during that day but not for
21 the whole day. The following day on the 2nd of
22 December there is one CCF used, and the average
23 temperature is 26. So essentially the house isn't
24 being heated anymore. That one CCF could be
25 explained by hot water usage. Maybe depending on the

1 age of the boiler the pilot could still be going on
2 the boiler or the cooktop could be used. The next
3 day the temperature drops to 20 degrees. This is the
4 3rd of December. Again, one CCF is used. Not boiler
5 usage. That doesn't indicate a boiler operating.
6 Then the 4th of December zero CCFs were used. Now,
7 those other two appliances, the water heater and the
8 range, use very little. So they could have actually
9 been using some that day but the meter just didn't
10 click over that day, or it clicked over just before
11 the meter reading on the previous day. So there
12 probably was some usage similar to the previous two
13 days. But what we're averaging out there is two CCFs
14 over three days. But then we look at the next day
15 and, again, we have one CCFs. Now we have three CCFs
16 in four days. Just basically pilot usage, standby
17 losses. Maybe some hot water usage if somebody is
18 there or cooking. Then the next day, which is a
19 Wednesday, the 6th of December, now all of a sudden
20 there are nine CCFs used when it's 37 degrees
21 outside, and that's more than either of those other
22 two appliances can use. So the power must have
23 returned at some time during that day. Then finally
24 on Thursday and Friday, the 7th and 8th, we have 20
25 CCFs and 49, the highest usage during any single day

1 in the period, were used. This is typically what
2 happens when a very cold home has power return to it.
3 There is a lot of gas that goes through the meters
4 because the heating appliance is running continuously
5 to try and recover the temperature.

6 MR. ZUCKER: So do these figures
7 support Ms. Fujii's claim that she has been charged
8 for gas she didn't use?

9 MR. REINHART: The power outage
10 figures?

11 MR. ZUCKER: Yes. The figures for
12 the first week in December?

13 MR. REINHART: No. They indicate
14 just what would be expected. That the house was
15 unheated for several days when there was no power and
16 then it recovered following that.

17 MR. ZUCKER: So those numbers are
18 consistent with the customer's claim of a power
19 outage and with a properly functioning gas meter.
20 Would you say that's accurate?

21 MR. REINHART: Yes, I would.

22 MR. ZUCKER: Let's go to the next
23 chart, and that is called from my Friday e-mail --
24 no. Okay. It's called Fujii, Teresita, CCF per HDD
25 comparison. If we could, could we mark that as

1 Exhibit 5?

2 JUDGE WOODRUFF: Certainly. Mr.
3 Zucker, what did you call that again?

4 MR. ZUCKER: Well, let's call it -- I
5 was trying to give the name that I sent it in the
6 e-mail. Is that what you want?

7 JUDGE WOODRUFF: Whatever you want to
8 call it.

9 MR. ZUCKER: What I want to call it
10 now is Fujii neighborhood use by year.

11 JUDGE WOODRUFF: Okay.

12 MR. ZUCKER: That's the title of the
13 document. Do you have a copy of this?

14 JUDGE WOODRUFF: I do, yes.

15 MS. FUJII: I'm looking for it. It
16 should be in here.

17 MR. ZUCKER: If you don't have one,
18 Ms. Fujii, I'd be happy to provide one to you. Here
19 you go.

20 MS. FUJII: Thank you.

21 MR. ZUCKER: Okay. Do you recognize
22 Exhibit 5?

23 MR. REINHART: Yes, I do.

24 MR. ZUCKER: And did you prepare

25 Exhibit 5?

1 MR. REINHART: Yes. Based on real
2 readings that were given to me by the legal
3 department I produced this.

4 MR. ZUCKER: And what does the front
5 page, this chart with colored lines, purport to show?

6 MR. REINHART: This shows that the
7 Fujii house falls in line with the other houses in
8 the neighborhood.

9 MR. ZUCKER: But what is it -- what
10 am I looking at?

11 MR. REINHART: What we've got here is
12 we have 6363 Waterman and its usage on an annual
13 basis compared to the annual usage of other homes
14 nearby that share the same square footage roughly.
15 In other words, the Fujii home is 3610 square feet is
16 what we found on property records. So we looked at
17 homes from 3410 square feet up to 3810 square feet.
18 Those are the 12 homes that fit into that category.

19 MR. ZUCKER: And do you know why
20 these are listed letter I through letter S?

21 MR. REINHART: My understanding is
22 that Ms. Fujii was originally given a list of other
23 homes that varied more gravely in square footage. As
24 a result she asked for a comparison where the square
25 footages were more similar.

