

In the Matter of:

CLAUDE SCOTT

v.

SPIRE MISSOURI, INC. d/b/a SPIRE

GC-2020-0201, VOL. II

December 04, 2020



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

December 4, 2020

Jefferson City, Missouri (WebEx)

Volume 2

Claude Scott,)
)
Complainant,)
)
vs.) File No. GC-2020-0201
)
Spire Missouri, Inc.)
d/b/a Spire,)
)
Respondent.)

JANA JACOBS, Presiding
REGULATORY LAW JUDGE

JASON R. HOLSMAN
SCOTT T. RUPP
MAIDA J. COLEMAN,
COMMISSIONERS

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A P P E A R A N C E S

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P R O C E E D I N G S

1
2 JUDGE JACOBS: Let's bring this proceeding to
3 order. We are now on the record.

4 COMMISSIONER HOLSMAN: Commissioner Holsman is
5 here.

6 JUDGE JACOBS: I'm sorry, Commissioner
7 Holsman. Thanks for speaking up. I'll be introducing
8 the Commission in just a minute. Thanks for letting me
9 know that you are here.

10 All right. As I said before, we're now on the
11 record. Good morning. Today is December 4, 2020. The
12 time is now 9:18 a.m. The Missouri Public Service
13 Commission has set aside this time for an evidentiary
14 hearing in Case No. GC-2020-0201 which concerns
15 Mr. Claude Scott's complaint against Spire Missouri,
16 Incorporated.

17 My name is Jana Jacobs, and I'm the Regulatory
18 Law Judge presiding over this hearing. As you know, the
19 members of this Commission are: Chairman Ryan Silvey.
20 I don't believe the Chairman is present with us at this
21 time. Commissioner William Kenney. I haven't heard
22 from Commissioner Kenney yet either. Commissioner Scott
23 Rupp, who is present with us at the hearing today.
24 Commissioner Maida Coleman. I do not believe
25 Commissioner Coleman is present at this time. And

1 Commissioner Jason Holsman, who we have heard from and
2 who is present for the hearing this morning.

3 COMMISSIONER COLEMAN: Commissioner Coleman is
4 here.

5 JUDGE JACOBS: Oh, thank you, Commissioner
6 Coleman, for speaking up. So we do also have
7 Commissioner Coleman present with us this morning. The
8 first thing that we would do is entries of appearance
9 and the parties would introduce themselves. At this
10 point we don't have the complainant, Mr. Claude Scott.
11 So I'll just note that Mr. Scott is not present. I
12 don't have an email message or any phone calls providing
13 an explanation for his absence.

14 It's 9:19 a.m. So we're going to continue
15 with the hearing. So we could advance now to an entry
16 of appearance for Spire. If your contact information,
17 Counsel, is already part of this file on EFIS and it's
18 current information, you don't need to repeat all of
19 that contact information when you introduce yourselves
20 today.

21 Ms. Bockstruck, did you want to introduce
22 yourself for Spire?

23 MS. BOCKSTRUCK: Yes. Appearing on behalf of
24 Spire Missouri, Goldie Bockstruck.

25 JUDGE JACOBS: Thank you very much.

1 Mr. Pringle, for Staff?

2 MR. PRINGLE: Thank you, Judge. Travis
3 Pringle, Staff Counsel Department, Staff of the Missouri
4 Public Service Commission. My information is also up to
5 date on EFIS.

6 JUDGE JACOBS: Thank you very much,
7 Mr. Pringle. So as everyone can see, this hearing is
8 being conducted by telephone and videoconference. I'm
9 going to ask everyone to silence their phone and
10 computer and try to eliminate as many of those alerts as
11 you can. I took the risk of doing that myself this
12 morning. If you're participating by video, of course
13 you're going to try to silence your line when you're not
14 speaking so that everyone can hear.

15 I want to let any witnesses who are planning
16 to appear today by video, as well as their attorneys
17 know, that I don't expect you to remain present by video
18 for the entire time. When you take the stand and you
19 give your testimony, if you have video available you can
20 initiate that at that time, and then the Commissioners
21 and the court reporter and everyone else will be able to
22 see you when you give your testimony.

23 So for counsel, if you have video available to
24 you and it's functioning, I appreciate that you keep
25 that on during the hearing. I understand that you might

1 need to briefly shut it off for purposes of privacy, and
2 I also understand you might have a technical problem
3 where you need to just cut off the video because it's
4 not working that well. Other than that, I anticipate
5 that counsel is going to remain present on video with us
6 today.

7 So I'm planning on taking a break today at
8 about 11:30. If you need a break before that time, just
9 go ahead and speak up and let me know.

10 All right. Just to briefly talk about
11 exhibits. Because we're doing a remote hearing, I asked
12 the parties to do an exhibit disclosure before the
13 hearing today, and the parties did cooperate in that
14 process. So that will allow the parties to reference
15 proposed exhibits that are either documents that were
16 previously filed in EFIS or that were included in the
17 exhibit disclosures that they made, also making sure
18 that Mr. Scott had received copies of those.

19 We don't have many exhibits. So we won't need
20 this many numbers. Just for ease of reference, I was
21 going to recommend that Mr. Scott's exhibits be numbered
22 from 1 to 99; that Spire's start at 100; that Staff
23 start at 200 and anything the Commission might need to
24 mark would start at 300. Does that work for counsel?

25 MR. PRINGLE: That's good with Staff, Judge.

1 MS. BOCKSTRUCK: Yes.

2 JUDGE JACOBS: Okay. Thank you very much. So
3 after we get through the hearing, we'll have a list of
4 the exhibits that have been offered and admitted and
5 then adjudication staff will mark those and they will
6 get filed in EFIS and then everyone will have an
7 opportunity to make sure that that was done correctly.
8 So that's the process that we'll follow there. Everyone
9 will be given time to do that.

10 Does anyone have any questions about how that
11 process will work or any concerns? Okay. And then if
12 Mr. Scott were present, and I do have some additional
13 call-in users so I'm going to ask if Mr. Scott has
14 appeared this morning. Mr. Scott, are you --

15 MR. SCOTT: I'm here.

16 JUDGE JACOBS: Okay, sir. Thank you. Thank
17 you, sir. I'm going to ask you to introduce yourself
18 one more time so I can figure out which line is yours.

19 MR. SCOTT: Okay. My name is Claude Scott.
20 The residence is 3725 Geraldine Avenue.

21 JUDGE JACOBS: Okay. Thank you, sir. I
22 figured out which line is yours. And if you could just
23 let us know, I didn't notice exactly when you joined the
24 call. So did you hear the information that I had
25 provided about when witnesses need to be on video this

1 morning? Did you hear that?

2 MR. SCOTT: Yes, I did.

3 JUDGE JACOBS: Okay. And are you aware of the
4 Commissioners who are present at the hearing this
5 morning, sir?

6 MR. SCOTT: No, I'm not aware of them.

7 JUDGE JACOBS: Okay. So we do have present
8 with us Commissioner Rupp, we have Commissioner Coleman
9 with us and we also have Commissioner Holsman. So there
10 are three Commissioners that are on the line to attend
11 your hearing here today, sir.

12 MR. SCOTT: Okay.

13 JUDGE JACOBS: Okay. So the other thing I had
14 done was I had just asked folks who are not making
15 comments and are on video to just keep their lines
16 muted. So I just had made some introductory comments
17 like that. And then I talked about how we handled
18 exhibits in this case. So let me just go over that for
19 you again. Okay?

20 MR. SCOTT: Sure.

21 JUDGE JACOBS: All right. So as you're aware,
22 the parties were asked to identify the documents that
23 they might want to use in this case ahead of time and
24 then that was just called an exhibit disclosure. So the
25 parties have done that. So everyone should have a

1 knowledge of and have copies of all the possible
2 documents that might be used today. And then I just
3 recommended that those be marked with a certain
4 numbering scheme. So your documents, sir, are going to
5 start at number 1. If Spire marks documents, they're
6 going to start at 100, Staff is going to start at 200
7 and the Commission at 300. Does that make sense?

8 MR. SCOTT: Sure, yes.

9 JUDGE JACOBS: Okay. All right. And then
10 after we get through the hearing today, we will have a
11 list of documents that were offered as exhibits. So
12 those will all be marked by the Commission staff and
13 then filed in EFIS, and then I will give all the parties
14 time to make any corrections that might need to be made.
15 You will receive something in the mail that will explain
16 that to you, sir. Do you have any questions about that?

17 MR. SCOTT: No.

18 JUDGE JACOBS: Okay. I think I've caught you
19 up then to where we were when I realized that you had
20 joined the hearing. So now I can continue. The issue I
21 was going to go into next was that I would propose that
22 the Commission take official notice of Spire Missouri's
23 tariffs. And the tariffs are essentially just the
24 written rules about how the utility conducts business,
25 and those are all approved by the Commission. So does

1 any party have any objection to those -- to the
2 Commission taking official notice of those in this case?

3 MR. SCOTT: I'll speak on this and that is
4 that they never sent me, they being the Commission or
5 Spire, had never sent me a copy of I should say, what am
6 I looking for, the legal ramification for them billing
7 in excess of usage.

8 JUDGE JACOBS: Okay. So that doesn't actually
9 --

10 MR. SCOTT: I haven't received any of that.

11 JUDGE JACOBS: That doesn't address the issue
12 that I just posed. So the tariffs are the rules that
13 the utility has to operate under. Is there any reason
14 at all why you wouldn't --

15 MR. SCOTT: I have never gotten a copy of the
16 tariffs either.

17 JUDGE JACOBS: Okay. Those are publicly
18 available. So they are something that anyone can go
19 review by using the Commission's systems to go look at
20 that stuff.

21 MR. SCOTT: Ma'am, what I'm saying is the
22 Commission never notified me that that was public use --
23 you could access it with public usage. The Commission
24 has told me absolutely nothing about the tariffs
25 whatsoever or the availability of it.

1 JUDGE JACOBS: And that is information that is
2 available to those who seek it out. So if you want to
3 have information about how to review tariffs, there's
4 information about that on the Commission's website. I
5 know that's one place that you can go and look.

6 MR. SCOTT: Okay. I understand that, ma'am.
7 What I'm saying is that my argument here is that the
8 Commission -- there's too much that I haven't been told.
9 The Commission has not informed me on where to find
10 information, if the information is available, what
11 information is available. They haven't told me any of
12 what you just said.

13 JUDGE JACOBS: Okay. So the tariffs --

14 MR. SCOTT: They sent me a lot of papers, but
15 they have not sent me any information on where to find
16 the tariff or anything.

17 JUDGE JACOBS: So in order to decide the case,
18 it will be necessary potentially to review the
19 Commission's tariffs. So the Commission is going to
20 take official notice of those in this case. We can
21 proceed to the next issue.

22 So I'm just going to review the way the
23 hearing will proceed today. This is according to
24 documents that the parties themselves filed which
25 Mr. Scott did participate in that process.

1 So Mr. Scott, you're going to go first, and
2 you have been listed as the only witness today for your
3 case. Spire apparently will have three witnesses to
4 present. And then after Spire rests, we will hear from
5 Staff, and I believe Staff is going to present one
6 witness. So to make sure that you're familiar with how
7 that works, Mr. Scott, witnesses may be subject to
8 cross-examination. So that means that you could be
9 asked questions by counsel for the other parties. And
10 you can also ask questions of their witnesses. In
11 addition, the Commissioners may also want to ask
12 questions of witnesses and I may also ask questions as
13 well.

14 So that takes us to the point in the
15 proceeding when I would ask if the parties had any
16 preliminary matters that they wanted to discuss before
17 we actually got into the hearing today. Do any parties
18 need to do that at this point?

19 MR. SCOTT: The only thing I wanted to bring
20 up is they sent me a picture of a meter. I don't know
21 if that's my meter. And I was not present for what they
22 were doing as far as testing the meter. They sent me a
23 meter itself, a picture of a meter. I don't know who
24 that belongs to because I was not here when they picked
25 that meter up.

1 JUDGE JACOBS: I believe that meter picture is
2 one of the disclosures that was made by Spire for
3 potentially being a document they're going to offer into
4 evidence today. At that point if you have concerns
5 about that you could bring that up at that stage.

6 THE COURT REPORTER: Judge --

7 JUDGE JACOBS: Yes.

8 THE COURT REPORTER: -- I just had a request
9 that could you explain to Mr. Scott, you know, what my
10 function is here today and that we can have one person
11 speak at a time and you can't interrupt.

12 JUDGE JACOBS: I will explain that to
13 everybody, because we all need a reminder about that, I
14 think. So we do have a court reporter here who is
15 trying to make a record of everything that is said. And
16 if we are speaking over people and interrupting them,
17 then it makes her job very difficult. So I'm going to
18 ask everyone to try very hard not to speak over other
19 people, let folks finish what they're saying before
20 interrupting. Mr. Scott, do you have any questions
21 about how that works?

22 MR. SCOTT: No, I don't.

23 JUDGE JACOBS: Okay. Thank you very much,
24 sir. I'm probably one of the chief offenders on this.
25 I'll do my best to not run over people as well.

1 Okay. So there is one preliminary matter I
2 think that we need to take up. Mr. Scott, did you
3 address everything you wanted to?

4 MR. SCOTT: I guess I have.

5 JUDGE JACOBS: Okay. And did Spire or Staff,
6 do either party have anything to discuss at this stage?
7 Doesn't look like it.

8 MS. BOCKSTRUCK: No.

9 JUDGE JACOBS: Thank you. I can tell from
10 your faces. I can tell. That's okay. I'll take a cold
11 stony stare as a response. That's fine.

12 I do have something that I think we might want
13 to address at this point and that would be, Mr. Scott,
14 something that you filed on December 1. So this was
15 your response to the requirement to disclose your
16 exhibits. Are you there, Mr. Scott?

17 MR. SCOTT: Yeah, I'm here. What -- Did you
18 want me to speak on that or do you want me to --

19 JUDGE JACOBS: I just wanted to make sure that
20 you were still there. So you included something that
21 you had titled a motion for discovery.

22 MR. SCOTT: A motion for discovery was when
23 they was basically supposed to have sent me a copy of
24 the actual usage, as well as the billing itself. And
25 what they've been doing, based on what the table they

1 sent me, they didn't send me what I asked for in
2 discovery because they never responded to that. What
3 they did send me -- What somebody sent me, I don't know
4 who it is, is a detailed listing on one page. It gave
5 me dates, it gave me the bill of payments, it gave me a
6 running balance and the actual usage itself. The actual
7 usage is way below what these people are billing.

8 JUDGE JACOBS: I'm sorry. I apologize for
9 interrupting you. What we want to address right here is
10 what you were asking for when you made that filing on
11 December 1. So I just have some questions.

12 MR. SCOTT: You're saying December 1 of this
13 year?

14 JUDGE JACOBS: Yes, sir, that's what I'm
15 saying.

16 MR. SCOTT: Okay, because that's what I
17 responded to. My motion for discovery was, hang on
18 here, it was pretty detailed. Just basically asked
19 these people again, here it is, the complaint, motion
20 for discovery. What it's basically saying is that the
21 monthly billing of 4/2019 to 10 of 2020 for the meter
22 readings. I haven't gotten that from them yet.

23 JUDGE JACOBS: Yes, okay. All right. So my
24 question to you is, did you ask for that information
25 from Spire at some point in this case?

1 MR. SCOTT: Yes, I did. I asked for this
2 information a long time ago.

3 JUDGE JACOBS: When did you ask for it?

4 MR. SCOTT: When I asked for it was prior to
5 the meter changeout and after the meter changeout. I
6 asked for this information from Spire. Spire has been
7 very hesitant on sending me the actual information on
8 this case itself, and I found that the only place I
9 could get any information from is the Missouri Public
10 Service Commission. Spire is sending other things that
11 are really not helping me, but they have not sent me the
12 exact thing that I was asking for. That's when you got
13 that second motion for discovery.

14 JUDGE JACOBS: So back in May, or earlier than
15 May, you had asked for some information from Spire and
16 now in December you've come to say that you didn't get
17 the information you wanted.

18 MR. SCOTT: No, I did not get the actual
19 information that I asked Spire for, because I asked them
20 for a time period. And Spire went and gave me -- What
21 they did send me was a copy of what they actually
22 billed. It was not -- It didn't say anything about
23 well, this is the only thing that you use. It showed me
24 the billing and credits. So that's the only thing that
25 I've gotten in the package from Spire. I did not get an

1 actual usage amount. This is the main thing that I was
2 looking for in this entire complaint was what is the
3 actual usage and the reason for that.

4 JUDGE JACOBS: I would anticipate that
5 potentially testimony today might address some of the
6 questions that you have about that. I was asking about
7 this, because the parties all agreed that discovery
8 requests would -- discovery would take place before a
9 certain date in this case. So I was trying to figure
10 out whether you had already asked for this information
11 that you're asking for here.

12 MR. SCOTT: This has been my third motion for
13 discovery. Yes, I have asked for it before.

14 JUDGE JACOBS: I would note that what you
15 attached to this document that you filed on December 1
16 doesn't have any dates on it or anything that indicates
17 when you asked for this information. But you just told
18 me --

19 MR. SCOTT: The motion for discovery, they
20 didn't require that I ask for a specific date. What I
21 did was I asked for a time period --

22 JUDGE JACOBS: I meant the date --

23 MR. SCOTT: -- went through in discovery
24 approximately -- looks like in here what it says on here
25 is 24 months billing, detailed billing, not a flash

1 drive or anything like that. I did not get it.

2 JUDGE JACOBS: Mr. Scott.

3 MR. SCOTT: Yes.

4 JUDGE JACOBS: Mr. Scott, my reference to date
5 was the date that you actually made the request to
6 Spire.

7 MR. SCOTT: Okay.

8 JUDGE JACOBS: Your attachment does not either
9 say -- When you asked for the information previously and
10 none of the documents are dated, so I couldn't tell when
11 you had asked for this information from Spire
12 originally. You just told me you asked for it prior to
13 May.

14 MR. SCOTT: I would have to go back through
15 this entire case, because there's a lot of paper to this
16 case, to find out when these documents were asked for
17 from Spire.

18 JUDGE JACOBS: Actually you answered my
19 question. You told me it was before the meter change
20 took place in May.

21 MR. SCOTT: Right, it was before the meter
22 change took place, but I asked for it prior to that as
23 well. I asked for that thing about three times. It
24 looks like the meter changeout, looks like it occurred
25 in May of this year. I'm not exactly sure when that

1 meter change took place. I know they say they changed
2 the meter.

3 JUDGE JACOBS: Okay. Would Spire or staff
4 have anything to say about Mr. Scott's December 1 filing
5 concerning something that he's called a motion for
6 discovery?

7 MS. BOCKSTRUCK: Yes, Your Honor. Spire has
8 not received any request for discovery from Mr. Scott.

9 MR. SCOTT: Okay. I know that's false.

10 MR. PRINGLE: Judge, this is Travis Pringle.
11 This is Travis Pringle from Staff. And we also couldn't
12 find a discovery motion. I went and noticed the filing
13 with no date on it. It does still reference November
14 23, 2020 and October 2020, which is way past our
15 discovery expiration date.

16 JUDGE JACOBS: Okay. So Mr. Scott --

17 MR. PRINGLE: I want to respond to that. I
18 want to respond to that. That is, first of all, a
19 motion for discovery has no expiration date on it.
20 Whenever you ask for a motion for discovery, the court
21 does not stamp an expiration date on a motion for
22 discovery, especially in a case such as this in a civil
23 case. When you feel that you need information, you can
24 submit motion for discovery at any time at any point in
25 that case.

1 JUDGE JACOBS: Mr. Scott, I don't want to --
2 We don't have time this morning to go into a belabored
3 legal argument along those lines. So do you have
4 anything that you can use to show that you asked Spire
5 for this information?

6 MR. SCOTT: Yes, I have a copy of my motion
7 for discovery. Spire can say anything it wants to say.
8 I've already sent Spire a motion for discovery. I sent
9 the Public Service Commission the same motion that I
10 sent Spire. Whenever I send these out I send them out
11 to both parties. Spire is saying they didn't get it.

12 JUDGE JACOBS: What method are you using?

13 MR. SCOTT: I'm using mail, the US mail, US
14 postal service.

15 JUDGE JACOBS: Okay. So there's a case here
16 that has a case number where filings that are made are
17 recorded, and this particular case doesn't include a
18 motion for discovery from you except for the document
19 that you filed on December 1.

20 MR. SCOTT: Okay. I know then what they're
21 not doing is counting that motion in their documents.
22 Those motions are sent out so I can get information
23 back. I don't know why they're not documenting the
24 motion for discovery when one has been sent to them.
25 That's the only way I'm going to know how to get

1 information or if information exists.

2 JUDGE JACOBS: It would be your
3 responsibility, sir, to keep track of any requests for
4 information that you have made.

5 MR. SCOTT: I have a copy of everything I sent
6 them.

7 JUDGE JACOBS: Okay. A copy that indicates
8 when it was sent and what method was used?

9 MR. SCOTT: The motion for discovery is not
10 going to be dated. The only thing it will tell you is
11 the time period in it, time period and the information
12 that's requested. That motion for discovery does not
13 require a specific date. You can go by the date on the
14 postal service delivery of it. It shouldn't take any
15 more than a two-day period from when I mail it.

16 JUDGE JACOBS: In this particular instance,
17 you filed something with the Commission and it has a
18 stamp on it that shows when it was received by the
19 Commission.

20 MR. SCOTT: It should show that.

21 JUDGE JACOBS: Yeah, there's no -- In this
22 case that's how we know that it was submitted.

23 MR. SCOTT: Okay.

24 JUDGE JACOBS: There is no previous motion for
25 discovery in this case.

1 MR. SCOTT: There has to be a previous motion,
2 ma'am. If I have to go back and dig through these
3 papers to find that previous motion, because of so much
4 paperwork that they're sending me on this case, if I
5 have to go back and dig through those pages, because I
6 know I sent both of you all a copy of the motion for
7 discovery on two occasions prior to this last one.
8 These motions are not dated. You go by the postal date
9 because the statute does not apparently require a date
10 on these when the motion was filed itself. It will
11 require a signature. It will require the party that's
12 sending it, but it does not require a specific date on
13 there. That's why the postal service date is the only
14 date you have to go by. I don't know how long it will
15 take to get to you.

16 JUDGE JACOBS: Okay. So what I'm going to do
17 is I'm going to take your December 1 filing and
18 reference to a motion for discovery under advisement.
19 And if I feel like I need additional information, I will
20 ask for it from the parties after the hearing.

21 MR. SCOTT: Okay.

22 JUDGE JACOBS: Okay. So we would be ready at
23 this point to get started with opening statements.
24 Although your opening statement is not evidence, sir, I
25 want you to make sure that you're sworn in to provide

1 testimony. So I'm now going to administer the oath to
2 you, Mr. Scott. Would you raise your right hand,
3 please?

4 MR. SCOTT: Yes, I will.

5 (Mr. Claude Scott sworn.)

6 JUDGE JACOBS: Thank you, sir. All right.

7 Your opening statement is an opportunity to outline the
8 arguments that you would like to make today in support
9 of your complaint. You're not going to state your
10 entire case. You're just going to give the Commission a
11 preview of what your arguments are. So you can go ahead
12 and proceed, sir.

13 MR. SCOTT: Okay. The preview of the argument
14 is that Spire is sending me bills that show usage that
15 are completely different from what they're billing me.
16 These usage numbers are far lower than the billing
17 amounts. Spire's customer service has already told me
18 on more than one occasion that your household is not
19 using any more than 1.50 to 2.50 per month. That means
20 \$1.50, \$2.50 per month in gas. The only thing that I
21 use in this house is two gas stove eyes that heats up
22 the entire place. There is no furnace involved and very
23 little hot water involved. On several of their
24 billings, and I could go through billing after billing
25 if you want, the point is is that it shows me the therms

1 that are being used, it shows me what they're charging
2 for those therms, and then it caps on a delivery charge,
3 a customer charge in addition to the usage. This is
4 something that I've been asking Spire about and they've
5 been dodging my questions for the past year about this.
6 These billings are excessive. Even in the summertime
7 these billings are high when nobody is here using
8 anything.

9 I'm trying to figure out is Spire telling the
10 truth about what they're saying on the meter or are they
11 just estimating numbers? Spire has already told me
12 themselves that we can charge you for gas you don't use.
13 This is Spire who is telling me this. I'm trying to
14 figure out how is this being allowed. My usage is far
15 below what they are charging me. So in other words,
16 they are overcharging me for estimated billing.

