

1 STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
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TRANSCRIPT OF PROCEEDINGS
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5 Prehearing Conference
6
7 March 11, 2015
Jefferson City, Missouri
8 Volume 1
9
10 CRAIG A. SMITH,)
)
11 Petitioner,)
)
12 vs.)Case No. GC-2015-0147
)
13 LACLEDE GAS COMPANY,)
)
14 Respondent.)
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JUDGE KIM S. BURTON, Presiding
18 REGULATORY LAW JUDGE
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20
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1 P R O C E E D I N G S

2 JUDGE BURTON: All right. Let's go ahead
3 and go on the record in the matter of Craig A.
4 Smith, Complainant, versus Laclede Gas Company,
5 Respondent. And that's File No. GC-2015-0147.

6 My name is Kim Burton. I'm the Regulatory
7 Law Judge who has been assigned to this matter
8 that's currently before the Missouri Public Service
9 Commission.

10 At this time, I would ask that all the
11 parties enter their appearance for the record.
12 Mr. Smith, let us know if you can't hear anyone
13 just because of where things are situated in our --
14 in our room. But let's go ahead and start with the
15 Complainant.

16 MR. SMITH: This is Craig Smith. I'm a
17 pro se attorney.

18 JUDGE BURTON: Okay. And would you please
19 provide your address for the court reporter?

20 MR. SMITH: My office address is 141 North
21 Meramec, M-e-r-a-m-e-c, Suite 201, Clayton,
22 Missouri, 63105.

23 JUDGE BURTON: Okay. Thank you. And on
24 behalf of Laclede Gas Company?

25 MR. ZUCKER: Rick Zucker here for Laclede

1 Gas Company. We are located at 700 Market Street,
2 6th Floor, St. Louis, Missouri, 63101. And I'm
3 here with Mike Pendergast.

4 JUDGE BURTON: Okay. Thank you. And on
5 behalf of the Staff of the Commission?

6 MR. BORGMEYER: Yes. Thank you, your
7 Honor. Appearing for the Staff of the Missouri
8 Public Service Commission, my name is John
9 Borgmeyer. Address is P.O. Box 360, Jefferson
10 City, Missouri, 65102.

11 And with me, I have Justin Edwards, the
12 Staff member who investigated this complaint, and I
13 have Gay Fred, who is the Manager of the Consumer
14 Services Department.

15 JUDGE BURTON: Okay. Thank you. And on
16 behalf of the Office of Public Counsel?

17 MR. POSTON: Marc Poston appearing for
18 Office of Public Counsel, P.O. Box 2230, Jefferson
19 City, Missouri, 65102.

20 JUDGE BURTON: Okay. Thank you, everyone.
21 Now, the reason I requested this pre-hearing
22 conference is we received the Complaint as well as
23 the Answer and Staff's report and recommendation.

24 And the way this usually works, Mr. Smith,
25 is we provide an opportunity after we go off the

1 record here for the parties to discuss and resolve
2 any -- attempt to discuss and resolve any ongoing
3 conflict.

4 And if there seems to be issues that are
5 still in dispute, my aim is to try to keep things
6 moving by setting a schedule and requesting a
7 hearing date if that's needed.

8 Now, Mr. Smith, normally what we do, we
9 have hearing offices here in Jefferson City,
10 Missouri. But we also have offices located in
11 St. Louis. And I believe that's where you're
12 located, correct?

13 MR. SMITH: Correct.

14 JUDGE BURTON: Okay. So if we do need a
15 hearing, we will look to what would be the most
16 convenient for you.

17 MR. SMITH: Right.

18 JUDGE BURTON: And so if that's a -- a
19 location in St. Louis, please let me know.

20 MR. SMITH: Right. That would be where --
21 Clayton is the County seat, so either Clayton or
22 the City of St. Louis. City of St. Louis is ten
23 miles away, so that's no big deal.

24 JUDGE BURTON: Okay. And what I would
25 request at that point is, I'm going to let the

1 parties just let me know if there's any dispute
2 that we believe needs to be resolved through a
3 hearing before the Commission.

4 MR. SMITH: Okay. Do you want me to talk
5 for a couple minutes?

6 JUDGE BURTON: Yes. That's fine.

7 MR. SMITH: I'm assuming you have my
8 Complaint and you reviewed it. There's kind of a
9 long, rolling history of frustration with Laclede
10 Gas on my part, the culmination that kind of
11 prompted the filing of the lawsuit, which was then
12 met with a Motion to Dismiss, saying that I needed
13 to file a formal Complaint.