1 MR. ZUCKER: Okay.

2 MR. REINHART: So we continued the
3 lettering from the original set.

4 MR. ZUCKER: So she received A
5 through H earlier?

6 MR. REINHART: That's my
7 understanding. I didn't work on that document.

8 MR. ZUCKER: Okay. Is this a true
9 and correct copy of the data you prepared?

10 MR. REINHART: Yes, it is.

11 MR. ZUCKER: I move for the entry of
12 Exhibit 5 into evidence.

13 JUDGE WOODRUFF: Exhibit 5 has been
14 offered into evidence. Any objections to its
15 receipt? Hearing none it will be received into
16 evidence.

17 MR. ZUCKER: Looking at Pages 2, 3
18 and 4 of this, can you tell us what that -- what
19 those pages represent?

20 MR. REINHART: What we did was in
21 order to make sure we were comparing things on an
22 equal basis we looked at read dates as close to the
23 summer as possible or prior to the beginning of the
24 heating season. We wanted to look at these homes on
25 an annual basis. So beginning with the heating

1 season of 2004-2005 and going through this past
2 December when most of the homes in the neighborhood
3 had their meters read on 12 -- well, actually, all
4 but one had them read on 12/19/07. We looked at the
5 meter readings, and for those homes that had complete
6 years, we had to adjust the months sometimes because
7 not all of the readings were available. But we
8 looked at August, we looked at July, sometimes
9 September and sometimes October. But we looked at
10 the usage and CCFs for each home where it was
11 available for each of those heating seasons and
12 looked at the heating degree days for those periods.
13 Did a ratio and then plotted that on the chart, which
14 is the front of this.

15 MR. ZUCKER: So Page 1, the colored
16 chart, is a picture representation of the information
17 on Pages 2, 3 and 4?

18 MR. REINHART: Yes.

19 MR. ZUCKER: Is that what you're
20 saying?

21 MR. REINHART: Yes. Pages 2 and 3
22 are actually the summaries of the read dates and the
23 readings and the heating degree days and the total
24 CCFs for those periods. The last page is where I
25 calculated CCFs per heating degree day for each of

1 go back before AMR, it's more likely that we didn't
2 have a good reading for a home in those previous
3 years. Either through a missed meter reading or a
4 self read or something like that. So when there
5 wasn't a month -- when I couldn't get an almost
6 complete year either plus or minus a month or two, I
7 couldn't really start a year in the middle of the
8 winter because you can't compare part of a winter to
9 a whole winter. If you do that you're looking at
10 just the cold months or just the warm months, and
11 heating degree days or CCFs per heating degree days
12 tend to vary from month to month. So it's always
13 better to look at things on an annual basis.

14 MR. ZUCKER: Do you know whether the
15 meters in this neighborhood tend to be inside this
16 home or outside?

17 MR. REINHART: Well, it's an older
18 subdivision. I know the meter at 6363 Waterman is
19 inside. I would assume they're inside, but I haven't
20 really looked to see the location of each of these
21 meters.

22 MR. ZUCKER: What does the period --
23 the last column says 2007 to December 2007. What
24 period does that actually cover?

25 MR. REINHART: That covers the

1 period, if we look at the second page of the data,
2 roughly August through December of last year.

3 MR. ZUCKER: Okay.

4 MR. REINHART: Again, this is just
5 the opposite of what I said we would like to do,
6 which is to compare total years to total years. But
7 in the interest of including all of the data that we
8 had up to this point, we did plot that four months of
9 usage on the graph with the other annual usage
10 numbers.

11 MR. ZUCKER: So there is a marked
12 decline on the line for 6363 Waterman from its point
13 at 2006-2007 to its point in the column 2007 to
14 December 2007. Does that indicate that the Fujii's
15 were possibly overcharged for the 06-07 period?

16 MR. REINHART: Not really, because
17 there are decreases for other homes as well. In
18 fact, most of the homes either show a decrease or a
19 slight decrease. There are only two that show an
20 increase over that period.

21 MR. ZUCKER: Okay. And is that based
22 on time of the year that the readings happen to be
23 at?

24 MR. REINHART: Yeah. You're
25 including August and September, which tend to be

1 warmer months. I mean they're not heating months.
2 The water tends to be warmer. So what we're really
3 just looking at is total annual use divided by
4 heating degree days. When you look at part of a
5 winter you're really missing out on January and
6 February and those sorts of things. So you're --
7 there the heating load even more overpowers the base
8 load. So we're losing that effect by only looking at
9 part of the year.