17 JUDGE JACOBS: Okay. Thank you, sir. Does
18 Spire Missouri have an opening statement?

19 MS. BOCKSTRUCK: Yes, Your Honor. May it
20 please the Commission. We are here today to address
21 allegations made by the complainant Claude Scott against
22 Spire Missouri, which I will refer to simply as Spire.
23 Spire will show that all of Mr. Scott's allegations are
24 not only unsubstantiated but also untrue. Since the
25 beginning of the company's interactions with Mr. Scott,

1 Spire has done nothing but try to assist him with every
2 concern he has raised.

3 The events leading up to Mr. Scott's formal
4 complaint began in January of this year 2020, when Mr.
5 Scott contacted Spire regarding online access to his
6 account and how to print his bills. Spire's customer
7 service rep assisted Mr. Scott by showing him how to
8 access his bills in My Account. Later, Mr. Scott
9 contacted this company for a second time regarding
10 access to his bills, and the company further assisted
11 him by emailing him copies as he requested. When
12 Mr. Scott asked the company what his monthly payment
13 would be under a payment plan, the company notified Mr.
14 Scott the payment amount but he never reached out to the
15 company after that. Instead Mr. Scott filed his
16 complaint alleging that the company overbilled him, that
17 the company did not provide accurate meter readings on
18 his bills, said the company failed to credit his account
19 for two payments he made in September 2019, said the
20 company failed to offer or enter into a payment plan
21 with him and lastly that the company violated the cold
22 weather rule by threatening to disconnect his gas
23 service for nonpayment in January of 2020 at a time when
24 the temperature was 21 degrees.

25 The company's evidence today will show that

1 Mr. Scott's meter was operating accurately and that all
2 his bills are based on actual accurate usage.

3 In May of 2020, the company scheduled and
4 performed a meter change per Mr. Scott's request.

5 Mr. Scott made claims that he was not contacted prior to
6 a meter change but Spire's witness, Service Technician
7 Mr. Wilken, will testify that he did attempt to contact
8 Mr. Scott and that he did, in fact, change his meter.

9 After changing Mr. Scott's meter, it was taken to the
10 meter shop for testing. Mr. Scott was invited to
11 witness the test which took place on June 15. The
12 results of that meter test showed that Mr. Scott's meter
13 had been operating accurately.

14 Spire will call James Rieske, the director of
15 measurement, to testify regarding Mr. Scott's meter test
16 and the results of that test. The evidence will also
17 show that Mr. Scott's bills conveyed accurate meter
18 readings of Mr. Scott's actual gas usage. Connie
19 Sanchez, with Spire's customer service department, will
20 testify that all of Mr. Scott's bills are based on
21 actual, not estimated usage. Ms. Sanchez will also
22 testify that each of the two payments made by Mr. Scott
23 were, in fact, credited to his account as evidenced from
24 Mr. Scott's bills themselves. She'll further testify
25 that the company did attempt to work out a payment plan

1 with Mr. Scott but that Mr. Scott never returned the
2 company's phone calls to set up a plan, and lastly
3 she'll testify that the company never violated the cold
4 weather rule, the company never threatened Mr. Scott
5 with disconnection in January of 2020 and Mr. Scott was
6 never disconnected from service the entire time he's
7 been a customer of Spire.

8 Spire complies with the cold weather rule and
9 does not disconnect residential service when the
10 temperature is forecasted to fall below 32 degrees over
11 a 24-hour period.

12 In summary, Mr. Scott's allegations are all
13 untrue and have absolutely no basis in fact. After the
14 conclusion of evidence in this case, the company asks
15 that the Commission issue an order finding that Spire
16 has not violated any tariff or statute or any Commission
17 rule, order or decision in its interactions with
18 Mr. Scott. Thank you.

19 JUDGE JACOBS: Thank you, Ms. Bockstruck. Do
20 we have an opening statement from Mr. Pringle for staff?

21 MR. PRINGLE: Yes, Judge. Thank you. May it
22 please the Commission. My name is Travis Pringle, and
23 I'm representing the staff of the Missouri Public
24 Service Commission in this proceeding. On January 16,
25 2020, Claude Scott filed this small formal complaint

1 against Spire Missouri.

2 In small formal complaint cases such as this
3 one, staff completes an investigation and files an
4 investigative report with the Commission and all parties
5 to the complaint case. In this case, Staff was ordered
6 to file its report by April 20, 2020. Having completed
7 its investigation and having filed its report, Staff
8 concludes that Spire has not violated any applicable
9 statutes, Commission rules or Commission approved
10 company tariffs associated with this complaint.

11 However, Staff's investigation did touch on Mr. Scott's
12 prior informal complaint against Spire in June 2019.

13 Staff's consumer services department
14 discovered that a Spire representative failed to offer
15 Mr. Scott a medical certification form in violation of
16 Spire's own internal guidelines. That being said, Spire
17 did advise Staff that the representative in question
18 underwent further training to ensure this oversight did
19 not happen again.

20 Staff member Tammy Huber, who completed
21 Staff's investigation and co-authored Staff's report, is
22 available today should there be any factual questions
23 regarding Staff's investigation. Notwithstanding the
24 failure of a Spire representative to offer Mr. Scott the
25 medical certification form, Staff stands by its

1 conclusion. Based on the facts before us, Spire has not
2 violated any applicable statute, Commission rules or
3 Commission approved company tariffs associated with this
4 complaint. Thank you.

5 JUDGE JACOBS: Thank you very much,
6 Mr. Pringle. We can now proceed to taking evidence. We
7 will begin with Mr. Scott. Mr. Scott, this is your
8 opportunity to present your case. You may call
9 witnesses, although I understand that you don't intend
10 to do so today. You can offer evidence on the record,
11 and the most typical forms of evidence before the
12 Commission are testimony from a witness and evidence in
13 the form of documents. This is your opportunity to tell
14 the Commission what happened and support it with your
15 testimony and the testimony of other witnesses and with
16 documents which are often called exhibits.

17 All of the parties' witnesses may be
18 questioned by other parties. So the lawyers for Spire
19 and Staff may ask you questions. Likewise, you'll have
20 the opportunity to ask questions of other parties'
21 witnesses as well. In addition, Commissioners may ask
22 questions and I may also ask questions.

23 Mr. Scott, the information provided in this
24 case to this point indicates that you may be testifying
25 today. Are you presenting any other witnesses?

1 MR. SCOTT: No, I'm not.

2 JUDGE JACOBS: And as you've already been
3 sworn in, you may proceed, sir.

4 MR. SCOTT: Okay. I'm going to go through
5 what I'm showing on, first of all, in my exhibit that
6 you guys had mentioned as far as what exhibits you want
7 to introduce. This is going strictly by Spire's billing
8 page, the detailed billing page. I'll just give you
9 dates. I'll try not to ramble on this.

10 JUDGE JACOBS: So if you would, please, if
11 you're going to refer to any specific documents, would
12 you please identify those documents and make sure you
13 give everyone a chance to also find those so that we can
14 all look at them at the same time.

15 MR. SCOTT: Okay. The document that I'm
16 looking at is not page numbered. It is page numbered.
17 It says confidential page 9.

18 JUDGE JACOBS: Okay. And was this a document
19 that was submitted by Spire?

20 MR. SCOTT: Apparently it was. It was,
21 because it has all of their -- I don't know if it was
22 submitted by Spire. It shows -- It came with a package
23 of monthly billings by Spire. So I don't know if it was
24 sent by Spire. It could have been sent by Missouri
25 Public Service Commission.

1 JUDGE JACOBS: You've told us that it's got
2 one page number on it, you said page 9?

3 MR. SCOTT: It says confidential page 9.

4 JUDGE JACOBS: Can you -- We've got a couple
5 things that say confidential page 9. Is it the one that
6 looks like a table?

7 MR. SCOTT: Yes. It looks like -- If you want
8 to call it a table, you can, but it looks like an
9 itemized billing or itemized list of numbers in a square
10 and then they're separated by small blocks inside.

11 JUDGE JACOBS: And the first date on the top
12 there it says TransDate and the first one is 01/04/19?

13 MR. SCOTT: That's the one.

14 JUDGE JACOBS: Okay. So it looks to me that
15 this is one of the documents that was submitted by Spire
16 when they disclosed their exhibits. So this is page 9
17 of Spire's exhibit disclosures. Everyone know what
18 we're looking at? Looks like counsel does. Okay. All
19 right, Mr. Scott, we know what you're looking at. So
20 you can proceed.

21 MR. SCOTT: Okay. I'm going to go through
22 part of 2019's billing. I'm going to just give you the
23 dates on them. From one side to two side, the billing
24 amount was \$72.63. Then it goes to 2/06 to 3/05 the
25 billing was 71.79. 3/06 to 4/03 the billing was 58.94.

1 Then go to 4/04 to 5/03 it was 45.37. I'm trying to
2 figure out how in the world am I using \$45 worth of gas
3 in the heat of April and May. Then I go to May, 5/04 to
4 6/05 I'm using \$40.77 of gas. How? How is that
5 possible? I don't know exactly what -- because I can
6 keep going through numbers like this but that was just
7 in one year. The second year they did pretty much the
8 same except for they ran the numbers even higher.

9 My point in all that is that in the hot months
10 they're billing me as though it's the winter months. I
11 don't know where they're getting these numbers from.
12 They're claiming that their meter is working, et cetera,
13 but I'm looking at what I'm being billed versus what I'm
14 actually using. I'm going strictly by their invoicing
15 as to what my usage is, and my usage is showing it's far
16 below what they're actually billing me.

17 Spire can sit there and say all they want that
18 they're billing me appropriately, and I'm saying, look,
19 guys, you're plugging a lot of nonsense onto these
20 billings because this is not what I'm actually using.
21 They're billing me for everything else other than what
22 I'm using. That's my whole point in all this. If you
23 want, I can get into therms, but I'll let Spire respond
24 to it if they want to do that.

25 JUDGE JACOBS: Okay. Is that your testimony

1 that you wanted to present today, sir?

2 MR. SCOTT: That's a part of it, yes, ma'am.

3 JUDGE JACOBS: Well, this is your opportunity
4 to provide -- to say what you need to say. So the next
5 step is people will start asking you questions and then
6 Spire and Staff will present their case and you can ask
7 questions. But as far as your opportunity to argue your
8 case, that's right now. So if there are other points
9 that you wanted to make, you would want to do that now,
10 sir.

11 MR. SCOTT: Okay. Well, the other points I'm
12 making is that on their billing they're showing that the
13 usage itself is by therms and they're giving high therm
14 numbers in the low usage months. And as I noticed on
15 their billing, they have therms of a lot higher in June
16 than what they're supposed to be in June. Now, on some
17 of their billing it's inconsistent because some of it
18 the usage is pretty much the same but in other cases the
19 usage is higher than it's supposed to be and I don't use
20 a single thing more in the wintertime than I use in the
21 summertime.

22 The summer billings are exactly -- What I use
23 in the wintertime, the only thing I use is two gas eyes.
24 Their therms are showing -- One number is showing in the
25 month of looks like 12/04 they're showing a 57.90 therm.

1 Okay. And then when I get to a different month, which
2 is the month in the warmer weather, they show a much
3 lower number. They even show a higher number than that
4 in January. There's one for 12.04. They're saying I'm
5 using 67.80 therms. I'm saying how in the world am I
6 using this much when nobody is here in the wintertime.
7 I don't see these meter readings that they do. So I
8 don't know exactly what these people are doing.

9 JUDGE JACOBS: So Mr. Scott --

10 MR. SCOTT: I do know that they're billing me
11 too much.

12 JUDGE JACOBS: Mr. Scott, I do believe that
13 Spire is going to offer some documents on the record
14 when we get to their case. If you want to question
15 those documents in the way that you're doing right now,
16 I think you can bring those issues up when those
17 documents are offered, because at this point it's very
18 difficult to know exactly what you're referring to.
19 You've referred to just billing in general without any
20 specific documents.

21 MR. SCOTT: The only thing I'm referring to is
22 the therms on their billing page.

23 JUDGE JACOBS: Right, and that's a general
24 comment that you're making. Was there anything else?

25 MR. SCOTT: Well, yeah, another one. Bring up

1 another month. It says on here 5/03 to 6/04 I used
2 20.58 therms and they're showing my actual usage was
3 \$9.41 but they bill me \$40.77.

4 JUDGE JACOBS: And what document are you
5 referring to right now when you refer to \$9? Where did
6 that come from exactly?

7 MR. SCOTT: That comes directly off of their
8 billing. I'm looking right at it right now. It's below
9 Natural Gas Cost. And they capped on a customer charge
10 and a delivery cost. We went from 9.41 all the way up
11 to 40.77 in the month of June.

12 JUDGE JACOBS: Sir, we're going to start at
13 the beginning. What is the date on that billing
14 statement so that we can all find it and know what you
15 are talking about?

16 MR. SCOTT: The one I just mentioned is 5/03
17 -- delivery is 5/03/2019 to 6/04/2019.

18 JUDGE JACOBS: So it's a May 3, 2019?

19 MR. SCOTT: Correct, that is correct.

20 JUDGE JACOBS: Is there a due date on it or
21 some other date that would help everyone locate the
22 billing statement that you're talking about? The
23 statement date --

24 MR. SCOTT: The due date on it says 6/20 of
25 2019.

1 JUDGE JACOBS: Okay. I think most of the
2 bills have a statement date in the upper right corner.
3 Do you see a statement date in the upper right corner?

4 MR. SCOTT: Yeah. Statement date is
5 6/05/2019.

6 JUDGE JACOBS: Is this a document that you
7 just have in your own files or is this a document that
8 was offered by one of the parties?

9 MR. SCOTT: It was a document that was
10 offered. It was sent to me. All of these that I'm
11 reading from are documents that were sent to me.

12 JUDGE JACOBS: By chance, is that marked
13 confidential page 3?

14 MR. SCOTT: That particular one, yes, it is.

15 JUDGE JACOBS: Okay. So this appears to be a
16 reference to documents that actually the Commission had
17 requested that Spire provide. So on November 25, Spire
18 filed in EFIS all of the disconnection notices that may
19 have been issued on your account for a certain period of
20 time. And it looks like it's a 12-page document. So
21 because you're discussing this with your testimony, I
22 think this needs to be added to the record. I think --
23 I don't know that it's necessary that we mark each one
24 of these individually or not. Does anyone have an
25 opinion about that? I think it's fine if we mark it as

1 a single exhibit and refer to it by page number.
2 Counsel might be aware of reasons why that would be
3 complicating to do that.

4 MR. PRINGLE: Staff is fine with doing it like
5 that, Judge. Staff has no problems.

6 JUDGE JACOBS: All right. So it's a 12-page
7 --

8 MR. SCOTT: I have an objection to it and that
9 is because you have confidential page 3 on two documents
10 and they're showing different numbers.

11 JUDGE JACOBS: Are you saying there's two
12 documents marked confidential page 3?

13 MR. SCOTT: That is correct, on the billing.

14 JUDGE JACOBS: Well, I think there's two
15 different disclosures that were made and were page
16 numbered. So they would be admitted as different
17 exhibits.

18 MR. SCOTT: Okay. But they're structured the
19 same.

20 JUDGE JACOBS: They'll be marked differently.
21 So I would propose that this 12-page document, which was
22 submitted by Spire in response to a request from the
23 Commission on November 25, be marked as Exhibit 300.
24 It's going to be a Commission exhibit. And that will
25 allow -- We'll get it on the record and then, Mr. Scott,

1 you can continue talking about it and everyone will know
2 what you're talking about. Does anyone have an
3 objection to that 12-page document filed by Spire on
4 November 25 in response to the Commission's request
5 being admitted as Exhibit 300? It will be the
6 Commission's exhibit.

7 MS. BOCKSTRUCK: I do, Your Honor. This
8 exhibit references a time period outside of the formal
9 complaint and does not address the issues pertaining to
10 Mr. Scott's claim in this case.

11 JUDGE JACOBS: So this information was
12 requested to help the Commission understand what
13 happened before the complaint was filed in January and
14 caused Mr. Scott to file a complaint. So unless there's
15 some reason why it's prejudicial to Spire, I don't see
16 any reason why it can't be included to help the
17 Commission understand the history of this account. It
18 also helps the Commission to understand what
19 disconnection notices look like when they go out and
20 also clarifies for the Commission whether or not a
21 disconnection notice was actually issued to Mr. Scott in
22 January which was not clear from the record before these
23 documents were provided. So those are the reasons why
24 the Commission would believe that they're helpful.

25 MS. BOCKSTRUCK: That's fine, Judge. I will

1 withdraw my objection. Thank you.

2 MR. PRINGLE: No objection from Staff, Judge.

3 (COMMISSION'S EXHIBIT 300 WAS RECEIVED INTO
4 EVIDENCE AND MADE A PART OF THIS RECORD.)

5 JUDGE JACOBS: Thank you very much. All
6 right. So Mr. Scott, it sounded like you were looking
7 at page 3 which is a statement date of June 5, 2019; is
8 that right?

9 MR. SCOTT: Correct, that's correct.

10 JUDGE JACOBS: All right. And you were
11 apparently looking at some figures on the bill itself.

12 MR. SCOTT: Yes. These are the actual bills
13 that Spire is supposed to send out and they're supposed
14 to be detailed in the format of usage and every other
15 charge that they put on there including taxation.

16 JUDGE JACOBS: Okay. And so clearly we can
17 see that a usage cost is just one of the costs that
18 you'll see on a bill.

19 MR. SCOTT: Okay. That's fine, but the usage
20 cost -- See, the one thing that brought this entire case
21 to the surface is that Spire refused to send detailed
22 explanation on their billing. This is the one thing
23 Spire never does. Apparently other people have asked
24 for it and they've never received it. My example of
25 what I just said is that they have a delivery cost on

1 here and a date period and then they have a customer
2 charge. Now, those are two figures that are added
3 together in addition to the usage. They also have a
4 natural gas cost. So apparently they're saying your
5 usage is a natural gas cost. But they have not
6 explained why these other numbers are on here, where
7 they came from and how do they even calculate these
8 numbers. This is on each and every one of their bills.
9 And I know this house does not use \$40 a month in gas.
10 I don't care what Spire wants to argue about that. It's
11 just the fact that no one is here. This is a small
12 one-bedroom apartment. It's not a huge mansion.

13 Spire is giving me billing as though I'm using
14 a three or four-bedroom duplex, if you want to call it a
15 two-story house. I'm saying, Spire, you're coming up
16 with numbers that I don't even understand. I don't
17 understand where you're getting your calculated numbers
18 from. On one of their billings they've got a usage of 8
19 (CCF)X. On another one they have it at 20. Well, the
20 difference in the two is that the delivery cost is only
21 a dollar and looks like a \$1.02 --

22 JUDGE JACOBS: Once again, if you're going to
23 refer to some billing statements or other documents,
24 please let us know what you're referring to.

25 MR. SCOTT: Okay. The confidential page 3 was

1 the one that I originally mentioned, but go to
2 confidential page 1 showing a statement date of
3 9/05/2019.

4 JUDGE JACOBS: That's actually in Spire's
5 proposed exhibits that have not been made part of the
6 record yet. Okay. Do you want to -- That's okay. We
7 can get it on the record, but let's do that -- So you
8 want to talk about the September 5 statement?

9 MR. SCOTT: What it is is -- I'm sorry. It's
10 a June 5 statement and I will get to September, but what
11 I wanted to point out is the usage, how the usage is --

12 JUDGE JACOBS: You're back on confidential
13 page 3 statement date June 5, 2019?

14 MR. SCOTT: No, I'm on confidential page 1
15 now.

16 JUDGE JACOBS: And that is a statement date of
17 June 4, 2019. It's a Final Notice?

18 MR. SCOTT: No, ma'am. This is a September 5,
19 2019 billing.

20 JUDGE JACOBS: Okay. The one that I see says
21 confidential page 3.

22 MR. SCOTT: Pardon me?

23 JUDGE JACOBS: The one that I see that's June
24 5, 2019 is a statement date of June 5, 2019. It's also
25 marked as confidential page 3.

1 MR. SCOTT: Okay. Now, I have moved on to
2 September of 2019. This is confidential page 1. What
3 I'm doing -- basically what I'm doing is comparing my
4 usage numbers. I'm trying to figure out where are they
5 getting their numbers.

6 JUDGE JACOBS: Let's look at the statements
7 that you were proposing the Commission review.

8 MR. SCOTT: Okay. There was a confidential
9 page 1. There was a confidential page 3. There's also
10 a second confidential page 3 and that is in the billing
11 month of October 3 of 2019. But the usage is showing
12 the number 7 and then it goes into the delivery period
13 of 9/05 to 10/02.

14 JUDGE JACOBS: Okay. So you provided some
15 exhibits yourself, sir.

16 MR. SCOTT: Uh-huh.

17 JUDGE JACOBS: Okay.

18 MR. SCOTT: That was basically a copy of what
19 they had sent, or whoever sent me this, whether it's the
20 Commission or Spire, that is a copy of what I received
21 from them.

22 JUDGE JACOBS: Okay. And on December 1, in
23 addition to making the motion for discovery argument
24 that we spent some time talking about this morning, you
25 also attached a bunch of statements to that filing.

1 MR. SCOTT: Right.

2 JUDGE JACOBS: Which those would be the
3 exhibits I understand that you were hoping to use today
4 in your argument?

5 MR. SCOTT: Correct.

6 JUDGE JACOBS: All right. So would you like
7 to address those, because if you want to make a general
8 argument about usage and billing and stuff, you've
9 attached a number of exhibits and statements. So you
10 could work from those.

11 MR. SCOTT: On some of those you'll notice
12 they were circled, the dollar amounts were circled --

13 JUDGE JACOBS: Yes.

14 MR. SCOTT: -- and usage had a question mark
15 and it was circled also.

16 JUDGE JACOBS: Yes. Let's talk about those.
17 Okay?

18 MR. SCOTT: What Spire has failed to do is
19 explain what the usage actually is.

20 JUDGE JACOBS: So first of all, just to
21 explain what you've offered, you've identified multiple
22 statements. The statement dates are January 6, 2020,
23 November 4, 2020, April 3, 2020, December 4, 2019, June
24 3, 2020, June 5, 2019 and July 3, 2019. Those are the
25 statements that you sent in; is that right?

1 MR. SCOTT: Yes, they should be. That should
2 be correct.

3 JUDGE JACOBS: Okay. And you want those to be
4 part of the record for this hearing today?

5 MR. SCOTT: That is correct. But I wanted to
6 state with that sending those in is that there's no
7 clarification by Spire as to what usage is and --

8 JUDGE JACOBS: Okay. Hold on. We just have
9 to do things a step at a time, sir, so we can understand
10 your argument. So I see seven statements here.

11 MR. SCOTT: Uh-huh.

12 JUDGE JACOBS: So your Exhibit 1 would be your
13 January 6, 2020 statement. Is there any objection to
14 that from any party? This would be a confidential
15 exhibit. Mr. Scott, are you offering this on the
16 record?

17 MR. SCOTT: Yes, I am.

18 JUDGE JACOBS: No objection, Exhibit 1 will be
19 the January 6, 2020 statement.

20 (COMPLAINANT'S EXHIBIT 1 WAS RECEIVED INTO
21 EVIDENCE AND MADE A PART OF THIS RECORD.)

22 JUDGE JACOBS: Okay. Mr. Scott, are you
23 offering the November 4, 2020 statement on the record?

24 MR. SCOTT: Yes, I am.

25 JUDGE JACOBS: Okay. That would be Exhibit 2.

1 Any objection to admitting that confidential exhibit?
2 No objection from any party, that exhibit will be
3 admitted.

4 (COMPLAINANT'S EXHIBIT 2 WAS RECEIVED INTO
5 EVIDENCE AND MADE A PART OF THIS RECORD.)

6 JUDGE JACOBS: Exhibit 3, the April 3, 2020
7 statement. Sir, are you offering that on the record?

8 MR. SCOTT: The April 3 -- hang on. I have --
9 Yes, I am entering that.

10 JUDGE JACOBS: Okay. Any objection from any
11 party? With no objection, Exhibit 3 will be admitted to
12 the record.

13 (COMPLAINANT'S EXHIBIT 3 WAS RECEIVED INTO
14 EVIDENCE AND MADE A PART OF THIS RECORD.)

15 JUDGE JACOBS: Exhibit 4 would be the December
16 4, 2019 statement. Is there any objection from any
17 party to admitting that to the record? Hearing no
18 objection and understanding, Mr. Scott, you're offering
19 that on the record?

20 MR. SCOTT: Yes, I am.

21 JUDGE JACOBS: Okay. Exhibit 4 will be
22 admitted.

23 (COMPLAINANT'S EXHIBIT 4 WAS RECEIVED INTO
24 EVIDENCE AND MADE A PART OF THIS RECORD.)

25 JUDGE JACOBS: All right. Exhibit 5 would be

1 the June 3, 2020 exhibit. Are you offering that
2 exhibit, sir?