14 So I filed the formal Complaint because
15 Laclede gas said I needed to file a formal
16 Complaint. It was that they -- they sent me a gas
17 cut-off notice over a dispute with their estimating
18 my gas for a period of a year and then finally
19 coming out in 11 months and some days and changing
20 the meter and telling me I owed them \$650.

21 While I was asking how they came up with
22 the 650, I got a letter in the mail saying they
23 were going to cut off my gas and that I had to pay
24 by credit card that weekend on the telephone or
25 they're going to come out and cut off my gas and

1 I'd owe additional money.

2 So I paid by credit card. And when they
3 sent me that notice, I had signed up for this Easy
4 Pay plan. But the Easy Way plan, for some reason,
5 wasn't an option.

6 And they demanded that I -- I pay in cash
7 at their window or by credit card on the telephone.
8 So I paid it. And then the Easy Pay plan. When
9 this rolled around, it took out another 650 bucks
10 or whatever it was. \$600 plus.

11 So I double paid once, you know, basically
12 under duress and then by the Easy Pay plan. And
13 then they didn't refund my money.

14 And it became pretty obvious that what
15 they were going to do was hold onto my money. And
16 then when my 50 or \$100, \$150 gas bill came in over
17 a period of months, they were going to credit me
18 for that money.

19 And that didn't seem right to me. It
20 seemed like, you know, if they could Easy Pay take
21 my money, they should Easy Pay put it back in.

22 So it made me mad that they had basically
23 converted this money and they were going to hold it
24 and not refund it. And I was upset that, you know,
25 I have to pay by credit cards or they'll cut my gas

1 off right now, right now, right now. And yet when
2 they get an overpayment, they sit on it and they
3 take their sweet time in paying it back

4 JUDGE BURTON: Mr. Smith, I'm going to
5 just interject real quick here. We're not actually
6 conducting an evidentiary hearing to take testimony
7 on this.

8 MR. SMITH: Okay.

9 JUDGE BURTON: What I'm trying to
10 determine is, is there still a dispute?

11 MR. SMITH: Here's where we're at. Here's
12 where we're at. They have now refunded my money.
13 So sitting here today, I do not have a -- in the
14 State Court action, I asked for punitive damages
15 for conversion, but I dismissed that lawsuit
16 without prejudice.

17 So only thing left is this thing. They've
18 refunded my money, so I do not have a monetary
19 claim against Laclede Gas. But what I do have is
20 you the handling of this.

21 And it's my understanding that the PSC has
22 made some recommendations how Laclede Gas or other
23 people could better address refunds when they get
24 too much money, and, also, the handling of the
25 estimated meter readings.

1 I sent in a series of meter readings,
2 which they never acknowledged receiving. And had
3 they -- had they got them and recorded them, then
4 there wouldn't have been this \$650 surprise at the
5 end of the year of them not having my meter wrong
6 and coming out and reading the meter.

7 And I understand there's some
8 recommendations that they do a better job of doing
9 something with these cards that they sent out,
10 which I think they're required to send out the
11 cards. And then you go down to the basement with
12 your flashlight and read it.

13 So, basically, what I told the PSC Counsel
14 is, you know, where I'm at now is no money, but I
15 would like to see the PSC address the concerns I
16 have about how they handled the meter cards and how
17 they handled my refund, not so much for me, but as
18 a matter of policy going forward.

19 And I understand there's some
20 recommendations. And I've also told Counsel for
21 Laclede that, you know, I'd be happy if Laclede and
22 the PSC staff worked out whatever recommendations
23 came from this Complaint and something was done for
24 the better of people in the future that are stuck
25 where I was stuck on the cards not being read and

1 my refund not being made.

2 JUDGE BURTON: Okay. Then why don't --
3 why don't we proceed this way, then? I haven't
4 heard from the attorneys yet for Staff, the Office
5 of Public Counsel or for Laclede, but it seems to
6 me as if you're content with the recommendations
7 that Staff has made, correct?

8 MR. SMITH: Sure. I'll live with whatever
9 they agree to.

10 JUDGE BURTON: Then why don't we do this?
11 We can go off the record and see if the parties
12 want to go ahead and discuss outside of my presence
13 an off-the-record resolution or Laclede's position
14 on those recommendations with Staff.