10 MR. ZUCKER: Can you tell us what
11 base load is?

12 MR. REINHART: Base load is things
13 like water heating and cooking which tend to increase
14 in the winter. But they certainly don't increase as
15 heating load does. So while they may be important to
16 your bill in the summertime, they're very small in
17 the wintertime compared to the heating load.

18 MR. ZUCKER: So does base leave out
19 the effects of weather?

20 MR. REINHART: Normally if you're
21 doing a calculation you try to include some effects
22 of weather. In other words, the base usage in the
23 wintertime tends to be higher if you took out the
24 heating. If you didn't have gas heating, if you just
25 had a water heater and a range year round, you would

1 notice such a usage increased in the wintertime.
2 There is a couple of reasons for that. The main one
3 being that people use more hot water because they
4 have to mix it with colder water to get the same
5 temperature that they're comfortable with. They also
6 have to heat that colder water more degrees in order
7 to get the normal hot water temperature that their
8 hot water heater is set at. A minor thing is people
9 tend to eat out less in the wintertime, and so
10 they're more likely to use their range.

11 MR. ZUCKER: Ms. Fujii has indicated
12 that since the new meter was installed March 14th the
13 usage figures have been more in line with what she
14 has expected. Do you agree that the usage pattern
15 changed with the meter change?

16 MR. REINHART: No. If we looked at
17 an individual month, and I don't believe that level
18 of detail is on here. But if you look at the month
19 of December '06 and the month of December of '07 and
20 you look at the CCFs per heating degree days for
21 those periods, they're very comparable.

22 MR. ZUCKER: What about remember from
23 Exhibit 4 you have dates it looks like all the way to
24 March 29, 2007. What -- how did the new meter
25 perform between March 14th and the end of the month?

1 In other words, did she see right away a change in
2 pattern?

3 MR. REINHART: No. As I recall, and
4 we probably could pull that off of the spreadsheet
5 here. But there was a -- I don't have the math right
6 here in front of me. But in December of 2006 with
7 the old meter there was -- I'm trying to look at the
8 period here. It was after the power failure. There
9 was a period of similar number of heated degree days
10 of --

11 MR. ZUCKER: Similar to what?

12 MR. REINHART: Similar to that -- to
13 the week following the replacement of the meter.

14 MR. ZUCKER: Okay.

15 MR. REINHART: And the usage actually
16 was lower during that period in December of '06 than
17 it was in the period of March '07. Again, I'll just
18 say that qualitatively. I don't have the numbers
19 here in front me. I have the numbers, but I don't
20 have the calculations done.

21 MR. ZUCKER: But the usage on the new
22 meter was actually higher you're saying?

23 MR. REINHART: Yeah. I mean there
24 was similar weeks in heating degree days. As I
25 recall, a little over 100. A 100 teens or something

1 like that or 120. But the CCFs were in the 30s I
2 believe for the December '06 period that week and
3 possibly as high as the 50s during that March '07.

4 MR. ZUCKER: So in the end -- you've
5 done a lot of work here. In the end, what is your
6 conclusion about the Fujii's claim that they've been
7 overcharged?

8 MR. REINHART: I think this is good
9 data. It's useful data. It's something I'm going to
10 keep so that I can have a better idea of what a home
11 looks like when it's under construction or being
12 rehabed. I don't believe they were overcharged. I
13 believe this shows exactly what happened at the house
14 during that time period.

15 MR. ZUCKER: Okay. Thank you, Mr.
16 Reinhart. No further questions.

17 JUDGE WOODRUFF: All right. For
18 cross then we'll go to staff.

19 MR. BAKER: No questions.

20 JUDGE WOODRUFF: Ms. Fujii, do you
21 have any questions for Mr. Reinhart?

22 MS. FUJII: I do.

23 JUDGE WOODRUFF: Go right ahead.

24 MS. FUJII: Mr. Reinhart, why is
25 there no data for the usage for 6363 Waterman shown

1 here before our ownership of it?

2 MR. ZUCKER: Which exhibit are we
3 looking at?

4 MS. FUJII: Exhibit 5.

5 MR. REINHART: Exhibit 5.

6 MR. ZUCKER: Exhibit 5. Okay.

7 MR. REINHART: We don't have any data
8 for those times of the year. We don't have any good
9 reads. Or at least they're not reliable from one
10 year to the next. I think if you look -- I know
11 there is actually none listed there for that one. We
12 do have -- we do have a good read in August of '06.
13 But there was not one in the summertime of '04 or
14 '05. So that made it impossible to do that
15 calculation on an annual basis for 6363 Waterman.