3 MR. SCOTT: Yes, I am.

4 JUDGE JACOBS: I see no objection. Hearing no
5 objection from either party, Exhibit 5 will be admitted.

6 (COMPLAINANT'S EXHIBIT 5 WAS RECEIVED INTO
7 EVIDENCE AND MADE A PART OF THIS RECORD.)

8 JUDGE JACOBS: Exhibit 6 would be the June 5,
9 2019 exhibit. Are you offering that exhibit on the
10 record, sir?

11 MR. SCOTT: What was the date again, please?
12 I'm sorry.

13 JUDGE JACOBS: June 5, 2019. On the top of it
14 it actually was marked as confidential page 3. So it
15 looks like you had taken it from something that was
16 provided to you by Spire?

17 MR. SCOTT: Yes.

18 JUDGE JACOBS: June 5, 2019. That will be
19 Exhibit 6. Are you offering that on the record, sir?

20 MR. SCOTT: Yes, I am.

21 JUDGE JACOBS: Thank you. Hearing no
22 objection from any party, Exhibit 6 will be admitted.

23 (COMPLAINANT'S EXHIBIT 6 WAS RECEIVED INTO
24 EVIDENCE AND MADE A PART OF THIS RECORD.)

25 JUDGE JACOBS: And the last statement that

1 Mr. Scott attached as a possible exhibit in this case
2 was the July 3, 2019 statement. That would be Exhibit
3 7. Are you offering that exhibit, sir?

4 MR. SCOTT: Yes, I am.

5 JUDGE JACOBS: Hearing no objection from any
6 party, Exhibit 7 will be admitted to the record.

7 (COMPLAINANT'S EXHIBIT 7 WAS RECEIVED INTO
8 EVIDENCE AND MADE A PART OF THIS RECORD.)

9 JUDGE JACOBS: All of those exhibits are
10 statements. They're all confidential exhibits. So now
11 if folks were following along we should have marked on
12 the top of our documents an exhibit number. Now, Mr.
13 Scott, if you would like to talk to us about the billing
14 statements, you can refer to those documents and
15 everyone should understand what you're talking about and
16 you'll be talking about documents that are part of the
17 record in this case.

18 MR. SCOTT: Okay. I want to bring up Exhibit
19 5 where the statement date is 6/03/2020.

20 JUDGE JACOBS: Okay.

21 MR. SCOTT: What I'm showing in the way,
22 because what they've done is they've changed their
23 billing, apparently changed their billing on that
24 statement. They show down here the customer charge, the
25 pipeline usage, the summer usage. This number is a

1 small -- it has a meter reading of 4833. It's a small
2 amount of gas using. Department of Natural Resources
3 even said these small numbers should not have such a
4 large billing amount. But they do. This particular one
5 is showing that I had a meter reading of 7 and they're
6 still charging me \$27.68 for delivery and then another
7 \$22 for customer charge. I don't know what those are
8 for. Like I said, I've been saying this for the whole
9 time I've been on here. The natural gas was \$8.05. And
10 what they're showing me in the actual usage itself is
11 far below what they're billing me for. I do not
12 understand why they're doing what they're doing in
13 billing, but that is one of the main things that I
14 wanted to point out because I pointed out in the winter
15 months and in the summer months. These billings are
16 almost close to the same, but they're way over in the
17 winter months as opposed to what I actually use in here.

18 Spire has never ever sent me any information
19 explaining the difference in the customer charge, the
20 delivery and the usage. And I have asked Spire on
21 numerous occasions to send this information, the
22 customer service department, and I never received
23 anything from Spire. So I'd like to know why is it
24 Spire can't send detailed information until a complaint
25 is filed against them? I'll let Spire respond to that.

1 JUDGE JACOBS: Okay. So were there any other
2 points that you wanted to make today, sir?

3 MR. SCOTT: Well, the main points were that in
4 each and every one of these exhibits that we've gone
5 through the usage is too low. The meter readings are
6 too low for the billing amounts. It looks as though
7 what Spire is doing is pulling numbers out of the air,
8 because it's showing on here what the usage were in
9 therms and it says on here summer usage is \$4.09 in
10 therms. How in the world did we get to a \$38 bill. So
11 I would like for Spire to explain what exactly are they
12 doing in their billing and why are these numbers so high
13 especially in the summer months? Nobody uses gas in the
14 summer. So I don't know why I'm getting this kind of
15 \$38 bill smack dead in the middle of June. Maybe Spire
16 can explain that.

17 JUDGE JACOBS: Do we have any
18 cross-examination for Mr. Scott? We'll start with
19 Staff.

20 MR. PRINGLE: Yes. Thank you, Judge.

21 CROSS-EXAMINATION BY MR. PRINGLE:

22 Q. Good morning, Mr. Scott. Travis Pringle from
23 Staff Counsel. How are you doing?

24 A. I'm fine, Mr. Pringle.

25 Q. I just want to ask you a couple set of

1 questions that have to do with your bill and then also
2 your understanding of usage. First going to your bill,
3 you have a lot of concern about the customer charge and
4 the transportation charge; is that correct?

5 A. No, sir, there's no transportation charge. If
6 delivery is what transportation is, then nobody has
7 clarified that.

8 Q. The delivery and the customer charge, those
9 are your concerns?

10 A. Three things. It's the pipeline what the
11 usage is, the actual usage is, delivery and the customer
12 charge.

13 Q. Yeah.

14 A. I'm trying to figure out why the usage number
15 is so low.

16 Q. Okay. Yeah. I just want to focus on what
17 you're calling the customer charge first. So you said
18 that you also haven't seen Spire's Commission-approved
19 tariffs?

20 A. I haven't seen it, no, I have not. I've asked
21 for that in discovery before. No, I haven't seen it.

22 Q. Have you asked Spire representatives before
23 about what those two charges are?

24 A. Spire representatives don't tell me anything.
25 Only thing I get from customer service -- Spire is very

1 uncooperative when it comes to contacting them. What
2 I've gotten from the customer service department is
3 exactly what I stated before is that you're using no
4 more than 1.53 to \$2.53 per month in actual gas.
5 They're saying this is what your actual usage is.
6 That's as far as they get.

7 Q. I'm not asking about usage right now. I'm not
8 asking about usage right now. I just simply want to
9 know have customer representatives from Spire explained
10 the customer charge or the delivery charge to you on the
11 phone?

12 A. Absolutely not.

13 Q. No. All right. Have they ever -- Has Spire
14 ever given you a talk about how to understand your bill?

15 A. No.

16 Q. Have you ever asked for that?

17 A. Yes, I have.

18 Q. And so since you haven't looked at Spire's
19 tariff, you're not aware that the customer charge is
20 approved in their tariff. You don't know that?

21 A. No. I would have known had they sent me a
22 copy like I asked for. No, I don't know that.

23 Q. Okay. And then going back to usage, you talk
24 a lot about wanting a detailed explanation. Mr. Scott,
25 do you have a history of checking gas meters?

1 A. Do I have a history of -- Absolutely not, no.

2 Q. And so do you really kind of -- Do you have an
3 understanding of what it means to measure gas usage by
4 cubic feet?

5 A. No. No one has explained it, no.

6 Q. So you also don't know how to convert that
7 cubic feet into therms?

8 A. Correct.

9 Q. So I guess then for an actual -- What you're
10 asking for is a detailed explanation about your usage.
11 What exactly would that look like to you?

12 A. Well, to me, first of all, it would be an
13 explanation of what delivery cost is, what exactly do
14 you mean by delivery. That's the first thing. And
15 where does the delivery number come from. The second
16 thing is customer charge. Where does the customer
17 charge number come from. It looks like on several of
18 these billings the customer charge is the same. And I
19 can give you the dates of 6/03, 4/03, those are 2020s,
20 and 11/04/2020. All of those customer charges are the
21 exact same.

22 Where we get into the difference is the
23 natural gas cost and the usage. Those are fluctuating.
24 I'm trying to figure out exactly why didn't Spire send
25 me a detailed explanation of usage instead of telling me

1 that they have a right to bill me for more than I use.
2 This is Spire's explanation. What I just said to you is
3 Spire's explanation of their billing that basically told
4 me we have a right to bill you more than you actually
5 use, and that's as far as it went with Spire explaining
6 anything. This is one of the things that caused this
7 entire filing is when Spire was very vague and they were
8 very uncooperative, they didn't send the information
9 that I requested, and nobody at their company, any of
10 them, explained any of this stuff to me as to how it
11 works.

12 JUDGE JACOBS: So Mr. Scott, at this stage in
13 the process you're going to answer the questions that
14 counsel asks. Okay? Your opportunity to elaborate on
15 the case in general has passed. Did you have any
16 additional questions, Mr. Pringle?

17 MR. PRINGLE: Yes, Judge. I'm going to wrap
18 it up now.

19 BY MR. PRINGLE:

20 Q. So Mr. Scott, would you be happy today if you
21 were able to understand what that delivery charge, what
22 that customer charge and how your usage is calculated?

23 A. Yes, I would. That would help me, yes. I
24 don't know I would be happy but that would help me.

25 MR. PRINGLE: That's all I have, Judge. Thank

1 you, Mr. Scott.

2 JUDGE JACOBS: Do we have any
3 cross-examination for Mr. Scott from Spire?

4 MS. BOCKSTRUCK: No, Judge.

5 JUDGE JACOBS: Okay. Thank you. And the
6 floor is always open at this point for any questions
7 from the Commission. So I hope the Commissioners will
8 speak up if they wanted to ask questions of Mr. Scott.
9 I do have some questions to ask. So the floor will be
10 open for awhile here as I do that. Please speak up if
11 you have questions, Commissioners.

12 COMMISSIONER RUPP: This is Commissioner Rupp.

13 JUDGE JACOBS: Go ahead, sir.

14 QUESTIONS BY COMMISSIONER RUPP:

15 Q. Mr. Scott, good morning.

16 A. Good morning.

17 Q. Has anyone explained to you the difference of
18 rates during summer months and winter months for your
19 gas?

20 A. No, sir, they haven't.

21 COMMISSIONER RUPP: That's all I had, Judge.
22 Thank you.

23 JUDGE JACOBS: Thank you, Commissioner. And I
24 will proceed to ask some questions of Mr. Scott and, of
25 course, welcome any interruptions from Commissioners in

1 that process.

2 QUESTIONS BY JUDGE JACOBS:

3 Q. Mr. Scott, do you have access to the gas meter
4 that's located at your residence?

5 A. Yes, I do. I think it's behind the house. I
6 didn't see exactly where that meter is, because I wasn't
7 here when they switched the meter out. I believe it's
8 in the rear of the house. I know where the water meter
9 is, but I don't know exactly where the gas meter is. I
10 believe I can find it.

11 Q. Have you ever looked at the gas meter?

12 A. No, ma'am, I have not.

13 Q. Okay. So you've never looked at it at all?

14 A. No. First of all, I couldn't tell if it's a
15 gas or water meter. I didn't know. I don't know. I
16 didn't know the difference.

17 Q. Okay. And have you ever received a form from
18 Spire regarding any medical condition that you might
19 have?

20 A. No, I did not.

21 Q. So at some point did you contact the company
22 and tell them that you had some kind of medical
23 condition that had caused a problem at work and that you
24 were having trouble with your bill?

25 A. Yes, ma'am. I've contacted Spire on several

1 occasions about medical condition and I've got nowhere
2 with Spire. They have not sent me anything.

3 Q. So I just want to ask you specifically about
4 an instance when you had indicated that you had trouble
5 at work because of a medical condition and the
6 information that was provided to the Commission was that
7 while one member of Spire's staff hadn't offered a form
8 to you that eventually the form was offered subsequently
9 by the company.

10 A. Okay. If the form was offered by the company,
11 I never received it.

12 Q. So when you receive information from Spire,
13 how are you getting information? Do you get it --

14 A. Through the US mail.

15 Q. Okay. Have you ever requested that documents
16 be emailed to you?

17 A. Well, no, I didn't know that was necessary,
18 no, ma'am, I have not.

19 Q. So you haven't contacted the company and
20 spoken with people over the phone and asked them to, for
21 instance, email statements to you?

22 A. No, ma'am. There's a reason for that though.

23 Q. Sure. And you can go ahead and elaborate.
24 What is the reason for that?

25 A. The reason for that is because I asked Spire

1 to send it to me. I didn't think it would be necessary
2 to ask them to email me something they could easily send
3 through the US mail.

4 Q. Okay. And my questions are not intended to
5 suggest that you should have done anything. My
6 questions are only asking whether you did. Okay?

7 A. Sure.

8 Q. Okay. So do you have access to your Spire
9 account through the internet?

10 A. Yes. When I get to a computer, I do.

11 Q. Okay. And so you have occasionally gone
12 online and looked up your Spire account?

13 A. No, ma'am, I have not.

14 Q. You have not?

15 A. I have not, no. I actually rely on what Spire
16 sends in the mail. I don't have the time to do it. Go
17 ahead.

18 Q. Okay. So the complaint that you submitted in
19 this case, you filled that out using a Commission form,
20 mailed that in, and you also attached to it something
21 that looks like it's printed off of the internet. Do
22 you have a copy of your complaint?

23 A. I don't have a copy of the original complaint,
24 but I mean, what do you see that looks like it came from
25 the internet?

1 Q. It is a form that's on the top left it's dated
2 January 9, 2020, and it is a printout of a billing
3 history and payment history which was attached to your
4 complaint.

5 A. Okay.

6 Q. It has handwritten notations on it.

7 A. No, I don't see that. I do see a billing
8 statement that detailed billing as far as billing and
9 payment but there's no handwritten.

10 Q. Yes. So billing and payment history for
11 January 6, 2020 through October 3, 2019?

12 A. No, I don't have that.

13 Q. Then underneath it it says payment dated
14 9/1/2019 is missing, payment dated 9/21/2019 is missing,
15 and that's in handwriting?

16 A. Okay. The payment 9/21 is on a different
17 page, confidential page 9.

18 Q. So what I'm looking at right now is what was
19 filed in EFIS in this case to start this case. It is
20 your handwritten complaint with the documents that were
21 attached to it.

22 A. Okay.

23 Q. And so you just told me that you don't access
24 and have not accessed your Spire account online?

25 A. I have not. What you're probably looking at

1 is something that was sent to me. I have not pulled
2 this off of the internet. I haven't pulled any
3 information from Spire off of the internet. I have
4 access to a computer but I haven't done that.

5 Q. So your testimony today is then that you
6 received some information that somebody mailed to you
7 that was pulled off the internet and you attached that
8 to your complaint?

9 A. No, I cannot answer that question and say that
10 they pulled it off the internet. The only thing I can
11 tell you is that wherever they got the information from
12 is what I had to respond to. It could have been Spire's
13 records or it could have been anything. I don't access
14 information on the internet, so no, I can't state that.

15 Q. So have you called Spire and talked to their
16 customer service about how to access your account on the
17 internet?

18 A. Yes, I have, but, again, Spire is very vague
19 with the way they handle people over the phone and you
20 cannot even hardly ever get an answer from them. It's
21 very difficult to call them.

22 Q. So you did call and ask them how to access
23 your account on the internet?

24 A. Yes, I did.

25 Q. Okay. But you also have just told me that you

1 haven't accessed your account on the internet?

2 A. Your question was did I call them to ask them.

3 Q. Yes, sir, yes, that was my question.

4 A. They didn't tell me how to access this account
5 on the internet. The answer to your question going back
6 again, my answer is the same. I have not accessed
7 Spire's information on the internet. What you're
8 looking at is more than likely something that Spire sent
9 me or the Commission sent me, but I have not pulled any
10 information from Spire off the internet.

11 Q. Okay. So you receive all your bills from
12 Spire through the mail at your home; is that right?

13 A. That is correct.

14 Q. And do you have internet access in your home,
15 sir?

16 A. No, I do not.

17 Q. And do you use a smart phone or other kind of
18 phone that has access to the internet?

19 A. I use a regular cell phone. I don't know if
20 it's a smart phone. It can access internet in some
21 cases, yes. Based on the service, there's only certain
22 things you can access there.

23 Q. Okay. And so when you want to access the
24 internet, how do you do that, sir?

25 A. If I want to go full blown internet, I would

1 end up going to a library. The library has rules as far
2 as COVID is concerned as to when it's open. Right now
3 the only library that you can utilize anything going to
4 the library is downtown and that's the main library.

5 Q. Okay. And then if you want to print something
6 off the internet, are you able to do that at the
7 library?

8 A. Yes, I am.

9 Q. Okay. Do they charge you for that?

10 A. No. They have a card that allows you so many
11 free printouts.

12 Q. Okay. So has Spire changed your meter at your
13 house?

14 A. I don't know. I don't know what Spire has
15 done. I do know this. In the package that Spire sent
16 me, they sent me a picture of a meter. It could have
17 been anybody's meter, because I was not here when -- I
18 specifically told Spire this. I need to be present when
19 you all switch this meter out. What Spire went and did
20 was they sent someone out here and switched out the
21 meter, and I don't know exactly what is going on with
22 Spire as far as this meter is concerned, whose meter it
23 is, because I've never seen that meter. So I don't know
24 what Spire did.

25 Q. Has Spire tested your meter to your knowledge,

1 sir?

2 A. According to Spire, they have. Now, I'm going
3 by a page that they gave me claiming that the meter is
4 working properly.

5 Q. Okay. So I have a question for you to clarify
6 your complaint. Okay?

7 A. Sure.

8 Q. So when I look at your complaint, I see the
9 following. The quote is failed to provide monthly
10 billings and then "with actual meter readings." So I
11 want to understand are you claiming there that Spire is
12 not mailing statements to you or are you saying that the
13 billings that you're being provided are not accurate or
14 something else?

15 A. I'm stating exactly what you just said. The
16 billings being provided to me are not accurate because
17 of what they're putting on the bill.

18 Q. So there's no allegation -- I'm sorry. I
19 apologize for interrupting you.

20 A. There's no usage that -- They're basically
21 saying in their billing is what is actually used because
22 there's entirely too many numbers on this.

23 Q. Okay. So you're not actually saying they
24 aren't sending you bills every month; you're saying that
25 you are concerned that the bills you're receiving are

1 not accurate?

2 A. No, I am saying I'm not receiving bills every
3 month, because the only billing -- What they're doing it
4 looked like a couple of months they skipped bills. And
5 when they don't send these bills, only thing I can go by
6 is what they sent me so far. Since I don't utilize the
7 internet, I would not know what happened in the month of
8 the bill they did not send.

9 Q. So is there a specific month that you claim
10 you didn't get a bill?

11 A. I would have to go through the stack and see,
12 because we're talking about close to a two-year period.
13 The only thing I can tell you is this that the bills
14 that were sent to me was probably sent by the Missouri
15 Public Service Commission. They weren't sent by Spire
16 in that package.

17 Q. I'm asking you about billing happening in the
18 ordinary course of business as you go about your life
19 and you receive bills in the mail.

20 A. I don't receive them every month, no.

21 Q. So your allegation is that Spire does not send
22 you a monthly bill?

23 A. I'm not going to say that. That's a bleak
24 allegation. No, what I'm saying is they did not send it
25 every month in a monthly fashion. They skip months --

1 Q. Can you identify the months --

2 A. The only -- I would have to go back through
3 this stack to see what months that I did not get. They
4 did just send me a table --

5 Q. This case has been pending -- Sir, this case
6 has been pending since January of 2020. It's almost a
7 year now. So I would expect that you would be familiar
8 with what months you didn't get a bill for. Are you
9 able to tell me when you did not receive a bill from
10 Spire?

11 A. No, ma'am. Without looking through the stack,
12 I can't tell you that. I would have to look back
13 through the entire stack.

14 Q. Okay.

15 A. It looks like I'm missing one for August. I'd
16 have to go through the entire stack and see exactly what
17 is missing from 2019 to 2020.

18 Q. Another allegation that I find in the
19 complaint is that you seem to be suggesting that Spire
20 should have offered you a payment plan?

21 A. That is correct.

22 Q. Okay. And you've also told us that you don't
23 think your bills are accurate; is that right?

24 A. That is absolutely correct.

25 Q. So why would you want a payment plan for

1 inaccurate bills?

2 A. Because what the payment plan does is at least
3 allow me to pay Spire something on a regular basis,
4 monthly basis, and a fixed amount rather than these
5 fluctuating numbers that does not reflect the usage of
6 this gas. That's what I originally asked Spire to do is
7 send me some kind of payment plan. Again, I have not
8 received that from Spire, nor have they contacted me to
9 get that.

10 Q. So did you have a payment plan with Spire in
11 2019?

12 A. No, I didn't. I don't recall having one, no.

13 Q. You don't recall having a payment plan with
14 Spire in 2019?

15 A. No, I don't, because based on the payment
16 chart that they sent me, it looks like I did not have
17 one with them.

18 Q. Okay. So Spire provided some documents that
19 the Commission requested in regard to disconnection
20 notices on your account?

21 A. Uh-huh.

22 Q. And those documents seem to suggest that you
23 did, in fact, have a payment plan with Spire in 2019.

24 A. No, I did not have a payment plan. If I had a
25 payment plan with Spire in 2019, they need to send me a

1 copy of a signed document itself stating that I'm going
2 to agree to a certain payment by a certain date. I
3 didn't have that with them.

4 Q. So I know that you've received some documents
5 in the mail from Spire because they were directed to
6 mail those to you before this hearing today.

7 A. Uh-huh.

8 Q. Okay. So if you look at the documents that
9 were admitted as Commission's Exhibit 300, starting on
10 June 4, 2019, it's a Final Notice?

11 A. Disconnection notice?

12 Q. It says a Final Notice. So this is in that --
13 I think we decided this is a 12-page exhibit. Exhibit
14 300 starts with the Final Notice on June 4, 2019.

15 A. Do I have that? Tell you what I do have. I
16 have one for 7/5/2019. No, I don't. I don't see it.
17 Sorry, ma'am. I don't see that.

18 Q. We just discussed these earlier in the
19 hearing. They were admitted to the record. Everyone
20 agreed that they had identified them, knew what
21 documents they were. They were marked as Exhibit 300.
22 So the first one is a Final Notice dated June 4, 2019
23 letting you know that your bill was overdue. That's
24 followed by a June 5, 2019 statement and then there is a
25 service disconnection notice included in that one.

1 Then the next document is a June 27 important
2 billing notice. And then July 3, 2019, another bill
3 that included a service disconnection notice in that one
4 as well. Then July 5, 2019, there's a Final Notice
5 notifying you that your service could be disconnected.
6 Notifying you that you could be eligible for a payment
7 arrangement. The final document is July 11, 2019
8 indicating that you had entered into a payment
9 arrangement with Spire.

10 Q. Okay.

11 A. The last one says I had entered into a payment
12 arrangement?

13 Q. Yes, it says thanks for reaching out to us
14 about setting up a payment arrangement. We're sending
15 you this letter so you have an official record of your
16 arrangement with us.

17 A. Okay. Did they give you a dollar amount of
18 the arrangement and the date the arrangement is supposed
19 to begin?

20 Q. Have you located this document, sir? It's
21 marked confidential page 12 dated July 11, 2019.

22 A. No, I have not. No, I have not located that
23 document.

24 Q. Okay. It indicates an initial payment of \$71
25 and three monthly payments of \$53.66 with a final

1 payment. So those were the terms of that agreement. So
2 according to these documents, you did enter into a
3 payment arrangement with Spire in 2019. Do you remember
4 that now?

5 A. No, I don't, because if I had entered into a
6 payment arrangement with Spire, I would have gone ahead
7 and made the payment itself rather than going through
8 this procedural thing that we're going through.

9 Q. This all happened earlier in 2019, sir. This
10 all happened earlier in 2019. You filed the complaint
11 in January of 2020.

12 A. Okay. Then my question to you would be this.
13 If I entered into a payment arrangement with Spire, why
14 would I file a complaint in January for the following
15 month? Why would I do that?

16 Q. I think only you could answer that question,
17 sir.

18 A. I wouldn't do it because there would be no
19 need to. I would not do such a thing because that's
20 considered fraud. I would not do that. If I entered
21 into a payment arrangement with Spire, then I would
22 honor the obligation of the payment arrangement. I
23 would not file a complaint such as this against Spire
24 right after entering into a payment arrangement. That
25 would make absolutely no sense. I don't know what Spire

1 has in my signature as far as the payment arrangement.
2 Spire is sending out a lot of stuff that I don't even
3 understand.

4 Q. So we can move on now. You agree to a
5 stipulation of facts filed on July 17 which stated Spire
6 has not disconnected service to your residence. As of
7 that date, you'd agree that there had been no
8 disconnection. Is that still true, sir?

9 A. That is true.

10 Q. So there's been no service disconnection?

11 A. No, there has not been, but they have sent me
12 something telling me about disconnection amounts.

13 Q. Okay. In looking at the initial complaint
14 that you filed, you also mentioned violating the cold
15 weather rule and your complaint seems to suggest that
16 you were facing an impending disconnection. So did you
17 receive disconnection notices in January before you
18 filed this complaint?