15 And you are more than welcome to stay on
16 the line, Mr. Smith, and participate in that call
17 and see if that addresses your concerns.

18 MR. SMITH: I'll be glad to listen, and I
19 promise to keep my -- my windy mouth shut as much
20 as possible to let them work it out between
21 themselves. But I am interested in it, so I'd like
22 to stay on and hear what they have to say.

23 JUDGE BURTON: How about this? I know
24 you're saying you're acting Pro Se. But why don't
25 I just ask staff to just file a -- a status report

1 after the meeting, let's say, within the next week.

2 Would that -- is that sufficient time --

3 MR. BORGMEYER: Yes.

4 JUDGE BURTON: -- Mr. Borgmeyer? Okay.

5 So that would be till the 18th of March to file a

6 status report on behalf of all the parties just

7 indicating where we are.

8 And perhaps if -- if there is a resolution

9 to this or at that point, let me know, Mr. Smith.

10 You can file a motion -- you can -- the parties can

11 file a Motion to Dismiss or you can voluntarily

12 determine and submit a request to dismiss your

13 Complaint.

14 I'm not trying to pressure you to do that

15 now. I'm just saying that's your option --

16 MR. SMITH: All right.

17 JUDGE BURTON: -- after -- after listening

18 to this. So I will wait with baited breath until

19 the 18th and see what the report is, and we will

20 proceed from there.

21 MR. BORGMEYER: Sounds fine, your Honor.

22 Thanks.

23 JUDGE BURTON: Are there any other issues

24 that we need to address while we're on the record?

25 MR. ZUCKER: I don't believe so.

1 JUDGE BURTON: Well, I thank everybody for
2 their time, and I hope we can revolve so that
3 everyone can enjoy the pleasant spring weather and
4 the air conditioning. And with that, we'll be off
5 the record.

6 (The proceedings were concluded at 11:12 a.m. on
7 March 11, 2015.)

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)

) ss.

4 COUNTY OF OSAGE)

5

6 I, Monnie S. Mealy, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered Professional
8 Reporter, within and for the State of Missouri, do hereby
9 certify that I was personally present at the proceedings as
10 set forth in the caption sheet hereof; that I then and there
11 took down in stenotype the proceedings had at said time and
12 was thereafter transcribed by me, and is fully and accurately
13 set forth in the preceding pages.

14

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19 _____
Monnie S. Mealy, CSR, CCR #0538