16 MS. FUJII: So you're saying that on
17 this graph there were readings back to 2004 that you
18 could use for every other house but mine and house M?

19 MR. REINHART: Let's see, house M
20 missed both those years. That's correct. House 0 we
21 missed it the first year, 2004-2005. But we were
22 able to pick it up in '05-'06. Then R it looks like
23 we missed both those years too.

24 MS. FUJII: So somehow my house, you
25 just don't have any information about my house before

1 I owned it?

2 MR. REINHART: Yes. As Mr. Zucker
3 alluded to, it was an indoor meter. It was prior to
4 AMR. Sometimes we get reads and sometimes we didn't
5 in that case.

6 MS. FUJII: So you're saying that for
7 the 36 years that the previous owners had that house
8 their bills were entirely estimate?

9 MR. REINHART: No. What I'm saying
10 -- I'm sorry. During the summertime -- there may
11 have been reads during other months during this
12 period. The reason there is no data for 6363
13 Waterman for those two heating seasons is because we
14 didn't have reliable readings during August or
15 September or October or I guess even July readings
16 for that.

17 MS. FUJII: How about previous to
18 that summer?

19 MR. REINHART: We didn't look
20 previous to 2004. Our customer information system
21 tends to archive the data, and if you wanted
22 something older than that --

23 MS. FUJII: No. I'm saying between
24 2004 and 2006?

25 MR. REINHART: There may be other

1 reads. I don't recall all of the data. It's not
2 included here. I was only looking at summer reads
3 for the most part, summer and fall. Early fall
4 reads. So there certainly were reads during the
5 wintertime. There would be -- on an annual basis
6 there has to be a read to get in there and true up on
7 estimates and that sort thing.

8 MS. FUJII: And why were you only
9 looking at summertime information here?

10 MR. REINHART: I'm trying to look at
11 -- I'm trying to compare one annual use period to
12 another annual use period. So that includes the
13 entire winter so that you get the base for the whole
14 year in there. You get all of the warm and cold
15 months in there. So that makes the two winters more
16 comparable. I do divide by heating degree days to
17 try and make it level there to get this thing on the
18 left side, which is gas volume per heating degree
19 day. That compares one year to the next. But even a
20 cold winter versus a warm winter can have different
21 effects on a house. It isn't completely linear as
22 heating degree day formulas might make you think. So
23 certainly if you leave out cold months or warm months
24 you get a bad analysis. And that's why --

25 MS. FUJII: Okay.

1 MR. REINHART: Why we did it from
2 summer to summer.

3 MS. FUJII: I see. All right. And
4 when you look at the months immediately following my
5 meter change and compare those to those same months
6 of the previous year, is that on here?

7 MR. REINHART: No. You mean
8 immediately following, like that spring and the
9 summer, this past summer?

10 MS. FUJII: So right after March 14th
11 of this. So if we look at March to April, April to
12 May, May to June, compared to those same months of
13 2006, how can we compare what the meter readings were
14 with the new meter versus the old meter? How do they
15 compare to each other?

16 MR. REINHART: It don't have that
17 data here because it wasn't really heating season
18 then. I do vaguely remember looking at it and it was
19 very low. It was back down to usage, as would be
20 expected because the water is warm. There is -- Mr.
21 Zucker has it here.

22 MR. ZUCKER: I've provided this
23 information as part of a discovery request. I may
24 have another copy for you, Ms. Fujii.

25 MR. REINHART: Just going on billing

1 periods, which the next billing period, the April
2 billing period, began about a week after the meter
3 was replaced. We have an index going from 9720 up to
4 9727. That would be seven CCFs. That indicates some
5 space heating during that period. As I recall it got
6 kind of cold there at the beginning of April after a
7 very mild late March last year. Then the May billing
8 period is another five CCFs, and I think the heating
9 season was pretty much over by the 23rd of April.
10 So that seems like plenty of consumption for a house
11 that should just be using its water heater and range,
12 if even those two items because it was still not
13 occupied. So it kind of surprises me to see even
14 five CCFs used. So here we have a new meter which is
15 showing measurable usage. The boiler is operating
16 during that month of May. Then we used another three
17 CCFs from May 22nd through June 21st. Are we looking
18 at the right date I guess?