19 A. I'm sure I did. Hang on. I'm just looking at
20 the disconnection notices that I see. This one is not
21 dated. I have one that is as of 7/05. No, I haven't
22 seen any other disconnection notices from Spire.

23 Q. Okay. So what's your final answer on that
24 one? That you don't know?

25 A. That I don't know what? If I had received?

1 No, I don't. I didn't receive any disconnection notice.
2 That's what I'm saying. I'm looking through my papers
3 and I haven't seen it. The answer is no, I haven't
4 received one.

5 Q. Okay. And then I think that there's some
6 documents attached to your complaint that were not
7 admitted during your testimony. So we have the January
8 6 statement is already part of the record. That's your
9 Exhibit 1. I would propose that the other documents
10 should also be included on the record in this case and
11 that would include the documents that appear to have
12 come off of the internet and the receipts that you
13 attached to your complaint. Would you offer those into
14 evidence as an exhibit, sir, or not?

15 A. You mentioned -- You're mentioning exhibits
16 coming off the internet. If they came off the internet,
17 they didn't come from me. They came from a second
18 source that were sent to me.

19 Q. These are documents that were included with
20 the complaint that you submitted to the Commission.

21 A. Okay. Well, then more than likely they came
22 from the Commission. They didn't come from me.

23 Q. They came -- Sir, they were part of what was
24 mailed to the Commission with your complaint.

25 A. Okay. Then I keep saying I don't have

1 internet access. I keep saying that. Anything that
2 came off the internet, if I sent it in, someone sent it
3 to me.

4 Q. Okay. Well, I don't think it means
5 necessarily that you had to have gotten internet access
6 to get the documents. You indicated that they may have
7 been provided to you.

8 A. Yeah, they more than likely were provided to
9 me by a second party.

10 Q. Okay. But I am, in fact, talking about
11 documents. I mean, did you attach receipts to your
12 complaint?

13 A. When you say "receipts," what do you mean?
14 Yes, I did. It looks like here I did. These payments
15 are usually made at Schnuck's. And what they were were
16 photocopies and I basically photocopied the months that
17 these payments were sent in. Spire is -- What I did was
18 I sent them to the Public Service Commission and they
19 showed the months. The photocopy will show the actual
20 receipt.

21 Q. Yes, sir. They're part of the materials that
22 were mailed in with your complaint.

23 A. Right. I'm looking at one now. This is
24 9/1/2019, 9/21/2019 and 1/6/2020.

25 Q. Are they all copied together on one piece of

1 paper?

2 A. Yeah, they are.

3 Q. Did you want them to be part of the record in
4 this case?

5 A. Yes, I do.

6 JUDGE JACOBS: That would be marked as Exhibit
7 8. Any objection to admission of that document into the
8 record? There's no objection. Exhibit 8 will be
9 admitted.

10 (COMPLAINANT'S EXHIBIT 8 WAS RECEIVED INTO
11 EVIDENCE AND MADE A PART OF THIS RECORD.)

12 JUDGE JACOBS: Because it has some account
13 information, it will be confidential.

14 MR. SCOTT: Your Honor, may I make a
15 statement, please?

16 BY JUDGE JACOBS:

17 Q. Okay. What is it that you wanted to address?

18 A. If Spire had offered me a payment arrangement
19 in January of \$71 initially, why in the world would I
20 pay them \$53?

21 Q. So I think you might want to go back and look
22 at the documents that we were looking at together.
23 Those were dated back in June and July of 2019. And
24 they called for payment arrangements to take place over
25 four months. So it's possible that you could have a

1 payment arrangement in the middle of 2019 and that
2 payment arrangement would be resolved by the time you
3 got to January 2020. So those things are not
4 necessarily inconsistent with each other.

5 A. I could have swore I heard you say there was a
6 payment arrangement offered in January.

7 Q. I was trying to ask you if there was. I was
8 trying to figure that out.

9 A. No, no, there wasn't. I have not been paying
10 them through a payment arrangement.

11 Q. Okay. There are additional documents that
12 were attached to your complaint, sir. And you've
13 indicated today that you are not familiar with them and
14 don't know what they are; is that right?

15 A. No, I don't know what they are. I don't know
16 the documents that you're referring to.

17 Q. They were attached to your complaint that was
18 mailed in to the Commission and they have handwriting on
19 them that is identical to the handwriting that's on the
20 complaint.

21 A. Okay, that's fine, but that still doesn't tell
22 me what the document is.

23 Q. Okay. So the document is a billing and
24 payment history from January 6, 2020 through October 3,
25 2019, with handwritten information on it, and then also

1 the second page --

2 A. Back up. You're saying -- Okay. So you're
3 going backwards. You're saying from January 20 of 2020
4 to did you say November of 2019?

5 Q. Yes, it goes backwards. Yes, it's dated
6 January 9, 2020, and it has a billing and payment
7 history with five entries on it. This document is
8 available on EFIS in your case. It was filed with your
9 complaint.

10 A. Okay. I did not get the document from EFIS.
11 I got that from a second party.

12 Q. I'm not asking you where you got it at all.

13 A. I don't see that document in my stack.

14 Q. So this document is part of the complaint that
15 was offered in this case by Mr. Scott.

16 JUDGE JACOBS: Mr. Scott, did you want -- I
17 believe that this should be an exhibit in this case. So
18 is there any objection to Mr. Scott's complaint being
19 marked as Commission Exhibit 301? Okay. The complaint
20 will be admitted on to the record as Commission Exhibit
21 301.

22 (COMMISSION'S EXHIBIT 301 WAS RECEIVED INTO
23 EVIDENCE AND MADE A PART OF THIS RECORD.)

24 JUDGE JACOBS: All right. Let me look back at
25 the questions I wanted to ask you, sir. Then I believe

1 that we'll be done with your testimony. All right.
2 Thank you for your patience with my questions, sir. Are
3 there any questions from Commissioners? You can speak
4 up now. And I will open up the floor to any recross
5 from Staff.

6 MR. PRINGLE: Yes, Judge.

7 RECROSS-EXAMINATION BY MR. PRINGLE:

8 Q. Mr. Scott, I just want to be clear. You
9 testified that you have not seen a meter change with
10 Spire?

11 A. No, I have not.

12 Q. So you were not present at any meter change
13 that happened on I believe July 25, 2020; you're saying
14 you were not there?

15 A. I don't recall being there, no.

16 MR. PRINGLE: That's all I have. Thank you,
17 Mr. Scott.

18 MR. SCOTT: July 2020? I thought the meter
19 change occurred -- From what I understand, it was
20 supposed to have been in June of 2020.

21 MR. PRINGLE: I believe I have in front of me
22 July 25, 2020.

23 MR. SCOTT: July what? What was the date?

24 MR. PRINGLE: July 25, 2020. You're saying
25 you were not present for any meter change?

1 MR. SCOTT: No, I was not. No, I was not. My
2 date was showing a June something for a meter change.
3 No, I was not. I don't know what that meter is. So no.

4 BY MR. PRINGLE:

5 Q. Just to be clear, you have not seen a meter
6 change from Spire at all?

7 A. No, I have not.

8 MR. PRINGLE: Thank you, Mr. Scott.

9 JUDGE JACOBS: Is there any recross from
10 Spire? I'm sorry, Goldie?

11 MS. BOCKSTRUCK: No, Your Honor.

12 JUDGE JACOBS: Thank you very much. All
13 right. All right. Mr. Scott, I'll give you a chance to
14 clarify briefly any of the testimony you've provided
15 here and then we'll be moving on. Is there anything in
16 addition you wanted to say to clarify your statements
17 after cross-examination?

18 MR. SCOTT: Okay. Are they finished with
19 cross-examination?

20 JUDGE JACOBS: It may depend on what you have
21 to say here; but if you'd like to clarify something, now
22 is your opportunity to do so.

23 MR. SCOTT: Okay. The only thing I wanted to
24 clarify is the information that has been sent to me did
25 not provide an understanding of what Spire was doing,

1 and I did not receive 12 monthly billings from Spire in
2 a 12-month period of time. Some of those bills were
3 missed apparently by Spire, because I keep a record of
4 those bills every single month. So I have not received
5 12 monthly billings from Spire. I have not received any
6 type of offer of a payment arrangement. I don't know
7 what Spire -- what they want to refer to in that. No, I
8 have not, especially in this year 2020 I have not seen
9 one. The payment that I made or voluntary payment that
10 Spire claims is owed to them, that is the second thing.

11 The third thing is there has been no statement
12 of a health condition statement that was offered by
13 Spire. To this date Spire has still not sent one. And
14 final thing that I wanted to state is that Spire claims
15 that they have a right to bill over and above what is
16 used. They have not sent me any type of statute or rule
17 by the Public Service Commission as to what they're
18 allowed to bill. They haven't sent any of that.
19 They're just sending out monthly billings and they don't
20 send those out 12 months -- they don't send out 12
21 months. They send them, I'm not going to say
22 sporadically but some of these months get missed, and
23 they certainly don't tell you exactly what you actually
24 used because there's all kinds of numbers on this
25 billing. The average person is not going to understand

1 most of this especially when it comes to therms, the
2 amount per therm, et cetera. The average person will
3 not understand that. Spire has not taken the time to
4 explain exactly what they're billing and whether or not
5 the bills are estimated or whether or not they're
6 actual. I happen to believe that they're estimated.

7 JUDGE JACOBS: Okay, sir, you're repeating
8 testimony you provided before and not really clarifying
9 anything. So I think you've had the opportunity to
10 state what you needed to state. Is there anything --
11 Thank you very much. So we can move on now to Spire's
12 witnesses. And I believe the first witness that was
13 listed was Ms. Sanchez.

14 MS. BOCKSTRUCK: That is correct, Judge.
15 Spire calls Connie Sanchez. Would you like to swear her
16 in, Your Honor?

17 JUDGE JACOBS: Yes. I was waiting to see if
18 Ms. Sanchez would activate her video. There we are.
19 Ms. Sanchez, hello. Would you please raise your right
20 hand, ma'am?

21 (Witness sworn.)

22 JUDGE JACOBS: Thank you very much. Ms.
23 Bockstruck, you may proceed.

24 CONNIE SANCHEZ,
25 called as a witness on behalf of Spire, being sworn,

1 testified as follows:

2 DIRECT EXAMINATION BY MS. BOCKSTRUCK:

3 Q. Can you go ahead, Ms. Sanchez, and state and
4 spell your name for the record?

5 A. Yes. Connie, C-o-n-n-i-e, Sanchez,
6 S-a-n-c-h-e-z.

7 Q. Who are you employed by?

8 A. Spire.

9 Q. How long have you been employed by Spire?

10 A. Three years.

11 Q. What is your present title?

12 A. Outreach specialist.

13 Q. And how long have you been in that position of
14 outreach specialist?

15 A. Two years.

16 Q. What are your duties in your job as outreach
17 specialist?

18 A. I host live webinars, events with agencies to
19 promote information about the low income home energy
20 assistance program and also Spire's programs that we
21 have such as our furnace repair program, Spire corona
22 virus assistance programs, and then I also assist with
23 customer complaints.

24 Q. Are you familiar with the customer account of
25 Claude Scott?

1 A. Yes.

2 Q. What address is associated with Mr. Scott's
3 account?

4 A. His address is 3725 Geraldine Avenue, St.
5 Ann, Missouri 63074.

6 Q. I'm going to refer you to Spire's exhibit
7 starting with a document that was marked at the top
8 confidential page 9. It should be a spreadsheet. Do
9 you recognize it?

10 A. Just a moment. I'm going to pull it up.

11 Q. Okay.

12 A. Yes.

13 Q. Okay. So what is this document?

14 A. This is a spreadsheet detailing Mr. Scott's
15 bills and payments from January 4, 2019 through July 6,
16 2020, and it also indicates his usage.

17 Q. Okay. Also has payments made?

18 A. Yes, bills and payments.

19 Q. Was this document prepared by you or under
20 your supervision?

21 A. Yes.

22 Q. Is it an accurate reflection of the company's
23 record?

24 A. Yes.

25 Q. Is it true and correct to the best of your

1 knowledge and belief?

2 A. Yes.

3 MS. BOCKSTRUCK: At this time Spire would
4 offer confidential page 9 as an exhibit.

5 JUDGE JACOBS: Would you like to offer that as
6 100?

7 MS. BOCKSTRUCK: Yes.

8 JUDGE JACOBS: Does that work? Does any party
9 have an objection to the admission of this document?

10 MR. SCOTT: No.

11 JUDGE JACOBS: Hearing no objections, the
12 spreadsheet will be admitted as Exhibit 100.

13 (SPIRE'S EXHIBIT 100 WAS RECEIVED INTO
14 EVIDENCE AND MADE A PART OF THIS RECORD.)

15 BY MS. BOCKSTRUCK:

16 Q. Ms. Sanchez, according to this exhibit, how
17 much gas does Mr. Scott use annually?

18 A. He uses around 400 CCFs.

19 Q. How does Mr. Scott's usage compare to that of
20 the average residential customer?

21 A. His usage is about half of the average
22 customer. The average customer will use about 800 CCF
23 in a year's time.

24 Q. I'm also going to refer you to Spire's exhibit
25 looking at pages 1 through 8. Do you recognize this

1 document?

2 A. Yes.

3 Q. So what is it?

4 A. So page 1, confidential page 1 is Mr. Scott's
5 bill for statement date September 5, 2019, page 3 is his
6 bill for statement date October 3, 2019 and page 6 is
7 statement date November 5, 2019, and confidential page 7
8 is statement date December 4, 2019, and confidential
9 page 8 is statement date January 6, 2020.

10 Q. Thank you. Are these an accurate
11 representation of the bills that were mailed to
12 Mr. Scott?

13 A. Yes.

14 MS. BOCKSTRUCK: At this time I'd offer pages
15 1 through 8 as Spire's Exhibit 101.

16 JUDGE JACOBS: Thank you very much. Is there
17 any objection to that 8-page document being admitted as
18 Exhibit 101 in this case? It would be confidential.

19 MR. SCOTT: There is an objection because you
20 have two of them.

21 JUDGE JACOBS: That isn't really a problem.

22 MR. SCOTT: Okay.

23 JUDGE JACOBS: So there might be some
24 duplicates. It will save us time simply to allow
25 duplicates rather than to try to sort it out. Other

1 than that, sir?

2 MR. SCOTT: It's not a duplicate. There's a
3 statement date. They have different statement dates.
4 Confidential page 8 has a statement date of 7/03, and
5 the other one is 1/06 of 2020.

6 JUDGE JACOBS: So what happened here, sir, is
7 that multiple documents were provided and page numbered.
8 So we are going to have multiple pages that are one, two
9 and three in some instances; but because we're going to
10 mark those as exhibits, that will clarify for the record
11 what we're talking about. So Ms. Sanchez just
12 identified the documents that she is referring to by the
13 statement numbers and the page range. This is also
14 included in documents that were both filed in EFIS in
15 this case for everyone to see and also mailed to you by
16 Spire so that you would have copies of them. You just
17 have to keep track of which one was one packet in regard
18 to disconnection notices and which one was this packet
19 which is Spire's proposed exhibits. So did you have any
20 objection to admission of those identified documents as
21 exhibits in this case?

22 MR. SCOTT: No.

23 JUDGE JACOBS: Thank you very much. That
24 exhibit will be admitted.

25 (SPIRE'S EXHIBIT 101 WAS RECEIVED INTO

1 EVIDENCE AND MADE A PART OF THIS RECORD.)

2 JUDGE JACOBS: You may proceed.

3 MS. BOCKSTRUCK: Thank you.

4 BY MS. BOCKSTRUCK:

5 Q. Does each bill show the present and previous
6 meter readings?

7 A. Yes, it does.

8 Q. Where does it show that?

9 A. So for example, if we're looking at statement
10 date September 5, 2019, which is confidential page 1,
11 under Claude Scott's address there is a box and it says
12 present reading and previous reading.

13 Q. Okay. So have bills to Mr. Scott been based
14 on actual readings or estimates?

15 A. They have all been based on actual readings.
16 So in the box below the present reading and the previous
17 reading, it indicates actual. If the bills were
18 estimated, it would say estimate.

19 Q. Okay. Thank you. Does each bill show the
20 accurate application of charges and payments to the
21 customer's account?

22 A. Yes.

23 Q. So as Mr. Scott alluded to earlier, he has a
24 little difficulty understanding his bill. Could you
25 maybe walk us through what those charges are?

1 A. Yes. So a delivery charge is about 51 percent
2 of the bill. It covers the delivery and service costs
3 to operate, maintain and upgrade natural gas pipelines
4 across our service area. Usage, roughly 41 percent is
5 the actual gas usage. The cost of natural gas is passed
6 on to the customer with no markup. The charge is based
7 on the amount of gas used each month so typically will
8 fluctuate.

9 A therm is the term used that measures the
10 heating content of a CCF 100 cubic feet of gas when
11 multiplied by the BTU, the British Thermal Unit factor.
12 Taxes, the remaining 8 percent of the bill is the amount
13 of municipal tax or gross receipts tax assessed by the
14 municipality in which the customer receives their
15 service. This amount is collected and paid directly to
16 the municipality. The customer charge is a monthly flat
17 rate service charge for all Spire customers. Each rate
18 class has a different flat charge. It's designed to
19 recover costs associated with delivering natural gas
20 such as bill processing, service line maintenance, meter
21 reading. And then the ISRS, which is the infrastructure
22 system replacement surcharge, this is a portion of the
23 cost to move from place or upgrade our pipelines to
24 bring the customer even safer, more reliable service.
25 The ISRS is designed to recover the costs associated

1 with Spire's eligible infrastructure replacements.

2 When cities request to build new -- sorry.
3 When cities request to build new roads or widen an
4 existing road, they often require our gas mains and
5 services to be moved. Natural gas is the amount we pay
6 others for the purchase, transportation and storage of
7 natural gas.

8 The cost can fluctuate periodically up to four
9 times a year because it is established by a deregulated
10 competitive market. The cost is passed on to the
11 customer with no markup.

12 Q. Thank you, Connie. Has Spire overbilled
13 Mr. Scott?

14 A. No.

15 Q. Mr. Scott alleges in his complaint that he
16 made a payment of \$86 to his account on September 1,
17 2019. Do the bills show that the payment has been
18 credited to Mr. Scott's account?

19 A. Yes. If we look at the statement dated
20 September 5, 2019 and also labeled confidential page 1,
21 you will see where it says bill at a glance and
22 indicates the previous balance charges and a payment of
23 \$86.

24 Q. Mr. Scott also alleges in his complaint that
25 he made a payment of \$85 to his account on September 21,

1 2019. Does his bills also show that that payment has
2 been credited to his account?

3 A. Yes. If you look on statement date October 3,
4 2019, also labeled confidential page 3, again if we look
5 under bill at a glance it has the previous balance,
6 other charges and then the payment of \$85.

7 Q. Now, Mr. Scott alleges that the company has
8 never offered Mr. Scott a payment plan to avoid
9 disconnection. Has the company made attempts to offer
10 him a payment plan?

11 A. Yes. So during the initial complaint process
12 I left a message regarding a payment arrangement and
13 informed Mr. Scott that he could call myself or customer
14 service to set that up. Mr. Scott did call customer
15 service on July 11, 2019 wanting to be placed on an
16 arrangement, which the supervisor set up for Mr. Scott
17 and it also displays on his bills. So if you look, for
18 example, on the statement date September 5, 2019 labeled
19 confidential page 1, if you go down right before where
20 you would like -- where the perforation is, it says
21 payment plans and it shows that he's on a payment
22 arrangement.

23 Additionally, on January 22, 2020, a quote was
24 calculated by Spire but the payment plan was never
25 established because Mr. Scott did not make contact with

1 Spire to follow up.

2 Q. Thank you, Connie. Mr. Scott alleges that the
3 company has violated the cold weather rule by
4 threatening disconnection when the temperature was
5 forecast to be 21 degrees. Has the company ever
6 disconnected Mr. Scott?

7 A. No, we have not.

8 Q. Did Spire send Mr. Scott a notice to
9 disconnect his service in January of 2020?

10 A. No, we did not.

11 Q. Does the company disconnect customers when the
12 weather is forecast to be 21 degrees?

13 A. No. Spire does not disconnect service when
14 the temperature is forecasted to drop below 32 degrees
15 during a 24-hour period. The cold weather rule is from
16 November 1 through March 31.

17 Q. I want to address with you something that was
18 brought up regarding a medical form. Has Spire sent
19 Mr. Scott a medical form?

20 A. Yes. During the initial call with the
21 customer service, he was -- the rep entered it to do to
22 have a medical form sent to Mr. Scott. Additionally, I
23 emailed Mr. Scott a medical form, and then I attempted
24 to follow up with him several times to make sure that he
25 had received that. So let me look at the exact date.

1 On June 10, 2019 is when the representative entered a
2 request for a medical form to be sent to Mr. Scott, and
3 then I also emailed that information to Mr. Scott. Let
4 me get the exact date. I emailed the medical form to
5 Mr. Scott on June 10 of 2019.

6 Q. Thank you. Was a meter change performed at
7 Mr. Scott's residence?

8 A. Yes.

9 Q. What date was the meter change or was that
10 meter change?

11 A. The meter change -- sorry. There were two
12 meter changes. Let me get those dates. Okay. There
13 was a meter change completed on May 16 of 2020 at
14 approximately 9:40 a.m. and then another meter change
15 was completed -- let me get you that information. The
16 second meter exchange was completed -- a second meter
17 exchange was completed on July 25, 2020 at approximately
18 8:11 in the morning.

19 MS. BOCKSTRUCK: Thank you. That concludes
20 Spire's questions direct for this witness.

21 JUDGE JACOBS: Thank you very much. Is there
22 any cross-examination from Staff?

23 MR. PRINGLE: Yes, Judge. Thank you.

24 CROSS-EXAMINATION BY MR. PRINGLE:

25 Q. Good morning, Ms. Sanchez.

1 A. Good morning.

2 Q. So I want to go back to what was entered into
3 evidence as Exhibit 101, Mr. Scott's bills. Do you have
4 those in front of you?

5 A. Yes, I have his bills in front of me.

6 Q. Okay. These are going to be equally very kind
7 of vague questions about billing. Looking at the
8 delivery and customer charges, what gives Spire the
9 authority to make those charges to Mr. Scott?

10 A. So we're regulated by the Missouri Public
11 Service Commission. So those charges are based off of
12 our tariff.

13 Q. So those charges are included in Spire's
14 tariffs?

15 A. Yes.

16 Q. And at the beginning of this proceeding Judge
17 Jacobs -- the Commission took judicial notice of Spire's
18 tariffs. Could you direct us what page could you find
19 the customer charge?

20 A. Yeah, give me just a moment to get the tariff.
21 Sorry. I have the tariff pulled up.

22 Q. Take your time.

23 A. Okay. It's on sheet number 2, residential gas
24 service, and it indicates the customer charge per month
25 of \$22 and also the winter billing months of November

1 through April. The charge for gas per therm is .2330
2 and then the summer billing months of May through
3 October for the first 50 therms used per month the rate
4 is .20994 and for all therms used in excess of 50 therms
5 .25435.

6 Q. Thank you, Ms. Sanchez. And looking back at
7 Mr. Scott's bills, are those charges reflected on his
8 bill precisely the way they are in the tariff?

9 A. Yes.

10 Q. And then also about customer charges, to your
11 knowledge, are customer charges pretty common amongst
12 Missouri utilities?

13 A. Yes.

14 Q. And then as to the delivery charge, where can
15 that be found in Spire's tariff?

16 A. Okay. Just a moment.

17 Q. Take your time.

18 A. Yeah, sorry. Okay. 11.16, sheet 11.16, I
19 believe that's what you're wanting.

20 Q. Okay. From what you see on 11.16, does that
21 match up with how Mr. Scott's bill is presented?

22 A. Yes.

23 Q. And now were you present for Mr. Scott's
24 testimony?

25 A. Yes, I was.

1 Q. Did you hear him say Spire claims it has a
2 right to bill more than what is owed?

3 A. Yes.

4 Q. Is that language used by customer
5 representatives on the phone?

6 A. No.

7 Q. Do you have any idea where -- Is that any part
8 of Spire's guidelines?

9 A. No.

10 Q. Is anyone trained to say that?

11 A. No.

12 Q. Also back to repayment plan. When the company
13 reaches out to Mr. Scott to offer a repayment plan, how
14 would he follow up on it?