20 Registered Professional Reporter

21

22

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<p>A</p> <p>accurately 13:12</p> <p>acknowledged 9:2</p> <p>acting 10:24</p> <p>action 8:14</p> <p>additional 7:1</p> <p>address 3:19,20 4:9 8:23 9:15 11:24</p> <p>addresses 10:17</p> <p>agree 10:9</p> <p>ahead 3:2,14 10:12</p> <p>aim 5:5</p> <p>air 12:4</p> <p>Answer 4:23</p> <p>appearance 3:11</p> <p>appearing 4:7,17</p> <p>asked 8:14</p> <p>asking 6:21</p> <p>assigned 3:7</p> <p>assuming 6:7</p> <p>attempt 5:2</p> <p>attorney 2:13 3:17</p> <p>attorneys 10:4</p> <p>a.m 12:6</p>	<p>breath 11:18</p> <p>bucks 7:9</p> <p>Burton 1:17 3:2 3:6,18,23 4:4 4:15,20 5:14,18 5:24 6:6 8:4,9 10:2,10,23 11:4 11:17,23 12:1</p> <p>C</p> <p>C 2:1 3:1</p> <p>call 10:16</p> <p>caption 13:10</p> <p>card 6:24 7:2,7</p> <p>cards 7:25 9:9,11 9:16,25</p> <p>Case 1:12</p> <p>cash 7:6</p> <p>CCR 1:21 13:19</p> <p>CERTIFICATE 13:1</p> <p>Certified 13:6,7</p> <p>certify 13:9</p> <p>changing 6:19</p> <p>City 1:7,22 2:4,9 4:10,19 5:9,22 5:22</p> <p>claim 8:19</p> <p>Clayton 2:18 3:21 5:21,21</p> <p>come 6:25</p> <p>coming 6:19 9:6</p> <p>Commission 1:1 2:2,3 3:9 4:5,8 6:3</p> <p>Company 1:13 3:4,24 4:1</p> <p>Complainant 3:4 3:15</p> <p>complaint 4:12 4:22 6:8,13,14 6:16 9:23 11:13</p> <p>concerns 9:15 10:17</p> <p>concluded 12:6</p> <p>conditioning 12:4</p>	<p>conducting 8:6</p> <p>conference 1:5 4:22</p> <p>conflict 5:3</p> <p>Consumer 4:13</p> <p>content 10:6</p> <p>convenient 5:16</p> <p>conversion 8:15</p> <p>converted 7:23</p> <p>correct 5:12,13 10:7</p> <p>Counsel 2:6,8 4:16,18 9:13,20 10:5</p> <p>County 5:21 13:4</p> <p>couple 6:5</p> <p>court 3:19 8:14 13:7</p> <p>Craig 1:10 2:16 2:17 3:3,16</p> <p>credit 6:24 7:2,7 7:17,25</p> <p>CSR 1:21 13:19</p> <p>culmination 6:10</p> <p>currently 3:8</p> <p>cut 6:23,25 7:25</p> <p>cut-off 6:17</p> <p>D</p> <p>D 3:1</p> <p>damages 8:14</p> <p>date 5:7</p> <p>days 6:19</p> <p>deal 5:23</p> <p>demand 7:6</p> <p>Department 4:14</p> <p>determine 8:10 11:12</p> <p>discuss 5:1,2 10:12</p> <p>dismiss 6:12 11:11,12</p> <p>dismissed 8:15</p> <p>dispute 5:5 6:1 6:17 8:10</p> <p>doing 9:8</p> <p>double 7:11</p>	<p>duress 7:12</p> <p>E</p> <p>E 2:1,1 3:1,1</p> <p>Easy 7:3,4,8,12 7:20,21</p> <p>Edwards 4:11</p> <p>either 5:21</p> <p>enjoy 12:3</p> <p>enter 3:11</p> <p>estimated 8:25</p> <p>estimating 6:17</p> <p>everybody 12:1</p> <p>evidentiary 8:6</p> <p>F</p> <p>file 3:5 6:13,15 10:25 11:5,10 11:11</p> <p>filed 6:14</p> <p>filing 6:11</p> <p>finally 6:18</p> <p>fine 6:6 11:21</p> <p>flashlight 9:12</p> <p>Floor 4:2</p> <p>formal 6:13,14 6:15</p> <p>forth 13:10,13</p> <p>forward 9:18</p> <p>Fred 4:13</p> <p>frustration 6:9</p> <p>fully 13:12</p> <p>future 9:24</p> <p>G</p> <p>G 3:1</p> <p>gas 1:13 2:11 3:4 3:24 4:1 6:10 6:15,16,18,23 6:25 7:16,25 8:19,22</p> <p>Gay 4:13</p> <p>GC-2015-0147 1:12 3:5</p> <p>glad 10:18</p> <p>go 3:2,3,14 4:25 9:11 10:11,12</p>	<p>going 5:25 6:23 6:25 7:15,17,23 8:4 9:18</p> <p>H</p> <p>handled 9:16,17</p> <p>handling 8:20,24</p> <p>happy 9:21</p> <p>hear 3:12 10:22</p> <p>heard 10:4</p> <p>hearing 5:7,9,15 6:3 8:6</p> <p>hereof 13:10</p> <p>history 6:9</p> <p>hold 7:15,23</p> <p>Honor 4:7 11:21</p> <p>hope 12:2</p> <p>I</p> <p>indicating 11:7</p> <p>interested 10:21</p> <p>interject 8:5</p> <p>investigated 4:12</p> <p>issues 5:4 11:23</p> <p>J</p> <p>Jefferson 1:7,22 2:4,9 4:9,18 5:9</p> <p>job 9:8</p> <p>John 2:3 4:8</p> <p>Judge 1:17,18 3:2,7,18,23 4:4 4:15,20 5:14,18 5:24 6:6 8:4,9 10:2,10,23 11:4 11:17,23 12:1</p> <p>Justin 4:11</p> <p>K</p> <p>keep 5:5 10:19</p> <p>Kim 1:17 3:6</p> <p>kind 6:8,10</p> <p>know 3:12 5:19 6:1 7:11,20,24 9:14,21 10:23 11:9</p> <p>L</p>
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