19 MS. FUJII: Yes.

20 MR. REINHART: Yeah. There is
21 another three CCFs, and again, that's more than I
22 expect that water heater to be able to use, unless
23 someone is taking showers or they're washing out
24 paintbrushes every day, all the time using gallons
25 and gallons of hot water. That seems like a lot of

1 usage. Another four in July. So there is some base
2 there. It could all be pilots. But it's certainly
3 more than pilots. I don't think even the boiler
4 pilot would be that large. So there is still usage
5 with the new meter, and some of it seems to be during
6 the very mild spring following that cold April that
7 we had. There is some space heating usage it looks
8 like.

9 MS. FUJII: So when you compare the
10 same months the previous year with the old meter,
11 isn't that recording far more usage?

12 MR. REINHART: We don't really have
13 that data it doesn't look like. I'm going back and
14 I'm looking -- I can't start with February 21, 2006,
15 because that's deep in the winter still.

16 MS. FUJII: And then it jumps to
17 April?

18 MR. REINHART: And then it jumps from
19 April to July. But let's look at April and July when
20 there shouldn't be a lot of usage there. April could
21 be kind of cold. May could be cold. I don't recall
22 the weather from that far back. What are we looking
23 at, 35 and 37. A total of 72. I'm an engineer. Not
24 a calculator. 71 CCFs it looks like for three months
25 there. Which, again, we don't know how cold it was

1 in late April or May.

2 MS. FUJII: And then when you compare
3 that to this year, I'm sorry, '07, when you look at
4 June and July -- or May, June, July.

5 MR. REINHART: Right.

6 MS. FUJII: The numbers are far, far,
7 far smaller.

8 MR. REINHART: Again, I really didn't
9 research the house for the Spring and the Summer of
10 '06. I don't know -- I really don't know if anyone
11 was living there or what the thermostat setting was
12 at or anything like that. So I can't really say. It
13 could be that it --

14 MS. FUJII: Just looking at the
15 readings -- I'm saying if you just look at the
16 readings, the readings of April -- the period of
17 March, April, May of '06 are much higher usage
18 recorded than the period of March, April, May of '07,
19 and June.

20 MR. REINHART: But my understanding
21 is the house was unoccupied during March, April and
22 May -- well, March still might have had some heating
23 there. But that's when the meter was changed. Let's
24 go April. When you say March, I would call that
25 April because it's 03/22 to 04/23/07. So that's

1 April, May, June and July let's say. We can't really
2 do that for '06. Yes, we can. We have 03/19.

3 MR. ZUCKER: No.

4 MR. REINHART: No. 04/21. Okay. So
5 we have to drop out -- do we have that? Except the
6 trouble is that 04/21 comes all the way from February
7 21st. So I have to skip that one. So I can really
8 only look at May, June and July, which was 71 in '06
9 and May, June and July was -- May, June and July was
10 -- what is that, 12? Am I looking at the right
11 number?

12 MS. FUJII: 12, yeah. So it's three
13 times as much in '06 as in '07. The old meter
14 recorded three times as much usage in '06 as the new
15 meter recorded in '07, roughly?

16 MR. REINHART: Right. That's
17 correct.

18 MS. FUJII: Does that -- how could
19 that be explained if both meters were accurate?

20 MR. REINHART: Again, it's the human
21 factor. Both meters were measured to be accurate.
22 So I'd have to accept that the meter readings are
23 right. So then the only other question is how can it
24 be explained? The answer is people don't keep daily
25 logs of their lives. We don't have indoor

1 temperature data loggers telling us what the average
2 daily temperature was inside of the homes during
3 those periods. The answer is sometimes it just can't
4 be explained.

5 MS. FUJII: Or it can be explained by
6 one meter not being accurate?

7 MR. REINHART: Well, it could be.

8 MS. FUJII: It could be?

9 MR. REINHART: In this case the meter
10 was tested for accuracy. So I'd have to rely on
11 that. Again, I don't really know the situation at
12 the home during either of those three months.

13 MS. FUJII: Uh-huh.

14 MR. REINHART: Three month periods.

15 MS. FUJII: As I said, if we just
16 look at the usage though, is it telling at all that
17 the old meter was recording three times more usage
18 than the new meter during the same time period from
19 one year to the next?

20 MR. REINHART: It doesn't tell me
21 anything because I don't know the average inside air
22 temperature or the average weather during that
23 period. Without that I can't really make any kind of
24 judgment. Even then people operate things
25 differently.

1 MS. FUJII: Can you apply that to all
2 of the numbers then, all of the ranges and all of the
3 work that you've done here that if you don't know --
4 on the one hand aren't you saying this data is
5 reliable because of the information you used to get
6 to arrive at and on the other hand it's not reliable
7 because you don't know the indoor temperature and so
8 forth and so on?