15 A. So he would just need to call in to set up the
16 arrangement and make the down payment if it's required.

17 Q. And are you aware -- Did you testify earlier
18 Mr. Scott has reached out to Spire for a repayment plan?

19 A. Yes. He contacted us on July 11, 2019 to set
20 up an arrangement. So he was set up on an arrangement
21 at that time. We didn't require a down payment to set
22 up that agreement based on the complaint that he had
23 submitted just as a customer service gesture to assist
24 Mr. Scott, and then also on July 22, 2020, a quote was
25 calculated but it was never established because

1 Mr. Scott didn't contact us to set up the arrangement
2 and make the down payment.

3 JUDGE JACOBS: I'm sorry. Was that July or
4 January?

5 THE WITNESS: I'm sorry. January 22, 2020 was
6 the most recent, and then July 11, 2019 was where he
7 called in to set up the arrangement. That is also
8 displayed on the bills.

9 BY MR. PRINGLE:

10 Q. Was the January 22 number calculated at
11 Mr. Scott's request?

12 A. Yes. That was calculated through a self
13 service option. So it calculated on January 22 at 7:51
14 p.m. which is after our customer service hours. So that
15 would have been calculated through a self service
16 option.

17 Q. What do you mean by a self service option?

18 A. So that would have been something that
19 Mr. Scott would have pursued himself through My Account,
20 which is our online portal, or over the phone to get a
21 quote. So it provided a down payment amount of \$105.63
22 and a monthly budget amount of 64.55. So since
23 Mr. Scott didn't follow back up with customer service
24 after getting that quote to set that up and make the
25 down payment, it never got established.

1 Q. Do your records show if that was requested via
2 internet or phone?

3 A. Just a moment. I could get further
4 clarification, but what I see is that the contact date
5 was January 22 at 7:51 p.m. and the contact class is
6 customer self service. And then the comments are the
7 down payment of \$105.63 and a monthly budget amount of
8 \$64.55.

9 Q. Okay. Thank you, Ms. Sanchez. So whether
10 internet or phone, because it's stamped self service,
11 that means Mr. Scott had to initiate it?

12 A. That is correct.

13 Q. Thank you, Ms. Sanchez. And also talking
14 about the cold weather rule, Spire has never
15 disconnected Mr. Scott, correct?

16 A. That is correct.

17 Q. But Spire has sent Mr. Scott disconnection
18 notices?

19 A. We sent him disconnection notices during the
20 summer of 2019, but nothing since July 2019.

21 Q. Spire has never sent Mr. Scott a disconnection
22 notice during the winter?

23 A. That is correct.

24 Q. And also for the medical certification form,
25 during Staff's investigation there was a brief talk

1 about that in Mr. Scott's informal complaint from last
2 summer. The failure to provide that form, is that
3 governed by the company's tariff or an internal company
4 guideline?

5 A. That's part of our tariff, and the medical
6 form I did email that to him, to
7 Claudel7scott@gmail.com.

8 Q. Okay. The failure to provide that form, would
9 that be a tariff violation?

10 A. Yes.

11 Q. But the form was provided that same day
12 Mr. Scott asked for it?

13 A. Yes.

14 Q. And the representative who failed to provide
15 that form, what did that follow up training constitute?

16 A. Yes. So that day Mr. Scott spoke to a
17 representative who failed to mention the medical
18 certification form, but the call was also immediately
19 transferred to a supervisor who did submit a request to
20 have that form sent to Mr. Scott. And then I also in
21 addition emailed Mr. Scott the form and then left
22 messages or tried to contact Mr. Scott to verify that he
23 had received it but I wasn't able to talk to him.

24 Q. Thank you for that, Ms. Sanchez, but I was
25 asking more what was -- Staff was told that if he failed

1 to provide that form was sent to quality assurance. Can
2 you give me a rundown of what happened there?

3 A. Yes. So the representative would have been
4 referred to quality assurance just to let her know that
5 if someone, a customer does mention that they have a
6 medical condition that they can send that medical form,
7 especially if they're in threat of disconnection. Since
8 if they qualify, we would cancel the disconnection and
9 give them an extra 21 days before a payment is required.
10 She would have been educated on what the medical form is
11 and then also to make sure that she offers that when
12 customers indicate that they have a medical condition
13 and they're in threat of disconnection.

14 Q. Thank you, Ms. Sanchez. And how many times
15 have you directly reached out to Mr. Scott to offer him
16 that medical form?

17 A. I called him I believe three times in one day
18 trying to verify that he had received, but I wasn't able
19 to speak to Mr. Scott but I did email it. I had sent
20 Mr. Scott other emails to that same address that he did
21 respond to, but he didn't respond particularly to that
22 particular email to say that he had received it. I was
23 trying to confirm that he had received it.

24 Q. Ms. Sanchez, off the top of your head, can you
25 think of how many times you contacted Mr. Scott for just

1 anything?

2 A. So myself personally or myself and other
3 members of my department?

4 Q. Personally just you.

5 A. Personally just me, I would say eight to ten
6 times I guess.

7 Q. Over the course of how long since he
8 established service in December of 2018, I believe?

9 A. Yeah, that would be since I started
10 communicating with him beginning in June of 2019. So
11 that would be from like June 2019 to current is when I'm
12 calculating my number off of.

13 Q. Thank you, Ms. Sanchez. And as for educating
14 customers on their bills, what kind of programs does
15 Spire have for that, if any?

16 A. Yes. So the information is available at
17 Spireenergy.com. If you go to bills and payments, you
18 can click on understanding my bill. And then also on
19 January 22, 2020, a call that Mr. Scott had with a rep,
20 she did explain the customer charge to him about some of
21 those expenses that I just explained that are covered in
22 the customer charge.

23 Q. Besides that phone call with the customer rep,
24 was Mr. Scott ever directed to the website you just
25 described?

1 A. Yes, he was directed so that he could view his
2 bills if he needed to, but it also would have had that
3 information on there.

4 MR. PRINGLE: All right. Thank you very much
5 for answering my questions, Ms. Sanchez. I have nothing
6 further.

7 THE WITNESS: Thank you.

8 JUDGE JACOBS: Okay. Thank you very much. I
9 would like to ask the parties if it would work for
10 everyone to break now and reconvene at 12:30. I don't
11 want to have to interrupt Mr. Scott's questioning of Ms.
12 Sanchez. I also don't want to interrupt additional
13 questioning after that, but we're getting close to
14 needing to break. Does it work for everyone to come
15 back at 12:30 and just take lunch now?

16 MR. SCOTT: Yes.

17 MS. BOCKSTRUCK: Yes.

18 MR. PRINGLE: Yes.

19 JUDGE JACOBS: Okay. Well, that seems to make
20 sense to me. That's what I would like to do. We are
21 going to break now for lunch. We are off the record.
22 We will be resuming here at 12:30 sharp with continuing
23 questions for Ms. Sanchez. Thank you.

24 (Noon recess taken.)

25 JUDGE JACOBS: We're going to go on the record

1 here. We're resuming the hearing in the case
2 GC-2020-0201. And where we left off before we took a
3 break for lunch was with Ms. Sanchez's testimony. We
4 had just finished up cross-examination by Staff. I
5 believe your cross-examination was complete,
6 Mr. Pringle?

7 MR. PRINGLE: That's correct, Judge. I have
8 no further questions for Ms. Sanchez.

9 JUDGE JACOBS: Okay. So what we would do then
10 is advance to hear from Mr. Scott. I can't tell if
11 Mr. Scott is with us. Mr. Scott, are you with us?

12 MR. SCOTT: I am.

13 JUDGE JACOBS: Thank you, sir. I see which
14 line you're on now. So let me identify that line.
15 Okay, Mr. Scott. Where we are in the proceeding now is
16 that we've heard from Ms. Sanchez and we had some
17 cross-examination by Staff and now it would be your
18 opportunity to ask Ms. Sanchez questions if you had some
19 questions for her.

20 MR. SCOTT: Okay. Can you re-educate me on
21 Ms. Sanchez's position, please?

22 JUDGE JACOBS: She is identified as an
23 outreach specialist in Spire's community services
24 department; is that correct, Ms. Sanchez?

25 THE WITNESS: Yes.

1 CROSS-EXAMINATION BY MR. SCOTT:

2 Q. Okay. Ms. Sanchez, since you're an outreach
3 person, I have a question for you and that is this. And
4 I know this is going to sound repetitive. But you
5 mentioned about a payment arrangement that was made in
6 July of 2019. My question to you is why was I offered
7 pay amounts above the required monthly payment
8 arrangement? If the payment arrangement was only \$60,
9 why am I paying you \$85, \$86 twice in one month and
10 below the payment amount of \$53 in January 2019 and then
11 is goes on and says --

12 JUDGE JACOBS: So hold on, Mr. Scott. So you
13 just asked Ms. Sanchez a question about you had a
14 certain payment amount owed under a payment arrangement
15 and you've asked her why you would pay more than that.
16 So let's see if Ms. Sanchez has any explanation or
17 answer for that question.

18 THE WITNESS: So you're asking about the
19 payment arrangement that was made in July?

20 BY MR. SCOTT:

21 Q. No, ma'am. Is it 2019 then that would be the
22 ones that you mentioned two dates. You mentioned July
23 2019 and January of 2020.

24 A. So you had a payment arrangement that was
25 established on July 11, 2019 when you called in to

1 customer service. So that was set up for you. And then
2 it also displays on your August, September and October
3 bills.

4 Q. Okay. Then maybe you can explain to me why in
5 September I made two payments of \$86 and \$85?

6 A. Let me pull up your record of payments. Just
7 a moment. Okay. So you made a payment of \$71 on July
8 12 that established the payment arrangement. Then you
9 made a payment of \$86 on September 1 and a payment of
10 \$85 on September 21.

11 Q. Okay. Now, is there a reason did Spire
12 require me to make two payments in the month of
13 September?

14 A. No.

15 Q. Is there a reason for me doing that?

16 A. I wouldn't know why you made two payments.
17 You got a bill. Yeah, you got a bill on August 5, 2019
18 and a bill on September 5, 2019, but you didn't receive
19 two bills during that month. So it could be, you know
20 -- I'm not sure why you made two payments.

21 JUDGE JACOBS: So Ms. Sanchez, the August 5,
22 2019 bill, what was the balance that was owed on that
23 bill?

24 THE WITNESS: Okay. I'll open that bill up.
25 August 5, 2019, the statement date of August 5, 2019,

1 the amount due is \$85.47.

2 JUDGE JACOBS: And your table that is Exhibit
3 100 in this case, what is the running balance that's
4 shown on that date?

5 THE WITNESS: On August 5, the total balance
6 is \$192.78, which is also reflected on the statement,
7 the August 5, 2019 statement. So in the bill the shaded
8 gray box that says bill at a glance, it has the total
9 balance and it has the amount due. The amount due is
10 less than the total balance because of the payment
11 arrangement.

12 JUDGE JACOBS: So I actually think that the
13 August bill is the only bill from June of 2019 through
14 January of 2020 that doesn't appear yet in the record in
15 this case. So would it be possible for that statement
16 to be provided perhaps even before this hearing ends
17 today?

18 THE WITNESS: Yes, yeah.

19 JUDGE JACOBS: All right. So what I'd like to
20 do is I would propose that Spire would produce that and
21 file it in EFIS and then I will make sure the parties
22 have a chance to respond to it. Because we're talking
23 about the figures that are on that, we should get that
24 statement somewhere in the record.

25 MS. BOCKSTRUCK: Okay.

1 JUDGE JACOBS: So what I was hoping -- First
2 of all, Mr. Scott, would you have any objection to that
3 August bill being part of the record in this case?

4 MR. SCOTT: I have no objection, Your Honor,
5 but I did have a question about it.

6 JUDGE JACOBS: And you are going to get to
7 have another opportunity to ask Ms. Sanchez more
8 questions.

9 THE WITNESS: Sure.

10 JUDGE JACOBS: Okay. But I was trying to get
11 something developed and we just happened to have picked
12 this August period when there isn't a bill on the record
13 unfortunately. So what I was trying to get from Ms.
14 Sanchez was to just explain the relationship between
15 that running balance on the table that's in the record
16 and now this statement that you've referenced so that
17 you can explain why the bill might say a certain amount
18 is due and why Mr. Scott might, in fact, owe more than
19 that.

20 THE WITNESS: Yes. So the total balance on
21 the August 5, 2019 statement says \$192.78 and the amount
22 due shows \$85.47. And that is due to the payment
23 arrangement.

24 JUDGE JACOBS: And so the payment arrangement
25 obligated Mr. Scott to pay a certain amount of money

1 that was a past due balance that was to be paid every
2 month until that past due amount was completely
3 satisfied?

4 THE WITNESS: Yes. So this arrangement was a
5 three-month arrangement. So it shows on his September
6 5, 2019 statement, his September 5, 2019 statement and
7 his October 3, 2019 statement.

8 JUDGE JACOBS: And these are part of Spire's
9 Exhibit 101, the September and the October statements
10 are at least?

11 THE WITNESS: Yes.

12 JUDGE JACOBS: So when you look at those
13 statements, you see something indicating payment
14 arrangement of \$53.66?

15 THE WITNESS: Yes. In the lower left-hand
16 side of the bill before the -- where it would be -- it
17 would have been perforated to tear off there.

18 JUDGE JACOBS: And I apologize for
19 interrupting Mr. Scott's opportunity to ask questions,
20 but because we're here right now I'm going to go ahead
21 and ask this. Mr. Scott entered into a payment
22 agreement in the middle of 2019 that called for paying a
23 certain amount initially and then making three payments
24 of a certain amount; is that right?

25 THE WITNESS: Yes. So he would have been

1 billed each month for the arrangement amount and also
2 would have needed to pay that by the due date to keep
3 the payment arrangement from canceling.

4 JUDGE JACOBS: Can you just explain to us from
5 when that payment arrangement started to when it may
6 have ended how things went? So it starts, payments are
7 made, payments are due, whether or not they are made,
8 and then whether that payment arrangement is ever
9 satisfied. Could you just walk us through that, please?

10 THE WITNESS: Yes. Give me just a moment.
11 I'll give you the exact date. Okay. So the payment
12 arrangement started on July 11, 2019 and then it was
13 broken on October 25, 2019 due to nonpayment. So when
14 it started on July 11, Mr. Scott made a payment of \$71.
15 He was billed on August 5. And I already went over that
16 amount. Then he made a payment on September 1, 2019 in
17 the amount of \$86. He was billed again on September 5,
18 2019. He made a payment on September 21, 2019 in the
19 amount of \$85. And then he was billed again on October
20 3, 2019, and we didn't receive a payment in October. So
21 the arrangement was broken for nonpayment.

22 JUDGE JACOBS: So would that have been the
23 last of the three installments of \$53.66?

24 THE WITNESS: Yes, that's correct.

25 JUDGE JACOBS: Okay. So Mr. Scott, I decided

1 to interject this question, because I think it went to
2 what you were asking about why you would pay more than a
3 certain amount. So you can go ahead and proceed with
4 whatever additional questions you have. Thank you, Ms.
5 Sanchez.

6 THE WITNESS: You're welcome.

7 BY MR. SCOTT:

8 Q. I'm just going to read from what I had written
9 down basically covering the closing argument and that is
10 there was no history of contact with Spire by email
11 regarding a payment arrangement. What I'd like to know
12 is why didn't Spire send something in the mail instead
13 of trying to do this by phone or have a form sent to me
14 by mail with a signature required by it? I don't
15 understand why Spire does it that way. They do not send
16 these things out by mail. There was no signed document
17 for the payment arrangement. What she's stating is that
18 the payments that were made over and above the usage
19 apparently goes to what they consider to be a payment
20 arrangement. So what I ended up doing was paying more
21 than I'm supposed to. My next point in this --

22 JUDGE JACOBS: So did you have a question for
23 Ms. Sanchez?

24 MR. SCOTT: Well, the only thing question I
25 have for Ms. Sanchez is when you guys do these payment

1 arrangements, why don't you send out document form,
2 payment form?

3 JUDGE JACOBS: Okay. So that's a question.
4 There's a question. Ms. Sanchez, could you answer that
5 question, please?

6 THE WITNESS: Yes. Mr. Scott was mailed
7 details regarding the arrangement, but he also had
8 called in on September 11, 2019 requesting the
9 arrangement. That's a recorded call.

10 JUDGE JACOBS: I'm confused. My understanding
11 was there was a payment arrangement that was entered
12 into in July 2019. I believe we previously had some
13 questions about whether he had asked for a payment
14 arrangement. I thought your testimony was that his
15 request was made through a self service mechanism in
16 January. So what is the September reference?

17 THE WITNESS: I'm sorry. I'm sorry. July 11,
18 2019. So I'm referring to this payment arrangement in
19 2019. Over the summer he had called in and requested
20 the arrangement. That was a recorded call. And then
21 January 22, 2020 was a self service option.

22 JUDGE JACOBS: Okay. Thank you for helping us
23 clarify that. So actually when he called in and asked
24 for a payment arrangement in July 2019, didn't that
25 result in a payment arrangement?

1 THE WITNESS: Yes, it did.

2 JUDGE JACOBS: Okay. And then that was
3 confirmed by the company by sending him a letter; isn't
4 that right?

5 THE WITNESS: Yes, that's correct.

6 JUDGE JACOBS: Okay. And is that typical of
7 how payment arrangements are handled?

8 THE WITNESS: Yes.

9 JUDGE JACOBS: Okay. Mr. Scott, did you have
10 any additional questions?

11 MR. SCOTT: Well, no. I just have a
12 statement, not a question, but since she wants to
13 confirm that with a letter, you know, this is something
14 they do all the time. So you can go ahead and confirm
15 that if you want. I never received a letter. I'm just
16 looking at the statement. I just have another question
17 for Spire and that is regarding the medical condition
18 form. The medical condition form says they could have
19 sent this form by postal mail delivery. Normally
20 companies do that for a physician's signature. This
21 form was never sent to me by Spire. So this is not
22 something that you do over the phone. If Spire wants to
23 know about a medical condition, what they usually do is
24 send out an invitation first.

25 JUDGE JACOBS: Mr. Scott, did you have a

1 question for Ms. Sanchez about the medical form?

2 MR. SCOTT: Yes, I did. That is the question.

3 JUDGE JACOBS: What was the question?

4 MR. SCOTT: Why wasn't this form, this medical
5 form sent to me in the mail?

6 JUDGE JACOBS: Okay. There's a question. Ms.
7 Sanchez.

8 THE WITNESS: Yes. So the supervisor that
9 spoke to Mr. Scott submitted a request to have that form
10 sent to Mr. Scott. That would have been through mail.
11 I also emailed Mr. Scott that form in June of 2019, and
12 I attempted to call Mr. Scott several times to confirm
13 that he had received it but I wasn't able to speak to
14 Mr. Scott.

15 JUDGE JACOBS: So I have a question to follow
16 up there. If your records are indicating to you that a
17 request was made in the system to send the form to
18 Mr. Scott, please explain to me whether you know the
19 form was actually made or mailed and if you do how you
20 know that.

21 THE WITNESS: Yes. So there is a request that
22 has a number associated with it in our system. And when
23 those are completed, they're closed out.

24 JUDGE JACOBS: So is it something that tells
25 some kind of automated system to generate the statement

1 or generate the form and send it to this customer?

2 THE WITNESS: Yes. So if the to do or the
3 request hadn't been completed, it would still show open
4 in our system but it's not open.

5 JUDGE JACOBS: So even though you saw that
6 that request had been made and a form was going to be
7 mailed to Mr. Scott, is there a reason why you also
8 decided to email it to him?

9 THE WITNESS: Yes. Because he was in threat
10 of disconnection, I thought it would be more timely to
11 get that to him by email so that he could get that back
12 to us before being disconnected, but I canceled the
13 disconnection anyway as a customer service gesture since
14 I sent the medical form out to him so that he would have
15 time to get that back to us and not have to worry about
16 being disconnected.

17 JUDGE JACOBS: Okay. And I'd also like to
18 clarify something else. All of this discussion about
19 the medical form and the request for the form, what
20 month was that taking place?

21 THE WITNESS: That was June of 2019.

22 JUDGE JACOBS: Okay. So that all predated
23 then a payment arrangement that Mr. Scott then entered
24 into with Spire?

25 THE WITNESS: Yes, that is correct.

1 JUDGE JACOBS: Okay. Thank you. Mr. Scott,
2 one more chance to ask any additional question of Ms.
3 Sanchez.

4 BY MR. SCOTT:

5 Q. The only question that I have for Ms. Sanchez
6 is that I would like to know why your people did not
7 contact me and send me an email and ask me if the form
8 had been received because the form had not been
9 received. I understand you stated that you had sent an
10 email to me. I read each and every one of the emails
11 that I get from everybody. I did not see an email from
12 you. It's not to say that you didn't send it. It's
13 just to say that I did not receive it. I would like to
14 know why is it only one person in your department checks
15 on these forms because things can get lost in the mail.
16 So no one else but you would have contacted me.

17 JUDGE JACOBS: Okay. I think that's the
18 question. We've got a question on the table. Let's let
19 Ms. Sanchez answer the question.

20 THE WITNESS: Yes. So Mr. Scott, I'm going to
21 pull up my notes from the account really quickly. Okay.
22 So on June 10, 2019, after emailing the form to you, I
23 attempted to call you three times, and the first call
24 after I identified myself the call was disconnected, the
25 second call I got no response, and the third call again

1 was disconnected after I identified myself.

2 MR. SCOTT: It's very possible you were
3 calling the wrong phone number.

4 JUDGE JACOBS: Mr. Scott, please don't
5 interrupt Ms. Sanchez while she answers the question.
6 It causes trouble for our court reporter. So could you
7 repeat your follow up question, sir.

8 BY MR. SCOTT:

9 Q. Well, my follow up question was I think I
10 already stated it but I do have another question. And
11 that is amidst these problems that we've had with this
12 service and communication, what exactly is Spire willing
13 to do in the way of payment arrangement? I mean, an
14 exact payment arrangement by mail and by paper only, not
15 by telephone, to resolve this issue. We talked about
16 overbilling and everything else. What payment
17 arrangement are they willing to do to keep this service
18 going?

19 JUDGE JACOBS: So, Mr. Scott, I'm sure Spire
20 would be happy to talk to you about a payment
21 arrangement on your account, but that is not an
22 appropriate discussion for the hearing today.

23 MR. SCOTT: Okay. Then I'm trying to figure
24 out exactly what are we going to resolve because
25 everything that I've brought up with Spire they want to

1 deny. Even with the meter change. I told Spire once
2 before there was no meter change out here. They claim
3 they swore that there was.

4 JUDGE JACOBS: And we're going to hear some
5 more testimony on that. If you would like to
6 cross-examine those witnesses, you can do so. Did you
7 have any more questions for Ms. Sanchez?

8 MR. SCOTT: See if I have any others listed on
9 here. Hang on. No, those are the main three that I
10 wanted to hit on.

11 JUDGE JACOBS: Okay. And I don't think that I
12 have Commissioners present as far as I can tell at this
13 time. I know that they will speak up if they have any
14 questions for Ms. Sanchez. Ms. Sanchez, I want to thank
15 you for your patience with us today. I am also going to
16 have some more follow up questions for you even though
17 I've asked a few. I still have some remaining. Okay?

18 THE WITNESS: Okay.

19 QUESTIONS BY JUDGE JACOBS:

20 Q. All right. So could you just explain to us
21 what is your understanding about when payment plans are
22 offered to customers?

23 A. So if a customer calls in and indicates that
24 they would like a payment arrangement or that they're
25 having trouble paying their bill, that's typically when

1 we offer those.

2 Q. Are payment arrangements offered to customers
3 who call in and say that their billing is incorrect or
4 that for some reason they've disputed their bill?

5 A. If they've indicated like a difficulty paying,
6 we would offer a payment arrangement.

7 Q. Okay. So if they call in and say I think
8 you're overbilling me, is that a situation where you're
9 going to offer them a payment arrangement?

10 A. The rep could further, you know, ask some
11 additional questions to see if that's something that
12 they would want.

13 Q. Are you aware of circumstances when the
14 company is required under its tariffs or under the
15 Commission's rules to offer a payment plan to a
16 customer?

17 A. If the customer is indicating difficulty
18 paying, we offer payment arrangements and then those
19 payment arrangements are different during the cold
20 weather rule season. So November 1 through March 31
21 it's a different type of arrangement that's offered
22 during the rest of the year.

23 Q. Okay. When we get to the point of January 16,
24 2020, which is the day that Mr. Scott's complaint was
25 filed with the Commission, what was the status of

1 Mr. Scott's account at that time with Spire?

2 A. Okay. So January 16, 2020, are you wanting to
3 know the balance?

4 Q. What I'm really wondering is was he considered
5 to be in a payment plan of any kind at that time?

6 A. No, no. On January 6, he was not.

7 Q. January 16 was the date I was using.

8 A. No. January 16, 2020, he was not in an
9 arrangement.

10 Q. And then you previously told us that later
11 that month Mr. Scott used a self service, or at least
12 your records indicate that someone under his account or
13 identifying his account used a self service method
14 either through the phone or online to request a payment
15 arrangement; is that right?

16 A. Yes. So he accessed this system -- I'll get
17 you the exact details. Just a moment. Okay. So on
18 January 22, 2020, at approximately 7:51, our customer
19 self service option was utilized and it provided
20 information regarding a down payment of \$105.63 to set
21 up a monthly budget amount of \$64.55. So to establish
22 the arrangement, Mr. Scott would have had to have
23 followed up with an actual down payment like the payment
24 towards the down payment and then calling customer
25 service so that we could set that up for him.

1 Q. When a customer initiates this process, do
2 they actually get the information back that says the
3 company would be willing to enter into this plan, the
4 terms would be you pay this much now and then you'll
5 have a monthly payment of this much to pay your
6 arrearage; is that how that works?

7 A. Yes.

8 Q. All right. What are the consequences for the
9 customer if they fail to pay a payment plan as agreed?

10 A. So if they fail to pay it, then the
11 arrangement is broken. So it no longer exists. And
12 then their total account balance becomes due. On those
13 other bills that I had referenced, the amount due was
14 higher. I'm sorry. The total balance was higher than
15 the amount due because he was in an arrangement; but
16 when there's no arrangement, the total balance and the
17 amount due match.

18 Q. Because at that point the company considers
19 the full amount due?

20 A. Yes.

21 Q. When you enter a payment arrangement, one of
22 the benefits that that gives you is the company agrees
23 we will not consider this total balance to be due at
24 this time?

25 A. Yes. It helps to break it up so that you

1 don't have to pay the whole balance all at one time. So
2 it makes it a little more manageable and breaks it up
3 over a period of time.

4 Q. And you had told me that Mr. Scott had not
5 made a payment under -- I'm sorry. You testified to the
6 Commission that Mr. Scott had not made a payment
7 arrangement payment that was due in October, is that
8 right, October 2019?

9 A. Yeah. There were no -- No payment was posted
10 to the account in October, November, December. The next
11 payment was January 6, 2020 in the amount of \$53.

12 Q. So after that payment arrangement is not
13 satisfied, whatever past due was owed would have become
14 immediately due; is that right?

15 A. That is correct.

16 Q. Okay. And then are there consequences if you
17 didn't make your payments under the payment arrangement,
18 will the company refuse to enter into a payment
19 arrangement with you or is it entitled to require more
20 of you or is there -- I mean, how does that work?

21 A. Yes. So if you've broken an arrangement and
22 you want to go on another arrangement, the down payment
23 can increase because of your total balance. So if your
24 total balance keeps accumulating because you haven't
25 been making payments, then the percentage or whatever

1 down payment you have to make is going to be a little
2 higher. But we would still enter into that arrangement
3 with you as long as you're able to cover the down
4 payment.

5 Q. Do you happen to know does the cold weather
6 rule obligate the company to go ahead and do that under
7 certain times during the year?

8 A. Yes. So November 1 through March 31, there is
9 a special cold weather rule arrangement so customers can
10 pay a certain percentage of their total balance to set
11 up the cold weather rule arrangement and then that plan
12 is over a 12-month period of time.

13 Q. So when Mr. -- Or when a payment plan was
14 generated for Mr. Scott in January, would that have
15 automatically reflected the arrangement that's available
16 under the cold weather rule or would that have been
17 something else?

18 A. No, that would have been the cold weather rule
19 arrangement.

20 Q. So the 105 down with monthly additional
21 payment of 64.55 toward the past due owed, that would
22 have been over 12 months?

23 A. Yes.

24 Q. Okay. And can you just explain to us what can
25 Spire do to help customers who owe past due amounts on

1 their accounts?

2 A. So we have a couple of things that we're able
3 to do right now. We, of course, have the cold weather
4 rule arrangement which is a 12-month plan. We also have
5 under Spire corona virus, we're offering an 18-month
6 plan. We also have other options if someone has been
7 impacted by corona virus that offer budget credits and
8 matching credits up to \$300 towards payments that are
9 made. Also we refer people to United Way 211 so that
10 they can get additional assistance possibly through the
11 low income home energy assistance program, which is a
12 government program, or other agencies like St. Vincent
13 de Paul or things like that.

14 Q. Thank you very much. I just want to follow up
15 with you about Commission Exhibit 300 which are the
16 documents that Spire provided when the Commission
17 directed Spire to produce whatever disconnection notices
18 were issued to Mr. Scott and the Commission asked for
19 disconnection notices from June 1, 2019 to February 1,
20 2020. So if you take a look at those documents, can you
21 confirm for us that that indicates all of the notices of
22 potential disconnection that Mr. Scott would have
23 received during that time?

24 A. Yes, those are correct.

25 Q. Okay. And do disconnection -- It looks like

1 those notices in there include a few different mentions
2 of the possibility of making payment arrangements?

3 A. Yes.

4 Q. And are those notices typical of what a
5 customer is going to receive?

6 A. Yes.

7 Q. Okay. Do your records indicate that Mr. Scott
8 has ever asked to receive his bills by email?

9 A. No.

10 Q. And is it possible for Spire customers to ask
11 to get their bills by mail and also by email?

12 A. They can either do mail or email.

13 Q. I just want to follow up a little bit more on
14 the medical certification form. I'm just -- Now, that
15 obviously, it sounds like, is a form that needs to be
16 filled out by a medical provider; is that right?

17 A. Yes.

18 Q. So the idea is that form is provided to your
19 customer and then they take it to their provider who
20 certifies that there's some sort of condition?

21 A. Yes, and there is a fax number. You go ahead.
22 Sorry.

23 Q. I apologize. I was just going to ask you how
24 is that returned to the company, and I think that's what
25 you were anticipating answering.

1 A. Yes. So there is a fax number on the form.
2 So the doctor is encouraged to fax that back to our
3 office. Just because of the nature of the situation,
4 these are customers that are in threat of disconnection
5 so we want that information as quickly as possible so
6 that they don't get disconnected so that we can go ahead
7 and receive that, cancel the disconnection and give them
8 the extra 21 days to make a payment.

9 Q. My understanding coming into the hearing today
10 was that that form that is used and when that is issued
11 was actually according to an internal policy of the
12 company, but I think testimony today indicated that's
13 actually part of a tariff. Can you clarify that for me
14 and if it is part of a tariff, can you let me know where
15 I can find it?

16 A. I probably need to research that myself just
17 to make sure if it is in the tariff.

18 Q. Okay. So you did previously say that it was
19 in the tariff but now you revised that to say that you
20 would want to double check that?

21 A. Yes.

22 Q. So you think it might actually be just part of
23 a company policy?

24 A. I would want to double check.

25 Q. Okay.

1 A. Sorry.

2 JUDGE JACOBS: That's okay. I much prefer the
3 nuanced answer on that one. Okay. So I do not see
4 Commissioners present for questions, and those were all
5 the questions that I had. Is there any recross from
6 Staff for Ms. Sanchez?

7 MR. PRINGLE: Nothing from Staff, Judge.
8 Thank you.

9 JUDGE JACOBS: Thank you very much.
10 Mr. Scott, did you have additional questions for Ms.
11 Sanchez based on the cross-examination?

12 MR. SCOTT: Yes, I do. Based on the current
13 situation we have three issues on this thing. That's
14 the disputed billing, the pandemic and the payment
15 arrangement. What exactly is Ms. Sanchez willing to do
16 in the way of payment arrangement to resolve this matter
17 because this has become a very serious matter to me. As
18 I stated, I think I've been overbilled. What is Ms.
19 Sanchez willing to do and Spire willing to do in the way
20 of payment arrangement to get the issue resolved?

21 JUDGE JACOBS: So this is what I would
22 suggest. I think Spire has now heard from Mr. Scott an
23 expression of interest in entering a payment arrangement
24 to resolve this situation. So that would have to take
25 place outside of the hearing, because that is not

1 necessarily part of what the Commission has to determine
2 here. So I think that request has now been officially
3 communicated, but certainly that discussion is not going
4 to take place right here in this hearing.

5 MR. SCOTT: My second question, I do have a
6 second question. That is, Ms. Sanchez, and I wanted you
7 to tell this to the Judge as well as me. This pandemic
8 is something that we've never experienced before. Is it
9 something that would benefit the customer more to go the
10 pandemic route or just to go payment arrangement route?

11 JUDGE JACOBS: Once again, Mr. Scott, the
12 pandemic emerged in March 2020. Your complaint was
13 filed in January 2020. So that is outside the scope of
14 the issues that are before the Commission in your case,
15 but I'm sure that Spire will be happy to talk to you
16 about what arrangements can be made to resolve any past
17 due amount owed. Okay?

18 MR. SCOTT: Okay. My final question is, since
19 no one saw Spire change the gas meter out, is Spire
20 willing, because they claim they did two meters already,
21 is Spire willing to send someone here with the gas truck
22 and a meter to knock on the door and make sure I'm here
23 to see a meter change?

24 JUDGE JACOBS: So I believe we're going to
25 hear testimony from two additional Spire witnesses.

1 That will give you a chance to address this meter issue.
2 So let's go ahead and move on to that testimony. Ms.
3 Sanchez, thank you very much for your testimony today.
4 You are excused.

5 THE WITNESS: You're welcome.

6 JUDGE JACOBS: Thanks.

7 THE WITNESS: Thank you.

8 JUDGE JACOBS: So Ms. Bockstruck, I think you
9 indicated your next witness would be Mr. Wilken; but if
10 you wanted to change the order, that's fine. Just let
11 me know who's coming up next.

12 MS. BOCKSTRUCK: That's correct. Brandon
13 Wilken.

14 JUDGE JACOBS: Okay. And I believe Mr. Wilken
15 is appearing by phone. Right? No video today?

16 THE WITNESS: Yes, ma'am.

17 JUDGE JACOBS: Thank you very much. Mr.
18 Wilken, could you raise your right hand for me, sir?

19 THE WITNESS: Yes.

20 (Witness sworn.)

21 JUDGE JACOBS: Thank you very much. You can
22 proceed with your witness, Ms. Bockstruck.

23 MS. BOCKSTRUCK: Thank you, Judge.

24 BRANDON WILKEN,
25 called as a witness on behalf of Spire, being sworn,

1 testified as follows:

2 DIRECT EXAMINATION BY MS. BOCKSTRUCK:

3 Q. Mr. Wilken, please state and spell your name
4 for the court reporter.

5 A. My name is Brandon Wilken, B-r-a-n-d-o-n,
6 Wilken, W-i-l-k-e-n.

7 Q. By whom are you employed?

8 A. I'm employed by Spire.

9 Q. What is your position?

10 A. I am a service technician.

11 Q. How many years have you worked for Spire?

12 A. I have been working for seven years here.

13 Q. Please describe your duties as a service
14 technician.

15 A. We turn on people's gas, we turn off people's
16 gas at their request, we change the meters out, we do
17 high bill investigates, we do emergency as far as fires,
18 explosions, field calls. We put in new meter sets at
19 new homes. We put in -- We do service work in people's
20 houses as far as repairing furnaces, water heaters,
21 fireplaces and all the above related to gas, yeah.

22 Q. All right. Thank you. On May 16, 2020, were
23 you working in your capacity as a service technician?

24 A. Yes.

25 Q. On that date, were you scheduled to do a meter

1 change at 3725 Geraldine Avenue in St. Ann for Claude
2 Scott?

3 A. Yes, ma'am.

4 Q. What time were you scheduled to change
5 Mr. Scott's meter?

6 A. According to -- I don't know exact time, but
7 it was around the morningtime about 9:00. I had saw the
8 call. And before I got done with my original call, I
9 called ahead. And I think it went straight to
10 voicemail. So when I got done with my call, I called
11 again and no answer.

12 Q. Who were you calling?

13 A. I'm calling Claude Scott, the number that's on
14 the paperwork.

15 Q. And why were you calling him?

16 A. We always call ahead before we get to a
17 customer's house to do a job if it's requested or if it
18 says on the bottom of the paperwork. We usually just do
19 it just to give them a courtesy even if it isn't
20 requested.

21 Q. Did he answer any of your calls?

22 A. No, ma'am.

23 Q. Okay. So what happened when you arrived to
24 his residence?

25 A. I arrived to the house, made sure I had the

1 right address. I went up to the door. I knocked quite
2 a few times. No one answered. So I saw in the note
3 that it was just a meter change due to meter
4 complications, and so I went to go around the corner.
5 Since no one answered, we can either do -- we can bypass
6 it if it's compatible with that or not. So I went
7 around the corner, which his meter is located on the
8 north side of the building right by the trash can. His
9 meter was compatible. So we could be able to bypass it
10 without having to disrupt the gas inside the house. So
11 I went about and I got a new meter and I got everything
12 I needed to replace the meter without bothering anything
13 that he had lit inside the house. I replaced the meter
14 with a brand new one and took the old one out. In the
15 note it said to give it to your boss so they can bring
16 it down to the meter shop. So after I disconnected the
17 meter and I got it all together, I called my boss. I
18 told him that day, he was there this morning, and I said
19 hey, this note say I need to give it to you so you can
20 take it down to the meter shop. He said okay. I met
21 him at the shop. I delivered the meter to him and that
22 was it.

23 Q. Okay. I want to go back to how you changed
24 Mr. Scott's meter. You said you could bypass the gas?

25 A. Yes. We bypass it with it's called a Grunsky

1 method where we have a tank of gas and we stick it into
2 a tee which is going to feed gas into the house
3 continuously as we turn off the gas that's coming in to
4 the meter so we can go ahead and steady feed gas in
5 while we change the meter and put the other one up.

6 Q. So when you do that, that means you do not
7 have to turn off gas in the residence?

8 A. Nope. The gas is continuously going to
9 everything in the house.

10 Q. Did you also change Mr. Scott's meter on July
11 25, 2020?

12 A. Yes, I did, ma'am. I actually met Claude. I
13 called him before I did arrive there that morning
14 letting him know that I was on my way to change the
15 meter out again for him. I knocked on the door. He
16 answered. He came out. And my supervisor was also
17 there too, Keith O'Brien. He came outside. I showed
18 him the meter. I said sir, this is a brand new meter
19 right here. I showed him everything from the back of
20 the van where I got it with a new case on it. I said
21 this is a new meter right here. We're going to take it
22 around. I showed him where the meters were at. He
23 walked all the way back to the back of the building
24 thinking that the electrical meter was the gas meter.

25 So I showed him that right there on the side

1 where the garbage cans were those were the meters, and I
2 showed him this is the new meter I just put in. I
3 showed him exactly what I did. I said, see, this is a
4 new meter and this is the meter that's here. I'm going
5 to change it out. I showed him the Grunsky method. I
6 bypassed it all again and did it the same way that I had
7 done the first time originally, and he sat in here
8 watching and there was no problem. He saw the new meter
9 get put on. I made sure I was being direct with him so
10 I could say hey, here's the new meter, here's the other
11 one, we're changing them out. It was all confirmed. He
12 saw it. I said you're good with that? He said yes.
13 Okay. So we continued.

14 We put the new meter up. It was done. We had
15 the paper for him to sign where he both signed it and I
16 witnessed him sign it with my supervisor's signature
17 also signing it and that was it.

18 Q. And that form you're referring to, if you look
19 at Spire's exhibit page 14, is that the verification
20 form that you witnessed Claude Scott sign?

21 A. Yes, ma'am.

22 Q. And the other signature on the form, is that
23 your supervisor, Keith O'Brien?

24 A. Yes. That was the supervisor that day and
25 that was, yes.

1 Q. Okay. Do you know why you changed Mr. Scott's
2 meter a second time?

3 A. He had said that I had never changed the meter
4 out.

5 Q. The first time, but you did?

6 A. Yes, yes, the first time, but I did. That's
7 how the meter shop got the first meter originally that
8 we were changing out because he thought something was
9 wrong with it. That's how that one got tested, the
10 original one from the very beginning.

11 MS. BOCKSTRUCK: Great. I have no other
12 questions direct for this witness. Judge Jacobs, you're
13 on mute.

14 JUDGE JACOBS: Thank you. That verification
15 form that you've identified, should that be Spire's
16 Exhibit 102?

17 MS. BOCKSTRUCK: Yes, thank you, Judge. Yes,
18 I'd like to admit the verification form as Spire's
19 Exhibit 102.

20 JUDGE JACOBS: Okay. Any objection to that?
21 Hearing no objection, that form will be admitted.
22 It's marked as confidential and it does have at least
23 the address of the residence there so we'll leave it
24 confidential.

25 (SPIRE'S EXHIBIT 102 WAS RECEIVED INTO

1 EVIDENCE AND MADE A PART OF THIS RECORD.)

2 JUDGE JACOBS: Ms. Bockstruck, you've
3 indicated that Mr. Wilken is ready for any
4 cross-examination; is that right?

5 MS. BOCKSTRUCK: Yes, that is correct.

6 JUDGE JACOBS: Okay. So that would be -- We
7 would go ahead and ask Staff if you have any
8 cross-examination. Mr. Pringle.

9 MR. PRINGLE: Judge, thank you.

10 CROSS-EXAMINATION BY MR. PRINGLE:

11 Q. Good afternoon, Mr. Wilken.

12 A. What's going on? How you doing?

13 Q. Pretty good, pretty good. My name is Travis
14 Pringle. I'm a staff attorney with the Staff of the
15 Missouri Public Service Commission. I have a few
16 questions for you.

17 A. Yeah.

18 Q. So it sounds like you have a pretty solid
19 knowledge of Spire's gas meters; is that correct?

20 A. Yes, sir.

21 Q. And now all the meters you've seen at
22 Mr. Scott's house, were any of them part of the
23 automated meter reading process?

24 A. Are you talking about with the satellite
25 battery pack inside of them? Is that what you're

1 talking about automated?

2 Q. Exactly. How they're read, yes, sir.

3 A. Yes, exactly, yes, they were all the same.

4 Q. So what does it mean if a meter has an
5 automated meter reading process? What does that mean?

6 A. That it gets read by a satellite.

7 Q. Okay. You can finish that up, Mr. Wilken.

8 A. No, I just said yes, it gets read by a
9 satellite which connects downtown to the computer.

10 Q. So that means that a Spire technician does not
11 need to be next to that meter for it to be read?

12 A. No.

13 Q. Because, like you said, the computers that
14 Spire has, they can read that without a technician in
15 close physical proximity of the meter?

16 A. Exactly, yes.

17 Q. All right. And then for the two times you
18 changed Mr. Scott's meter on May -- the first time, was
19 that May 16?

20 A. Yeah.

21 Q. And Mr. Scott was not present for that?

22 A. No. I did leave a door tag saying that I did
23 change the meter, but it could have -- I don't know
24 whether it would have blew off or anything like that.
25 But I did leave a door tag that we do have that says we

1 had changed your meter while you were gone.

2 Q. Okay. On July 25 -- sorry, Mr. Wilken. On
3 July 25, 2020, though, Mr. Scott was present for that
4 meter change?

5 A. Yes, I had met Mr. Scott.

6 Q. Did you say that he thought that his gas meter
7 was an electrical meter at first?

8 A. Yeah. He thought the meter, a gas meter was
9 in the back of the building which it wasn't. It was on
10 the side of the building on the north side. He thought
11 that was the electrical meter box. I told him no, sir,
12 this is your gas meter right here. He said oh, I didn't
13 even know that was a gas meter.

14 Q. Were there any kind of meter numbers or
15 anything you shared with Mr. Scott to show him that you
16 did change his meter on May 16?

17 A. Yes. I showed him the meter numbers from what
18 I had and what we had and showed him that they went with
19 his address.

20 Q. Before you lost Mr. Scott's address, you had
21 him sign that verification form?

22 A. Yes. The second time, July 16, yes, we had
23 both sat there, me and my supervisor, and he signed it
24 on top of a trash can, as a matter of fact.

25 Q. That was for the July 25, 2020 meter change,

1 correct?

2 A. Yes, sir.

3 MR. PRINGLE: All right. Thank you so much,
4 Mr. Wilken. I have no further questions.

5 THE WITNESS: All right.

6 JUDGE JACOBS: Okay. I don't see that I have
7 any pending questions from the Commission at this time.
8 I know they'll speak up if they have any. Mr. Scott may
9 have some questions for Mr. Wilken. Mr. Scott, do you
10 have any questions?

11 CROSS-EXAMINATION BY MR. SCOTT:

12 Q. Your Honor, the only question I have for
13 Mr. Wilken is the statement that he made about leaving a
14 door tag on the door for the first meter. And I have to
15 assure you that I was here that whole morning.

16 JUDGE JACOBS: So that's not a question.
17 That's actually not a question. Did you have a
18 question?

19 BY MR. SCOTT:

20 Q. My question to Mr. Wilken is why didn't he
21 leave or why didn't Spire send me written notification
22 of information on the new meter if it actually was
23 changed? I didn't receive that.

24 A. We don't, we do not send -- I'm sorry.

25 Q. Okay. I thought so. There was no

1 confirmation --

2 JUDGE JACOBS: I'm sorry. I didn't really --
3 Let's hold on and let Mr. Wilken answer that. I think
4 the question for Mr. Wilken was why didn't Spire send
5 Mr. Scott information about the meter change in the
6 mail. Is that the question, Mr. Scott?

7 MR. SCOTT: No, the question is a little bit
8 more than that. It's why didn't Spire send me a
9 confirmation of the information identifying the meter to
10 confirm there was actually a meter change and I didn't
11 receive anything from them since he claimed I wasn't
12 here that I did not receive.

13 JUDGE JACOBS: Okay, Mr. Wilken, would you
14 like to answer that question, please?

15 THE WITNESS: I don't know why they -- My job
16 is to change out the meter. What goes on furthermore
17 with the meter, I gave it to my boss. What they do with
18 that, I have no idea, whether they're supposed to give
19 you paperwork or not. My job as a tech is I get the job
20 and I do what the job is. Paperwork and all that, I
21 have no idea what goes on no further with that. So I
22 don't know anything beyond that. I left the tag saying
23 I was there. I knocked. I called. No answer. I went
24 about and I did the job properly.

25 JUDGE JACOBS: Thank you, Mr. Wilken. Did you

1 have any other questions, Mr. Scott?

2 MR. SCOTT: No, that's the last question I
3 have for him.

4 JUDGE JACOBS: Thank you. Okay. I do have
5 some questions to ask, and obviously our Commissioners
6 will speak up if they'd like to ask questions.

7 QUESTIONS BY JUDGE JACOBS:

8 Q. Mr. Wilken, if someone goes and looks at this
9 gas meter, are they going to see any numbers on there,
10 do you know, that would correspond with numbers that
11 they would see on their bill?

12 A. Yeah, they would see the meter number that
13 would be on the bill.

14 Q. So if you -- Like if I get my bill and it says
15 the meter read was from 0012 to 0017, if I go out and
16 look at my meter, is it going to have some numbers on it
17 that I can see oh, and how it's moved up to 0019 because
18 I used more gas or is it not possible to see that?

19 A. No, it's very possible to see that. There's
20 four dials that sit on the front going from zero to
21 nine, and they're all there for you to see. They should
22 not be covered or blocked or anything. It's all
23 visible.

24 Q. Okay. So you can take your bill and go out
25 and look and see that there's digits there that should

1 correspond to what you're seeing on a current bill?

2 A. Yes, ma'am.

3 Q. Okay. All right. I have a question about
4 when you came out in May to -- From what I understand,
5 you came in May and you took the old meter off and you
6 put a new meter in its place; is that right?

7 A. Yes, ma'am.

8 Q. And then you took that old meter and you took
9 it back to Spire's shop and gave it you said to your
10 supervisor?

11 A. Yes. The note said take it to your boss which
12 will take it to the meter shop. So that's exactly what
13 I did.

14 Q. Was there any testing done on that meter at
15 that point?

16 A. No, we are not capable of testing no meter.
17 That's what the meter shop is for. That's why my boss
18 took it down to the meter shop.

19 Q. So if there was testing, it happens at that
20 shop where you delivered it?

21 A. Yes, where it was delivered, correct.

22 JUDGE JACOBS: And I don't know, Ms.
23 Bockstruck, is your next witness going to address any
24 testing of that meter?

25 MS. BOCKSTRUCK: Yes, that is correct.

1 JUDGE JACOBS: Okay. Great. Thank you. All
2 right. I do not have any additional questions for
3 Mr. Wilken at this time. Is there any recross from
4 Staff?

5 MR. PRINGLE: Nothing further from Staff,
6 Judge. Thank you.

7 JUDGE JACOBS: And then, Mr. Scott, did you
8 have any questions for Mr. Wilken at this time?

9 MR. SCOTT: Mr. Wilken is with the Public
10 Service Commission; is that correct? I want to just be
11 sure I'm addressing the proper person.