9 MR. REINHART: What I've done with
10 the data I've presented today is I've compared usage
11 with weather. When I do that I see that it attracts
12 weather as I kind of would expect for a properly
13 operating meter and a heated home where the
14 thermostat is on but it may be set at whatever
15 setting it's set at. Who knows. When you have an
16 older home that's 3,600 square feet that's got
17 boilers and possibly giant piping from an old gravity
18 hot water system or something, it's difficult to
19 change the usage for that home just by changing the
20 thermostat setting. It can reduce it but it doesn't
21 eliminate it. Big houses use a lot energy.

22 MS. FUJII: Having just said that
23 then, doesn't that contradict -- you're saying it's
24 not easy to change usage. We just saw that usage was
25 three times more under the old meter than the new

1 meter?

2 MR. REINHART: Again, I haven't
3 looked at the weather for that period 2006. It may
4 be that. It may be part of it. Also, that's a
5 milder month. I noticed in looking through some of
6 this data that a lot of these times tend to have
7 fairly high summer consumption. I don't know if
8 that's because of a lot of fixtures. Sometimes they
9 may have old water heaters that are part a boiler.
10 So the boiler is operating in the summer. There is
11 no way without collecting a lot more data why a
12 particular home uses what it uses. All we can do is
13 trust the accuracy of the meters, especially the ones
14 that have been tested recently.

15 MS. FUJII: Also, the daily use
16 chart, also part of Exhibit 4, I don't understand how
17 the usage or the interpolated usage doesn't coincide
18 with the actual days of power being out?

19 MR. REINHART: Oh. I didn't have to
20 interpolate those. You see there is no asterisks to
21 the left?

22 MS. FUJII: Okay.

23 MR. REINHART: We missed the 29th and
24 the 30th just before the power went out. It was
25 actually lucky that we were able to get this because

1 we've tried to locate other homes that have standby
2 power generators to see what kind of gas they use
3 when the power is out. Unfortunately the AMR meters
4 were not using -- apparently when your neighborhood
5 was out the AMR receiver, which would be nearby on a
6 telephone pole, was working because we actually got
7 good readings during that period. None of those are
8 listed as missing.

9 MS. FUJII: Well, so for the actual
10 use then, according to this it doesn't coincide with
11 the actual days that the power was out. I just
12 wondered how that could be?

13 MR. REINHART: Well, I think I kind
14 of explained that. But I'll go through this again.

15 MS. FUJII: I understand at the
16 beginning. But at the end when it goes up to 20 CCFs
17 on this -- is it the 6th or 7th?

18 MR. REINHART: That's the 7th and
19 that's a Thursday.

20 MS. FUJII: The power was still out
21 on Thursday?

22 MR. REINHART: Perhaps it was
23 returned for a short period of time. I don't know
24 exactly. If you were there the whole time and the
25 power was always off that would be understandable. I

1 know when our power went off for a few days -- I
2 think it was this past summer. I'm not sure exactly
3 when that was. It would come on for a little while.
4 But then it had to go back off again. So it doesn't
5 always stay on when it first comes on. But, again,
6 since the meter was tested that is more interesting
7 to me than confusing in that I can actually see a
8 house recovering from the power outage. It was
9 really kind of just lucky that we are able to see
10 that picture because the cell net tower was working
11 because it apparently had power during that period.

12 MS. FUJII: I just don't know how too
13 much recovery could have occurred before the power
14 was back on. When you say that the AMR misses
15 things, do you or does anyone know why you can't get
16 a reading every day from the AMR?

17 MR. REINHART: I'm not a meter
18 expert.

19 MS. FUJII: Okay.

20 MR. REINHART: I don't know. I'm
21 just glad when I get them.

22 MS. FUJII: Well, that's what makes
23 me question the accuracy or how erratic the AMR might
24 be?

25 MR. REINHART: What's interesting is

1 when there is AMR data it does track the weather and
2 when the AMR data returns it's always at a higher
3 number, which can be explained for the weather during
4 that period. So it's not unexplainable. It doesn't
5 fall out of what I would expect to see. I mean, in
6 other words, forget the power outage because you
7 weren't actually heating then. It was actually
8 getting really cold. But we'll look back at the one
9 -- maybe not even the one right before. Let's look
10 at the one from November 21st, the 22nd and the 23rd
11 were both missed. Do you see that in the middle of
12 the first page approximately?