12 JUDGE JACOBS: Mr. Wilken, you can go ahead.

13 THE WITNESS: I am the service technician that
14 you had met the second time when you signed that paper
15 and I had changed the meter out in front of you.

16 MR. SCOTT: Okay.

17 JUDGE JACOBS: Mr. Wilken, I know you already
18 testified to this. Mr. Wilken, who is your employer?

19 THE WITNESS: Spire.

20 JUDGE JACOBS: Did you have any additional
21 questions, Mr. Scott?

22 MR. SCOTT: No, not from Mr. Wilken, no.

23 JUDGE JACOBS: Okay. So we would be ready to
24 move on then to, and I don't know how to pronounce this
25 witness's last name.

1 MR. RIESKE: James Rieske.

2 JUDGE JACOBS: Right. And Ms. Bockstruck, I
3 apologize for this, because I was hoping to get Ms.
4 Sanchez to answer a couple more questions and I see that
5 she has left us. With my apologies, is it at all
6 possible to get her to come back?

7 MS. BOCKSTRUCK: It is. I can send her a
8 message.

9 JUDGE JACOBS: I'm really sorry, but I
10 actually had three very quick follow ups. It would be
11 extremely helpful if I could ask those questions. Could
12 you ask her to join us again?

13 MS. BOCKSTRUCK: Yes.

14 JUDGE JACOBS: Okay. And then you can go
15 ahead and proceed with your last witness. I apologize
16 for that inconvenience.

17 MS. BOCKSTRUCK: May Mr. Wilken be excused or
18 would you like him to remain?

19 JUDGE JACOBS: I think actually considering my
20 track record, let's just have Mr. Wilken stick with us.
21 I know that's a little bit of a burden. I do appreciate
22 that.

23 THE WITNESS: That's fine.

24 JUDGE JACOBS: Thank you, Mr. Wilken, for your
25 testimony. You can leave the stand at this point. If

1 you would remain with us during the hearing, I think
2 that would be helpful.

3 THE WITNESS: Yes, ma'am.

4 JUDGE JACOBS: Thank you, sir.

5 MS. BOCKSTRUCK: Spire calls James Rieske.

6 JUDGE JACOBS: And I think Mr. Rieske had
7 video available. There we go. Okay. Mr. Rieske, can
8 you hear us?

9 THE WITNESS: Yes, I can.

10 JUDGE JACOBS: Oh, great. You're coming
11 through loud and clear. If you want to raise your right
12 hand for us, please?

13 (Witness sworn.)

14 JUDGE JACOBS: Thank you. Ms. Bockstruck, you
15 can proceed.

16 JAMES RIESKE,
17 called as a witness on behalf of Spire, being sworn,
18 testified as follows:

19 DIRECT EXAMINATION BY MS. BOCKSTRUCK:

20 Q. Can you please state and spell your name for
21 the court reporter?

22 A. My name is James Rieske, J-a-m-e-s,
23 R-i-e-s-k-e.

24 Q. And by whom are you employed?

25 A. Spire, Incorporated.

1 Q. And what is your position?

2 A. I am the director of measurement.

3 Q. How many years have you worked for Spire?

4 A. I'm on my 31st year with Spire.

5 Q. What other positions did you hold at Spire?

6 A. I've worked in various positions in our
7 engineering department, in our field operations,
8 measurement and even some time in our ITS department.

9 Q. Could you please describe your duties as the
10 director of measurement?

11 A. So as the director of measurement, I am
12 responsible for the administration of all of our
13 customer metering programs. That includes the equipment
14 that we use, the AMR systems that we use, the
15 installation, maintenance and testing programs for all
16 of our customers.

17 Q. So did you or someone under your direction
18 conduct a meter test of Mr. Scott's meter?

19 A. Yes. The supervisor at our shop facility
20 conducted a test.

21 Q. And prior to conducting a meter test, did the
22 company provide notice to the customer that their meter
23 was being tested?

24 A. Yes. When -- As Brandon, or Mr. Wilken
25 described, when the meter is removed, the supervisor

1 delivers it to our meter shop facility. At that time
2 we'll receive the meter and we'll confirm the meter from
3 our billing system, where it came from, the address, who
4 the customer was and confirm the need for the test or
5 the reason for the test. In this particular case, what
6 we would do is we would issue a letter to the customer
7 with a proposed date and time. On that letter it would
8 have a direct contact number with the supervisor at our
9 shop. We would also coordinate that test date in time
10 with our community services department so that they
11 would have an opportunity to interact with the customer
12 in the event that the date and time we proposed is not
13 acceptable. And in every case they have the opportunity
14 to witness that test if they so desire and we will
15 schedule that according to the customer's desire.

16 Q. Thank you, Mr. Rieske. I'm going to direct
17 you to Spire exhibit what's listed as confidential page
18 10. It should be a letter dated June 1, 2020.

19 A. Yes, I see it.

20 Q. Do you recognize this document?

21 A. Yes, I do.

22 Q. What is it?

23 A. So this is the letter that was sent out by our
24 shop supervisor to the customer indicating that a meter
25 test was scheduled for this meter at the request of the

1 customer.

2 Q. Is this the type of letter sent in the
3 ordinary course of business when Spire notifies a
4 customer of a meter test?

5 A. That is correct.

6 Q. Is this a true and correct copy of the letter
7 sent to Mr. Scott?

8 A. Yes, it is.

9 MS. BOCKSTRUCK: At this time I'd like to
10 enter that into evidence as Spire Exhibit 103.

11 JUDGE JACOBS: Is there any objection to that
12 June 1, 2020 letter being admitted as Spire Exhibit 103,
13 which I believe would also be confidential?

14 MR. SCOTT: Yes, Your Honor, I do object to
15 that letter because I don't see a copy of it in my
16 records.

17 JUDGE JACOBS: So this would have been
18 included in the documents that were recently mailed to
19 you by Spire and this would be part of the 12-page --
20 no, 14-page packet, I believe, that you would have
21 received and it's marked as page 10.

22 MR. SCOTT: Okay. I'm looking at a page 10
23 and the only thing I see on the confidential page 10 is
24 the Final Notice, unfortunately your most recent bill.

25 JUDGE JACOBS: You're going to have two

1 confidential page 10s because there were two packets.
2 So you'll want to look at the other packet.

3 MR. SCOTT: I don't see it. No, ma'am, I
4 don't. I don't see it.

5 JUDGE JACOBS: Okay. So other than not being
6 able to find it today, what is the basis of your
7 objection?

8 MR. SCOTT: The basis of my objection is that,
9 first of all, I haven't -- I'm disputing the fact that
10 the letter even exists because I haven't seen it. So I
11 don't know if there is really a letter or anything. I
12 don't want to go into a lot of detail rambling about it,
13 but I have not seen the letter. So I'm going to have to
14 object to it because I have not seen it. I don't even
15 know if that letter exists.

16 JUDGE JACOBS: So there have been other
17 portions of that packet that have been admitted to the
18 record today without any objection from you.

19 MR. SCOTT: Well, when you state a letter,
20 that's a letter -- that's a document confirming that
21 something has occurred or is about to occur. And I
22 still have not seen that letter. That's my primary
23 reason for objecting to it.

24 JUDGE JACOBS: I do know that the letter
25 without any question at all is available right now

1 through the internet. So if you were able to access the
2 internet at any time you would be able to pull that up.
3 It is marked as confidential. You may have difficulty
4 getting it without working with the data center to make
5 sure that you have access to all of the documents in the
6 case, but we did go to great pains to make sure that the
7 documents were provided to you in paper form, and I
8 believe Ms. Bockstruck also emailed all of those. Ms.
9 Bockstruck, you also provided those documents by email
10 to Mr. Scott, right?

11 MS. BOCKSTRUCK: Yes, that is correct.

12 JUDGE JACOBS: So they would have been mailed
13 to you and then Ms. Bockstruck has filed something in
14 the file indicating under her signature that they were
15 mailed to you.

16 MR. SCOTT: Okay. Even if she did, I still
17 have not -- It could be that the letter was left out. I
18 don't know if it was. I'm just stating from what I'm
19 looking at in all of the documents out of that package I
20 still don't see that letter. I don't know if they sent
21 it to me or not, but I don't see it. The only thing I
22 see is the picture of the meter. I don't see the
23 letter.

24 JUDGE JACOBS: So the letter that we're
25 talking about was included in that particular packet

1 with the same packet that you received with a picture of
2 the meter.

3 MR. SCOTT: If that's the packet it was
4 supposed to be in, then I don't have it, because I'm
5 looking at everything that came in that packet. I
6 didn't separate anything. I kept the entire packet
7 intact, and I don't see that letter. I don't see any
8 letter, as a matter of fact, referring to a meter
9 change.

10 JUDGE JACOBS: So did you receive email
11 messages from Ms. Bockstruck with documents attached?

12 MR. SCOTT: I received a lot of emails from
13 Ms. Bockstruck and the other members of her
14 organization, but I have not seen anything on a meter
15 changeout, but why did she not send it to me in the
16 mail?

17 JUDGE JACOBS: So this is what I'm going to
18 do. You will have a certain amount of time, which will
19 be specified in an order that will be issued in this
20 case, to submit your written objection to this document
21 being admitted to the record. So we're going to consult
22 it at this point and then we'll see if there's any
23 reason at all why it should not be admitted, but we're
24 going to have to proceed.

25 MR. SCOTT: Okay.

1 BY MS. BOCKSTRUCK:

2 Q. Mr. Rieske, did Mr. Scott appear at the meter
3 test?

4 A. He did not.

5 Q. Can you please describe the purpose of a meter
6 test?

7 A. So we perform a test on the equipment. This
8 is a standard procedure that we perform on every
9 customer meter that's removed and the test is designed
10 to test the accuracy of the meter over how it would be
11 used on a customer premise. But it's 100 percent an
12 accuracy test.

13 Q. How was the meter test run?

14 A. So the first thing that we would do when we
15 get that meter is we would confirm again the meter
16 number, there's both a meter number and as Mr. Wilken
17 was describing an AMR device that sends the electronic
18 reads. They both have serial numbers. So the first
19 thing we would do is confirm in our system what address
20 that meter came from. We would mark that on the meter.
21 Then we would put it in our facility where we bring it
22 to a 70 degree temperature because it needs to be at 70
23 degrees before we perform the test. A couple of day
24 period where we'll let it in an air-conditioned
25 environment to get it to that temperature. Then what

1 happens is we take that meter and actually in the
2 exhibits there's a picture of the meter. It's actually
3 sitting on the test apparatus in that picture. And so
4 we put it on a testing device that it's connected to
5 that will deliver an exact quantity of gas to the meter
6 and then compare what the meter registers against that
7 exact quantity. And we do that test at two different
8 conditions. One is what we call the check flow, which
9 is low flow which is 20 percent of the meter capacity,
10 and then we perform a second test at what we call open
11 flow, which would be 80 percent of the meter's capacity.
12 And that gives us the accuracy of the meter at those two
13 points which defines the accuracy over the entire
14 registration.

15 Q. Okay. And what was the result of Mr. Scott's
16 meter test?

17 A. So at the open flow where 80 percent of the
18 capacity of the meter, the meter tested as a percentage
19 100.2 percent accurate -- 100.2 meaning it was 0.2
20 percent slow. At the check test --

21 Q. Please look at what I've marked as Spire's
22 exhibit as confidential page 11. It should say special
23 meter test at the top?

24 A. That's correct.

25 Q. Okay. Do you recognize this document?

1 A. Yes, I do.

2 Q. What is this?

3 A. This is the document that we used whenever we
4 have a customer requested meter test we document the
5 details of the test.

6 Q. Okay. So go ahead and continue regarding the
7 results if that would be helpful for us to look at the
8 results while you testify.

9 A. Right. And so if you look at the first part
10 of the top of the meter, it's confirming the meter
11 number and the premise it came from which was 3725
12 Geraldine Avenue. The customer name on that account was
13 Claude Scott. The reason the test was requested was for
14 a high bill complaint. That high bill complaint was
15 forwarded to us through Danielle Holland who is in our
16 community services department. That's typically the
17 process we go through when we get these requests.

18 The test was performed on June 15 of 2020 by a
19 meter technician S. Beals. The prover number indicates
20 the test machine that it was tested on. He documented
21 the general condition and appearance of the meter is
22 good. So then the first documents, what we call the
23 open flow rate, that's a high flow test, it's 80 percent
24 of the meter's capacity, the results were 100.2 percent
25 accurate which means it was 0.2 percent slow.

1 A check flow rate is the low flow check test,
2 20 percent of the meter capacity. That test was 99.8
3 percent of the sample which means it was 0.2 percent
4 fast. So when we look at the overall accuracy of the
5 meter, we take the open result plus the check result and
6 divide them by two and that gives us the average of the
7 registration of the meter, which in this case would be
8 100.0 meaning that it would be considered exact as a
9 result of this test.

10 Q. Thank you. Now, this document, was this
11 prepared by you or under your direction?

12 A. It was prepared by my shop supervisor who
13 oversaw the test, Elgin Manalang.

14 Q. Is it accurate to the best of your knowledge
15 and belief?

16 A. Yes, it is. It reflects the test that was
17 performed on this meter.

18 MS. BOCKSTRUCK: At this time Spire would
19 offer this as Exhibit 104.

20 JUDGE JACOBS: Is there any objection to
21 Exhibit 104 being admitted to the record?

22 MR. SCOTT: Yes, there is, Your Honor.

23 JUDGE JACOBS: What's the basis of your
24 objection, sir?

25 MR. SCOTT: The only test result that I have

1 seen is conflicted numbers on the open rate proof test,
2 the open rate percent error, and the check -- what they
3 call the check rate proof test. I'm thinking that he's
4 talking about a different meter. I don't know exactly
5 what meter that is, but this is the information I'm
6 looking at.

7 JUDGE JACOBS: So what are you consulting?

8 MR. SCOTT: What I'm consulting is looks like
9 a meter test document but it's from a different meter.
10 It might be from a different meter. It could very well
11 have been from the first meter. I don't know.

12 JUDGE JACOBS: And what's the document say on
13 the top?

14 MR. SCOTT: On the top, it says confidential
15 page 11 and it says to the left of that MO-East and it
16 gives the address. It gives reason for test high bill
17 complaint.

18 JUDGE JACOBS: Will you read the meter number
19 to us, please? Under ordered by, what is the meter
20 number indicated on the form you're looking at?

21 MR. SCOTT: The meter number shows on here it
22 says 001155572.

23 JUDGE JACOBS: So it appears that you're
24 looking at the same document that we are. So what is
25 the objection, sir?

1 MR. SCOTT: Then he mentioned upon his -- He
2 mentioned the check rate proof test is 100.0. I'm
3 seeing it at 99.8.

4 JUDGE JACOBS: When you look at that document,
5 it says open rate proof test 100.2, check rate proof
6 test 99.8.

7 MR. SCOTT: Correct.

8 JUDGE JACOBS: All right. So what is the
9 basis of your objection?

10 MR. SCOTT: Well, for one he doesn't have the
11 meter condition on the slow, fast, exact. Was index
12 properly sealed, they left that blank.

13 JUDGE JACOBS: So if you would like to ask him
14 some questions about why anything on this form is
15 incomplete, you can do that on your cross-examination.
16 Any other objections, sir?

17 MR. SCOTT: No, ma'am.

18 JUDGE JACOBS: So Exhibit 104 will be admitted
19 to the record.

20 (SPIRE'S EXHIBIT 104 WAS RECEIVED INTO
21 EVIDENCE AND MADE A PART OF THIS RECORD.)

22 BY MS. BOCKSTRUCK:

23 Q. Thank you. Mr. Rieske, in your opinion was
24 Mr. Scott's meter operating accurately?

25 A. Yes.

1 MS. BOCKSTRUCK: I have no further questions.

2 JUDGE JACOBS: I'm still here. I will keep
3 things moving. I just have to look at something. Okay.
4 Thank you all for your patience. Any cross-examination
5 from Staff for Mr. Rieske?

6 MR. PRINGLE: Yes, Judge. Thank you.

7 CROSS-EXAMINATION BY MR. PRINGLE:

8 Q. Good afternoon, Mr. Rieske.

9 A. Good afternoon.

10 Q. And so the 104 entered into evidence, that was
11 for testing the meter that was changed on May 16, 2020,
12 correct?

13 A. That is correct.

14 Q. Was the meter that was changed on July 25,
15 2020, was that ever tested?

16 A. Yes, it would have been tested. However, we
17 didn't have a special meter test request for that meter,
18 but yes, we would have a record of a test on that meter.

19 Q. All right. The meter test was only to be done
20 on the May 16 meter change because Mr. Scott requested
21 that one?

22 A. That's correct.

23 Q. And he didn't make a request for the July 25
24 meter to be tested?

25 A. Not to my knowledge.

1 MR. PRINGLE: That is all I have, sir. Thank
2 you for answering my questions. I have nothing further.

3 THE WITNESS: Thank you.

4 JUDGE JACOBS: Any questions for Mr. Rieske
5 from Mr. Scott?

6 CROSS-EXAMINATION BY MR. SCOTT:

7 Q. Okay. The standard procedure on inspecting
8 meters, what exactly is your standard procedure even
9 when you don't have a request from the customer to view
10 the meter change? That's not the case here, but what is
11 the standard procedure?

12 A. So every meter that's removed from a customer
13 premise goes through the same testing procedure and it's
14 as I described briefly. The meter is removed. It's
15 returned to our meter testing facility. It's brought
16 into a room where it's brought to the exact test
17 conditions. Then it's put on a prover and it's tested
18 at low flow and at high flow. Then we take those two
19 and we come up with the algebraic mean of that test and
20 that becomes the accuracy of that meter. Every meter
21 has a documented test as part of the removal process.

22 Q. Okay. Maybe I should clarify my question and
23 that is this. When you do not request -- rather when
24 you have not been notified of an exact test date, does
25 your company usually notify the customer of the exact

1 meter date, the date that they're going to test the
2 meter and the location of it and give them the
3 opportunity to come to that? The reason I'm asking that
4 question is because there was no one there to see this
5 meter change on the meter that you're implying.

6 A. So when we have a meter that's requested for a
7 special test and when we receive the meter, we will
8 always send a letter to the customer notifying them of
9 the date and time of the proposed test and offering them
10 the opportunity to witness the test.

11 Q. Okay. Just as I thought. Okay. So since I
12 did not receive any such letter, this is one of the
13 reasons I stated that I have no proof that a meter
14 change was done. But I'll leave it at that because
15 there's not really a question that I'm getting into.
16 That's the only question I had is the procedure on
17 informing the customer. I never got that letter from
18 you all stating that a meter test was to be done because
19 I didn't see a meter truck out there changing a meter.
20 That's the only question I have.

21 JUDGE JACOBS: Okay. So we can proceed now to
22 questions from the Commission and any questions that I
23 might have for Mr. Rieske.

24 QUESTIONS BY JUDGE JACOBS:

25 Q. I just wanted to follow up on some questions I

1 asked of Mr. Wilken concerning how a customer might look
2 at their own meter just to confirm. So are you familiar
3 with -- I mean, obviously your testimony indicates
4 you're familiar with Spire's meters and you know what
5 they look like and what the readings look like on the
6 front of them. My question is, can a customer go look
7 outside their house at their meter and look at the
8 readings on it?

9 A. Yes. In the exhibit, it shows the meter, I
10 believe it is on confidential page 12.

11 Q. And that document hasn't been offered yet, the
12 actual image. So maybe we could take care of that
13 unless it was supposed to have been with a previous
14 exhibit.

15 JUDGE JACOBS: Ms. Bockstruck, we have that
16 picture and then we have a call log also.

17 MS. BOCKSTRUCK: Yes, I was using this picture
18 as demonstrative.

19 JUDGE JACOBS: I see. Got it. So let's mark
20 it as a demonstrative then so I know what's going on.
21 We'll just mark it as 105 and indicate it's a
22 demonstrative.

23 Mr. Scott, your testimony today has indicated
24 you've seen a picture that was provided to you in a
25 packet from Spire with an image of a meter. I believe

1 you've referenced it several times.

2 MR. SCOTT: That's correct.

3 JUDGE JACOBS: And that's marked confidential
4 page 12 in the corner.

5 MR. SCOTT: Correct, in the top right.

6 JUDGE JACOBS: Okay. So that's going to be
7 part of the record in this case as a demonstrative which
8 means witnesses have looked at it and referred to it.

9 MR. SCOTT: Okay. But I have not confirmed
10 whether it's the first meter or second meter. So I
11 don't know which meter it is. I do have that picture.

12 BY JUDGE JACOBS:

13 Q. Okay. And I'm going to just go ahead and ask
14 Mr. Rieske then. Mr. Rieske, I can see a number on this
15 picture for a meter, can you?

16 A. Yes.

17 Q. Okay. And does that correspond at all to a
18 number that's on the Exhibit 104 which is a special
19 meter test form?

20 A. Yes. The number on the meter matches the
21 number that's on that document and on that test score.

22 Q. Okay. And that meter number, if you could
23 just tell me what that meter number is?

24 A. 001155572.

25 Q. During your testimony, you referred to this

1 image and referred to apparently this is a picture of
2 that meter in the shop where the test was done?

3 A. That's correct.

4 JUDGE JACOBS: Okay. So that exhibit is going
5 to be marked as 105 and it is a demonstrative exhibit.
6 Did you have any objection to that, Mr. Scott?

7 MR. SCOTT: Well, Your Honor, yes, I do
8 because I'm having trouble making out his meter numbers
9 on the meter that I'm looking at. It doesn't quite show
10 the number that he's saying. So what I do see is a 72
11 behind at the end, but I don't see -- I can't make out
12 those three digits before that. I need to be sure that
13 that's the meter that he's referring to.

14 JUDGE JACOBS: So I think the purpose of this
15 exhibit was simply just to show us what a gas meter
16 looks like and what your meter looks like. So
17 understanding that and understanding that this would
18 simply be used to help understand Mr. Rieske's
19 testimony, do you still have an objection?

20 MR. SCOTT: No, I don't.

21 JUDGE JACOBS: So Spire's 105 will be admitted
22 as a demonstrative exhibit.

23 (SPIRE'S EXHIBIT 105 WAS RECEIVED INTO
24 EVIDENCE AND MADE A PART OF THIS RECORD.)

25 JUDGE JACOBS: And then I wasn't sure, Ms.

1 Bockstruck, about the call log, because I don't remember
2 hearing testimony about that. I apologize if I missed
3 it.

4 MS. BOCKSTRUCK: No, Your Honor, we don't need
5 to admit that one.

6 JUDGE JACOBS: Okay. All right. I'm sorry
7 for taking us kind of backwards there. Let's see here.

8 BY JUDGE JACOBS:

9 Q. So Mr. Rieske, does Spire have to follow
10 specific rules when it comes to testing meters?

11 A. There are -- The Commission requires us to
12 test meters. There are industry standards for
13 performing the tests of those meters and how to
14 interpret the results.

15 Q. Okay. And I don't know if you can answer this
16 off the, right offhand, but would 20 CSR 4240-10.030 be
17 applicable in meter tests?

18 A. I don't -- I'd have to look at that.

19 Q. That's understandable. Okay. And is it your
20 testimony today that just to confirm, the meter number
21 that you just read to me, that is the meter that was in
22 service at Mr. Scott's residence in 2019 and in January
23 2020?

24 A. That's correct.

25 Q. And are you able to tell me when that meter

1 had been tested most recently before the test that took
2 place in June of 2020?

3 A. I cannot.

4 Q. Is the company required to test those meters
5 at any particular interval?

6 A. So that the company on a standard residential
7 meter like this, the meter would be tested prior to it
8 being installed for the first time and then we have what
9 we call a meter sample program where we sample
10 populations of meters once they reach ten years old.
11 And when we sample them, we actually physically remove
12 them from the customer's premise, put a new meter on,
13 bring it back to our facility and test them.

14 Q. Are you able to tell me today how old the
15 meter was when it was taken off of Mr. Scott's
16 residence?

17 A. I do not have that information readily
18 available to me. I'd have to look it up.

19 Q. Okay. So information about when that meter
20 was last tested and how old it was when it was removed,
21 how difficult is it to get that information? Is it
22 information you could get today?

23 A. I could get it today, absolutely.

24 Q. So I had some follow up questions for Ms.
25 Sanchez. Do you think that you might be able to come

1 back and provide some additional testimony once you went
2 and got some information for us?

3 A. Yes.

4 Q. Okay. So my question to you, if you could
5 find this information just to make sure that we're
6 clear, is when the meter that was in service in
7 Mr. Scott's residence in January 2020, when it was most
8 recently tested before that test in June of 2020, and
9 then how old the meter was, essentially how old that
10 meter is or how old it was when it was removed from the
11 property in I guess May 2020 and tested in June.