13 MS. FUJII: Yes.

14 MR. REINHART: Then it was all of a
15 sudden 8948 for an increases of 41 CCFs over a three
16 day period. It's a three day period when it wasn't
17 particularly cold but it was somewhat cold. So the
18 reading then, that 31, I split up as 10, 11 and 11
19 just because the one day, the day when the readings
20 came back, it was 54. So that's warmer than 47 or
21 49. So I split it up sort of evenly. Again, I
22 didn't use a calculator to do that. But if you look
23 back at some other days similar to that -- well,
24 again, I think this kind -- these were weekdays, and
25 if you look at the following weekend all of a sudden

1 all of the temperature is similar. It's very low.
2 There is some apparently uncontrolled usage going on.
3 It's not, it's not always following a set pattern,
4 and that was what the second chart was supposed to
5 show was that during weekdays it tends to use more
6 than during weekends during this period we're talking
7 about. Since the meter test accurately read, I can
8 only assume there is a human factor involved. But
9 it's not out of line. 11 CCFs on a 40 degree day is
10 not out of line. There are other days that that
11 happens.

12 MS. FUJII: And when you described
13 your position at Laclede Gas as someone who looks at
14 customer usage and how the usage fits into what would
15 be expected, how do you define what's expected and
16 are you always talking about what's expected for
17 homes that are occupied?

18 MR. REINHART: Well, we don't always
19 know if a home is occupied I guess. I mean we do
20 look at individual homes and then we might have that
21 information. It's not exact distinction. I'll give
22 you an example. We did look at one home which was a
23 much smaller home, a three bedroom ranch style home,
24 that had a lot of computers in it. That it stayed
25 vacant for a while. When we looked at the usage it

1 had gone up even though the thermostat was set back.
2 It was simply set back so it wouldn't freeze. That
3 home had more usage when it was unoccupied than it
4 had the previous winter than when it was occupied by
5 human beings and several computers. That's because
6 the computers supplied some of the heat.

7 MS. FUJII: Uh-huh.

8 MR. REINHART: So there the usage
9 actually goes up when it's vacant. I've heard of
10 other high bill complaints, not work that I've done,
11 where customers call in and say that a property is
12 vacant. It's because there is no internal gains,
13 there is no refrigerator, which puts out quite a bit
14 of heat. There is no lights. There is no computers.
15 There is no people in there generating heat.

16 MS. FUJII: Uh-huh. Although that
17 wouldn't apply in this case because there were people
18 in there generating heat and using lights and so
19 forth?

20 MR. REINHART: It varies I guess is
21 what I'm saying. It's always hard to back out the
22 human factor in a home and explain why usage is what
23 it was.

24 MS. FUJII: Being that the water
25 meter was -- I mean the water heater was set on the

1 vacation setting. You had mentioned 100 cubic feet
2 per week is typical. Does that change what you would
3 expect to see if usage --

4 MR. REINHART: When you say vacation,
5 I haven't actually used it that much. But does that
6 actually keep the burner from coming on then so the
7 water is colder in there and only the pilot is on?

8 MS. FUJII: Only the pilot is on
9 because when the inspector was there it had been on
10 vacation and he couldn't get a hot enough temperature
11 reading because the water heater was set on vacation.
12 It was only after it was set to normal use that he
13 could get a high enough temperature?

14 MR. REINHART: Our field inspector
15 report says it was set at medium. Is that the
16 inspector you're talking about? I'm kind of
17 confused.

18 MS. FUJII: The new meter, water
19 meter that we installed, it was set at vacation.

20 MR. REINHART: Oh. That's -- when
21 was the plumber there? At any case, it could be
22 that, you know, the pilot use would use one cubic
23 foot per week. It depends. If it's set at vacation
24 it could be less. Pilot lights are pretty small.

25 MS. FUJII: I believe that's probably

1 all my questions. Okay. Yes. I'm finished.

2 JUDGE WOODRUFF: All right. I don't
3 of any questions for the bench. Any redirect?

4 MR. ZUCKER: Yes, Your Honor. Just a
5 little. Can we again look at 6363 Waterman? This is
6 not evidence that is -- we don't have an exhibit for
7 that. But this is from information that we provided
8 to the Fujii's in response to a data request. Would
9 you look at the 04/21/06 reading. It's 8665; is that
10 correct?

11 MR. REINHART: Yes. That's what it
12 says.

13 MR. ZUCKER: And the 07/24/06 reading
14 is 8737?

15 MR. REINHART: Right.

16 MR. ZUCKER: And so the difference
17 between those two, 35 and 37, is 72?

18 MR. REINHART: 72.

19 MR. ZUCKER: 27 CCFs were used
20 between 04/21/06 and 07/24/06; is that correct?

21 MR. REINHART: That's correct.

22 MR. ZUCKER: Now, look at 2007.
23 04/23/07 the reading is 9727?

24 MR. REINHART: Right.

25 MR. ZUCKER: 07/23/07 the reading is

1 9739. That is a total then 12 CCF, right?

2 MR. REINHART: Right.

3 MR. ZUCKER: Okay. For that period.

4 Now, we know from earlier testimony that the Fujii's
5 bought this house in August of 2006; is that correct?

6 MR. REINHART: That's what I've
7 heard, yes.

8 MR. ZUCKER: Is that what you heard?

9 MR. REINHART: I heard that.

10 MR. ZUCKER: We know that they just
11 moved in in January 2008. Is that -- did you hear
12 that today?

13 MR. REINHART: Yes.

14 MR. ZUCKER: And we know that
15 therefore the home was vacant during that period from
16 April 23rd to July 23rd?

17 MR. REINHART: In '07, that's
18 correct.

19 MR. ZUCKER: In '07.

20 MR. REINHART: Right.

21 MR. ZUCKER: Yes, sir. So would the
22 use of 12 CCFs during that period be surprising given
23 the fact that the home is vacant and we're moving out
24 of the winter and spring into the summer?

25 MR. REINHART: No, it's not.

1 MR. ZUCKER: Okay. Now, let's go
2 back to the April '66 to July '06 usage of 72 CCF.
3 That period is before the Fujii's bought the house,
4 correct?

5 MR. REINHART: Correct.

6 MR. ZUCKER: Do you know whether the
7 previous owner lived in the house?

8 MR. REINHART: No, I do not.

9 MR. ZUCKER: If that person lived in
10 the house, would 72 CCF be a reasonable amount for
11 that period?

12 MR. REINHART: It could be just base
13 usage depending on the amount of hot water which was
14 used. It also could be heating usage. But without
15 knowing say looking at a summer usage when it was
16 occupied maybe say from '05 or something like that or
17 looking at the weather data for that period, I really
18 couldn't say whether it was normal or not. But it
19 certainly looks occupied.

20 MR. ZUCKER: You're saying that would
21 or would not be a normal number for an occupied home?

22 MR. REINHART: It indicates that it's
23 occupied and not occupied, yes. It could be normal.

24 MR. ZUCKER: That's all I have.

25 JUDGE WOODRUFF: Thank you. Then

1 we're finished with Mr. Reinhart. Does Laclede have
2 any other witnesses or any other testimony?

3 MR. ZUCKER: No, Your Honor.

4 JUDGE WOODRUFF: All right. Well, I
5 believe that concludes the evidentiary portion of
6 this hearing then. I'm assuming the parties would
7 like to offer written arguments, written briefs
8 following receipt of the transcript. Is that
9 agreeable for the parties?

10 MR. ZUCKER: That's the normal
11 course.

12 MS. FUJII: I don't understand the
13 question.

14 JUDGE WOODRUFF: The normal process
15 in these cases the parties will offer written
16 arguments after review of the transcript.

17 MS. FUJII: Like a rebuttal or
18 response to the transcript?

19 JUDGE WOODRUFF: Right. You have a
20 chance to make a final argument.

21 MR. ZUCKER: It's more of a summary
22 of what the evidence was given. So the first thing
23 that happens is Ms. Darr will give us a little book
24 that -- she won't give it to us. You'll be charged
25 for it. But a little book with what was testified to

1 here today and then using that book and citing from
2 it you make your arguments in what's called a brief.

3 MS. FUJII: Okay.

4 JUDGE WOODRUFF: As far as scheduling
5 the brief, I believe the transcript is due on January
6 28th. I will be looking at it a couple weeks after
7 that, say February 19th. You would just file that --
8 mail it to the Commission for filing with the case.

9 MR. ZUCKER: Okay.

10 JUDGE WOODRUFF: Anything else we
11 need to deal with while we're still on the record?

12 MR. ZUCKER: I do not believe so.
13 Ms. Fujii, anything you can think of?

14 MS. FUJII: No.

15 JUDGE WOODRUFF: Okay. With that
16 then we are -- this hearing is adjourned and we're
17 off the record.

18 (WHEREIN, the hearing was concluded
19 at 1:55 p.m.)

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NOTARIAL CERTIFICATE

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I, Stephanie D. Darr, Certified Court Reporter

and a duly commissioned Notary Public within and for

the State of Missouri, do hereby certify that the

record was taken by me to the best of my ability and

thereafter reduced to typewriting under my direction;

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Stephanie D. Darr, CCR