12 A. Okay.

13 JUDGE JACOBS: Is that clear, Ms. Bockstruck?

14 (Ms. Bockstruck nodded.)

15 JUDGE JACOBS: Okay. So those are the
16 questions that I would ask, and we could go ahead and do
17 some recross if Staff has any.

18 MR. PRINGLE: Nothing further from Staff,
19 Judge. Thank you.

20 JUDGE JACOBS: Thank you. Mr. Scott, did you
21 have any additional questions for Mr. Rieske at this
22 time?

23 MR. SCOTT: No, I do not. No, I do not. The
24 only question I had for him I think I've asked it. I
25 don't know if I have asked this question. Excuse me if

1 I did, and that is does Spire normally send the customer
2 a documentation or any type of information on how a
3 meter is tested prior to inviting them to a test and
4 what the purpose of the test is?

5 JUDGE JACOBS: So your question is whether
6 Spire gives customers information about how a meter is
7 tested.

8 MR. SCOTT: Exactly. Exactly how do they --
9 What do they do to test the meter if they are inviting
10 someone to a test, to prep them for the test. What
11 information do they give them about the test itself
12 before they get to see the test?

13 THE WITNESS: So the customer is notified with
14 the letter that we demonstrated as confidential page 10,
15 and that meter says that the purpose of the test is to
16 determine the accuracy of the meter registration. As a
17 part of that letter, it provides the opportunity. It
18 says if you have any questions concerning this test,
19 please call Elgin Manalang and the number. So we give
20 the customer the number, the direct number of the
21 supervisor of the shop and we will answer any and all
22 questions about what testing we're performing, why we're
23 performing and how to interpret its results.

24 MR. SCOTT: Okay. The reason I asked that
25 question is because I don't have that page. That's

1 fine. Okay. I have no questions for him.

2 JUDGE JACOBS: Thank you. Is there any
3 redirect from Spire?

4 MS. BOCKSTRUCK: No, Your Honor.

5 JUDGE JACOBS: Okay. So we are going to bring
6 Mr. Rieske back to answer a couple additional questions.
7 I very much appreciate that. If we can move on to just
8 a few additional questions I have for Ms. Sanchez now
9 and then we should be able to get Mr. Rieske on whenever
10 he says he's ready to go.

11 Okay. All right. Ms. Sanchez, I see that you
12 have now appeared and you've already been sworn today
13 and I just realized that I had some handwritten
14 questions for you that I didn't get to. I apologize
15 that I've had to call you back, but I very much
16 appreciate that you've come back today. So thank you.

17 THE WITNESS: No problem.

18 (Witness Connie Sanchez recalled.)

19 FURTHER QUESTIONS BY JUDGE JACOBS:

20 Q. I just wanted to ask you if you are familiar
21 with how Spire customers can view the company's tariffs?

22 A. Yes. So if they go to Spireenergy.com and
23 then they go to bills and payments and then
24 Understanding My Bill, it has information there. Let me
25 see if there's any other. Just a moment. So if you go

1 to Spireenergy.com and you go to billing and payments,
2 on that dropdown you're going to see rates and tariffs
3 and then you're also going to see Understanding My Bill.

4 Q. Okay. So it sounds like it's possible to
5 access tariffs from there or is it just an explanation
6 of tariffs?

7 A. Let me see how detailed it is. Just a moment.
8 I have a slow connection. Sorry. Okay. So it goes
9 into detail for rates and tariffs and then you can enter
10 your city, but it also talks about monthly rates for
11 residential customers, small commercial, tariff for gas
12 service and then the terms. So the customer charge,
13 usage, natural gas cost and therms.

14 Q. So there is some information that's publicly
15 posted online that explains some of the billing?

16 A. Yes.

17 Q. Okay. And as far as actually looking at
18 tariff documents themselves, when you do that do you
19 have special access to those or do you use the tariffs
20 that are available through the PSC website?

21 A. Well, I was just provided them from other
22 members of my department. So that's how I got the
23 information. Sorry.

24 Q. Do you happen to know if the company has to
25 keep physical copies of the tariffs available for the

1 public to review? Is that something you happen to know?

2 A. I do not know.

3 Q. Okay. All right. I apologize for putting you
4 on the spot. And then I was wondering do you happen to
5 know if when a new customer comes to Spire, so they move
6 into a property that's served by Spire, do they receive
7 anything in the mail that explains their bills to them?

8 A. Yes, we do send out a new customer packet. So
9 it has information in the packet. I don't know
10 everything that's specifically in there, but I do know
11 that we send out a new customer packet.

12 Q. And do you keep a record of your customers'
13 contacts with the company?

14 A. Yes.

15 Q. So when a customer calls in to Spire and asks
16 questions about their account, that's going to be
17 recorded somewhere?

18 A. Yes. It is date and time stamped and then the
19 calls are also recorded when customers call in to
20 customer service.

21 Q. So in addition to a record that a call was
22 made and a contact was made, there's also a recording of
23 that?

24 A. Yes.

25 Q. Okay. And are those recordings sometimes

1 provided to Staff in Staff's investigation of the case?

2 A. Yes.

3 JUDGE JACOBS: Okay. Thank you very much. So
4 I appreciate your willingness to come back. I'm sorry
5 that I had to ask you to come back today. Those were
6 the additional questions that I had. Are there any --
7 Ms. Bockstruck, did you want a chance to follow up on
8 any of that with Ms. Sanchez?

9 MS. BOCKSTRUCK: No, Your Honor. Thank you.

10 JUDGE JACOBS: Thank you. Staff, did you have
11 any questions?

12 MR. PRINGLE: Nothing from Staff, Judge.
13 Thank you.

14 JUDGE JACOBS: Thank you very much.
15 Mr. Scott, did you have any questions for Ms. Sanchez on
16 those follow up issues?

17 MR. SCOTT: Yes, I did. There's only one
18 question and that is this, that the gas service was
19 transferred from the apartment owner's name over to me.
20 This is one of the reasons that I never received that
21 packet that you just referred to. So I would appreciate
22 if I could get a copy of that, because I never received
23 the new customer packet from you all. What happened was
24 the landlord was carrying the gas in his name until he
25 got a tenant. And he waited and then he transferred the

1 gas over.

2 JUDGE JACOBS: So Ms. Sanchez, would that
3 actually result in Mr. Scott not being recognized as a
4 new Spire customer or would he have been recognized as a
5 new customer?

6 THE WITNESS: I would probably need to check
7 back in the records from 2018 to see what exactly was
8 sent out.

9 JUDGE JACOBS: Okay. Thank you. And you
10 aren't able to do that right now?

11 THE WITNESS: Yes, I can do that. Okay. So
12 it does show a new customer packet was sent out on
13 December 12, 2018.

14 JUDGE JACOBS: Okay. Thank you very much.

15 THE WITNESS: I would need to go into our
16 other system to pull up --

17 MR. SCOTT: Well, it's not a big issue. I
18 wanted to see if they actually sent out a packet because
19 I never received the new customer, any of that. I never
20 received it.

21 THE WITNESS: It shows December 12, 2018 that
22 it was sent out.

23 MR. SCOTT: All right. More than likely was
24 sent to the landlord and not me. That's not a big
25 issue. I just wanted to know if one was sent out, more

1 than likely you sent it to a different residential
2 address. That's fine. That's good enough.

3 JUDGE JACOBS: Okay. Any follow up from any
4 party on those issues? Okay. Not seeing any, Ms.
5 Sanchez, I believe that those will be the last questions
6 for you today. I very much appreciate your help. So
7 you can leave the witness stand but I'm going to ask you
8 to remain available for us at the hearing just in case
9 something happens where we need to follow up.

10 THE WITNESS: Okay.

11 JUDGE JACOBS: I appreciate your patience.

12 THE WITNESS: No problem.

13 JUDGE JACOBS: So where we are right now is I
14 did ask Mr. Rieske to get some additional information
15 for us. I believe he's working on that and he'll be
16 coming back to us, but we would be ready to move on with
17 Staff's witness. We're about 15 minutes from needing to
18 take a break to let our court reporter take a break. So
19 I think maybe what we ought to do is take a 20-minute
20 break and then come back and see where Mr. Rieske is
21 with getting his additional information and then proceed
22 with Staff's witness. Does that work for everyone?

23 MR. SCOTT: Yes, that's fine.

24 MS. BOCKSTRUCK: Yes.

25 MR. PRINGLE: Fine with me, Judge.

1 JUDGE JACOBS: Thank you. So let's get back
2 together at 2:35. Okay. 2:35 p.m. we will be back
3 together. We are off the record until 2:35. Thank you.

4 (A recess was taken.)

5 JUDGE JACOBS: Okay. It is now 2:35 p.m.
6 We're going to go back on the record and resume the
7 hearing in GC-2020-0201. Mr. Scott, are you with us
8 yet? Okay. I do see a call-in.

9 THE WITNESS: That's me, Mr. Wilken.

10 JUDGE JACOBS: Yes, I was figuring it was you,
11 Mr. Wilken. Thank you for speaking up. We do have
12 Mr. Rieske is apparently prepared to answer those last
13 couple follow up questions that I had. I believe we
14 will get started with him. I do see another call-in
15 user at this point. Is that Mr. Scott?

16 MR. SCOTT: Yes, it is.

17 JUDGE JACOBS: Okay, Mr. Scott. We are
18 getting started with Mr. Rieske. You will remember that
19 I had a couple follow up questions for him.

20 (Mr. James Rieske resumed the stand.)

21 FURTHER QUESTIONS BY JUDGE JACOBS:

22 Q. And Mr. Rieske, you had previously been sworn
23 in and I had asked you to find out for us when the meter
24 that was in service at Mr. Scott's residence in January
25 2020 had most recently been tested prior to that June

1 2020 test. Are you able to answer that question, sir?

2 A. Not completely. Our records indicate that
3 that meter was installed at that premise on July 28,
4 2008. In that vintage of our records, I did not have a
5 record of what the test date would have been for that
6 meter prior to that installation.

7 Q. Okay. And do you know when it was installed
8 in 2008 was it a new meter at that point?

9 A. Yeah, it's unclear from our records whether it
10 was a new meter at that point or whether it had been
11 refurbished.

12 Q. Okay. And do you know how old the meter is?

13 A. I do not.

14 Q. And the reason you can't answer that question,
15 is that because you don't have the information or you
16 don't have enough time to find it?

17 A. No, I don't have the information. Because of
18 the vintage of that record from the previous computer
19 systems it was stored in, they did not retain that
20 information as a part of a record of that meter.

21 JUDGE JACOBS: Okay. So I appreciate having
22 those questions answered. And I would give Ms.
23 Bockstruck the opportunity to follow up on that if she'd
24 like to for Spire.

25 MS. BOCKSTRUCK: I don't have anything, Judge.

1 Thank you.

2 JUDGE JACOBS: Thank you. And Mr. Pringle for
3 Staff, did you have any questions to follow up on that?

4 MR. PRINGLE: Brief, Judge.

5 RECROSS-EXAMINATION BY MR. PRINGLE:

6 Q. Mr. Rieske, what is the typical life span of a
7 residential meter?

8 A. The Missouri East meters, our average meter is
9 a little over 18 years in service.

10 MR. SCOTT: I didn't understand his answer.

11 JUDGE JACOBS: I'm sorry, Mr. Scott. What did
12 you say?

13 MR. SCOTT: I didn't understand his answer,
14 because he kind of bleeped out on the number of the time
15 period.

16 JUDGE JACOBS: So Mr. Rieske, could you just
17 repeat your answer, sir?

18 MR. RIESKE: Yes. In Missouri East, the
19 average age of a meter is a little over 18 years.

20 MR. SCOTT: 8 years, is that what he's saying?

21 THE WITNESS: 18.

22 MR. SCOTT: 18 years, okay.

23 BY MR. PRINGLE:

24 Q. And then for that 18-year life span, is it
25 usually just at one service area or does it get moved?

1 A. So typically they're only at one location.

2 Q. And then after the 18 years, what happens to
3 the meter?

4 A. So the meter will be brought back and it will
5 be tested. Then based on those test results a small
6 number of meters that are considered to be in good
7 enough condition can be refurbished and be reused. The
8 majority of them are condemned.

9 Q. If they are refurbished or reused, how long
10 would -- would it be another 18-year life span?

11 A. It could be, yes.

12 MR. PRINGLE: That's all I have, sir. Thank
13 you for answering my questions.

14 THE WITNESS: You bet.

15 JUDGE JACOBS: Okay. And any questions from
16 Mr. Scott for Mr. Rieske following up on this narrow set
17 of questions that have been asked here?

18 RECROSS-EXAMINATION BY MR. SCOTT:

19 Q. Okay. Mr. Rieske, you mentioned that the
20 meter can last up to 18 years, but you have no record as
21 to when it was changed prior to the June 20 of this
22 year. So there's really no way of knowing how old the
23 meter itself. We just know how long it's been at the
24 residence. Is there any way of knowing how old the
25 meter itself actually is?

1 A. I know that the meter was installed at that
2 residence on July 28 of 2008. I do not know the
3 purchase date of that meter.

4 Q. Okay. So I take that as we have no
5 information on the age of the meter then; is that
6 correct?

7 A. That's correct.

8 MR. SCOTT: Okay. That will be the only
9 question I have.

10 JUDGE JACOBS: Okay. Unless Ms. Bockstruck
11 has any redirect, I think we're done with the questions
12 for Mr. Rieske today. Okay. So I appreciate your
13 availability to come back, sir, and answer those
14 additional questions. Thank you very much. I am asking
15 the witnesses to stay with us until we're done here
16 today in the event that something else comes up. So you
17 don't have to remain on video but if you can be
18 available, that would be helpful.

19 THE WITNESS: Will do.

20 JUDGE JACOBS: Thank you, sir. I believe that
21 we would be ready then to move on to your witness,
22 Mr. Pringle.

23 MR. PRINGLE: Yes, Judge. Staff calls Tammy
24 Huber.

25 JUDGE JACOBS: Hello, Ms. Huber.

1 THE WITNESS: Good afternoon.

2 JUDGE JACOBS: All right. Looks like you can
3 see us and hear us today and we can see and hear you.
4 Do you want to raise your right hand, please?

5 (Witness sworn.)

6 JUDGE JACOBS: Thank you very much. You may
7 proceed with your witness, Mr. Pringle.

8 MR. PRINGLE: Thank you, Judge.

9 TAMMY HUBER,
10 called as a witness on behalf of Staff, being sworn,
11 testified as follows:

12 DIRECT EXAMINATION BY MR. PRINGLE:

13 Q. Good afternoon, Ms. Huber.

14 A. Good afternoon.

15 Q. Could you please state and spell your name for
16 the court reporter?

17 A. Tammy Huber, T-a-m-m-y H-u-b-e-r.

18 Q. And by whom are you employed and in what
19 capacity?

20 A. I'm employed with the Missouri Public Service
21 Commission in the customer experience department as a
22 senior research/data analyst.

23 Q. And as a senior research/data analyst, what do
24 you typically do?

25 A. I review all the information from the company,

1 as well as the customers, when investigating formal
2 complaints as far as customer service and billing
3 statements.

4 Q. And then did you contribute to the report that
5 Staff authored in this proceeding?

6 A. Yes, I did.

7 Q. What was your primary focus in that report?

8 A. Customer service and billing issues and the
9 claims that Mr. Scott made in his formal complaint
10 filings.

11 Q. Do you have any changes or corrections to the
12 staff report?

13 A. Just a minor change on page 1 of the staff
14 report. At the time of filing, my title was a utility
15 policy analyst II. Effective July 1 our titles changed
16 and I'm now a senior research/data analyst.

17 Q. And are there any other errors or corrections
18 or anything else that need to be noted in the report?

19 A. Not that I'm aware of.

20 MR. PRINGLE: Thank you, Ms. Huber. At this
21 time, Judge, I'd like to enter the staff report from
22 April 20, 2020 into the record as Staff's Exhibit, I
23 believe we're 200.

24 JUDGE JACOBS: That would be correct. And I
25 don't believe it will be necessary to submit a corrected

1 document if all that Ms. Huber wants to do is update her
2 title. So I think we can just go with this one without
3 the necessity of additional documentation, everyone just
4 noting that Ms. Huber's title has changed. So are there
5 any objections to the staff report being admitted as
6 Staff's Exhibit 200 and that's confidential. Okay.
7 Hearing no objection from any of the parties, that will
8 be admitted into the record. Thank you.

9 (STAFF'S EXHIBIT 200 WAS RECEIVED INTO
10 EVIDENCE AND MADE A PART OF THIS RECORD.)

11 MR. PRINGLE: Thank you, Judge.

12 BY MR. PRINGLE:

13 Q. And now, Ms. Huber, I kind of just want to
14 walk down Staff's conclusions with you real fast. I'm
15 going to go down through the list of issues that was
16 filed in this docket on July 20, 2020.

17 A. Okay.

18 Q. Now, Ms. Huber, what is Staff's conclusion to
19 Mr. Scott's allegations that Spire was overcharging him
20 for service?

21 A. Staff did not find any evidence that Mr. Scott
22 was overcharged for his service.

23 Q. And how did you come to that conclusion?

24 A. By reviewing all the information provided by
25 Mr. Scott, as well as data requests, listening to

1 recorded phone calls, looking at billing statements and
2 account notes on Mr. Scott's account.

3 Q. Thank you, Ms. Huber. What is Staff's
4 conclusion of Mr. Scott's allegation that he was not
5 provided actual usage data from Spire?

6 A. Staff is unsure what was provided to
7 Mr. Scott. However, Spire provided all billing
8 statements, and it appears that all usage was on an
9 actual basis, not estimated.

10 Q. How did you come to that conclusion?

11 A. We filed data requests to the company, as well
12 as looking at Mr. Scott's complaint and reviewed all the
13 billing statements, and they were all marked actual
14 reads. We also obtained as part of the request a log of
15 all the meter readings and they were all marked actual
16 and not estimated.

17 Q. What is Staff's conclusion to Mr. Scott's
18 allegation that Spire did not credit two payments he
19 made in September 2019 towards his account?

20 A. We did find on the billing statement that the
21 account was credited for the two amounts that Mr. Scott
22 claimed in his complaint that was not credited to the
23 account. We found that they were applied to his account
24 billing history.

25 Q. What is Staff's conclusion as to Mr. Scott's

1 claim that Spire did not offer Mr. Scott a payment plan?

2 A. We found that there was a payment plan in
3 place after July 12 of 2019, and there are account notes
4 that were offered that another payment arrangement was
5 offered but never executed.

6 Q. Ms. Huber, what is Staff's conclusion as to
7 Mr. Scott's allegation that Spire violated the cold
8 weather rule by disconnecting or threatening to
9 disconnect Mr. Scott's gas service for nonpayment in
10 2020?

11 A. Staff did not find any evidence that the
12 company violated the cold weather rule.

13 Q. When it comes to the cold weather rule, Ms.
14 Huber, are utilities allowed to send disconnect notices
15 out under that rule?

16 A. Yes, they are.

17 Q. And overall, Ms. Huber, following Staff's
18 investigation, did Staff conclude that Spire had
19 violated any statute, Commission rule or Commission
20 approved company tariff?

21 A. No. Staff did not find any evidence of
22 violations.

23 MR. PRINGLE: Thank you, Ms. Huber. I have no
24 further questions for direct, and I offer Ms. Huber for
25 cross-examination.

1 JUDGE JACOBS: Thank you very much. Ms.
2 Bockstruck, does Spire have any questions for Ms. Huber?

3 MS. BOCKSTRUCK: Just a couple.

4 CROSS-EXAMINATION BY MS. BOCKSTRUCK:

5 Q. Ms. Huber, was Staff ever able to make contact
6 with Mr. Scott?

7 A. I was not by telephone, but there were a
8 couple of exchanges via email.

9 Q. Did Staff ever attempt to explain to Mr. Scott
10 his bills?

11 A. Not in this formal complaint. I was never --
12 I didn't have much communication with him nor was I
13 asked to explain his bills to him.

14 Q. Were other Staff in contact with Mr. Scott?

15 A. I believe that during the course of the
16 informal complaint possibly and I do believe other Staff
17 members were in contact with him, but I was only in
18 communication by email.

19 MS. BOCKSTRUCK: Okay. Thank you. I don't
20 have anything else, Judge.

21 JUDGE JACOBS: Okay. Mr. Scott, did you have
22 any questions for Ms. Huber?

23 CROSS-EXAMINATION BY MR. SCOTT:

24 Q. Ms. Huber, first of all, is there a reason why
25 you believe that Spire is in no violation of not

1 providing a medical form?

2 A. The medical form was discussed in the informal
3 complaint which I noted in Staff's report. I reviewed
4 the call recordings between you and company personnel.
5 And a representative on June 10 of 2019 originally did
6 not offer you a form when you mentioned a medical issue.
7 And you had asked to be transferred to a supervisor.
8 Later in a different call on that same day the
9 supervisor did offer and there are account notes where
10 it was sent out, emailed and contact was attempted by
11 the company.

12 Q. Is there a reason that you didn't send this in
13 regular US postal mail rather than email?

14 A. I'm sorry. What was your question?

15 Q. In other words, instead of sending this
16 notification, which is more like a document, it's a very
17 important document, is there a reason you didn't send
18 this through the regular mail system instead of email?

19 JUDGE JACOBS: Mr. Scott, Ms. Huber is not the
20 person who would have sent a form to you. Ms. Huber
21 works for the Commission.

22 BY MR. SCOTT:

23 Q. Well, the Commission -- Is there a reason the
24 Commission did not investigate that?

25 A. I did investigate and look at that. All the

1 allegations in your formal complaint, I looked at that.
2 And I found in account notes that it was sent by mail
3 and emailed to you.

4 Q. Ms. Huber, I never received a form. So I'm
5 not questioning what you're saying. What I'm asking you
6 is whether or not it is general protocol because I never
7 received a form from them. I've had a lot of problems
8 with the Commission. I've never received a form, ma'am.
9 I can confirm that I haven't received one.

10 JUDGE JACOBS: Do you have a question for Ms.
11 Huber?

12 BY MR. SCOTT:

13 Q. Well, my next question after that was, did you
14 get any kind of confirmation, written confirmation from
15 me that a payment arrangement had been made with Spire?

16 A. I received letters of the payment arrangement
17 from the company when I requested that information. And
18 on your billing statements it is clearly marked that
19 there is a payment arrangement in place, and that was
20 the confirmation I had of the payment arrangement.

21 Q. Okay. So you did not receive one from me
22 stating that I had agreed to a certain payment?

23 A. No, I did not.

24 Q. Okay. I thought so. Was that -- On any
25 payment arrangement, did you receive anything from me

1 confirming any kind of payment arrangement?

2 A. No, I did not.

3 Q. Is it standard procedure for a government
4 agency to not confirm between both parties whether or
5 not a payment arrangement had been made?

6 JUDGE JACOBS: I don't think that Ms. Huber is
7 going to testify today about the standard procedure of
8 government agencies. So if you'd like to ask her about
9 what the Commission does, you can ask her about what the
10 Commission does. Please restate your question.

11 MR. SCOTT: If she's with the Public Service
12 Commission, she should know that, whether or not they
13 have a procedure to see if both sides have agreed to the
14 agreement, because I've had a lot of problems with the
15 Public Service Commission.

16 JUDGE JACOBS: Your question is whether the
17 Public Service Commission has a procedure to confirm
18 from the customer and the company if a payment
19 arrangement is in place? Is that your question?

20 MR. SCOTT: That is correct.

21 JUDGE JACOBS: Thank you. Ms. Huber, you want
22 to answer that question?

23 THE WITNESS: I am not aware of any policy or
24 procedure of confirming payment arrangements with both
25 customer and company.

1 BY MR. SCOTT:

2 Q. Okay. Going back to the meter reading, Ms.
3 Huber, and that is since you don't -- Does the Public
4 Service Commission in a situation such as this when a
5 bill is disputed, does the Public Service Commission
6 require a utility provider to literally go out and
7 physically inspect the equipment or to take a reading on
8 any of the equipment when a bill is disputed?

9 A. As part of our investigation, we did request
10 all the information and then we did verify that there
11 were meter tests performed and, you know, we reviewed
12 the tests and the rules that require a test be performed
13 if a customer is disputing their bills.

14 Q. Okay. That really doesn't answer my question.
15 What I'm asking is, do you have any record of anybody
16 going to inspect the meter or taking a reading
17 physically?

18 A. I have documentation of people reading and
19 inspecting and changing your meter.

20 Q. Okay, ma'am, that's inspecting and changing
21 the meter. What I'm asking is, when a bill is in
22 dispute and you are in a position as a government agency
23 to ask the utility provider to go and confirm numbers on
24 a meter, physically go and confirm numbers, do you all
25 do that?

1 A. If there appears to be some type of error or
2 reading not being collected, we can ask to do that.
3 However, in this situation I was provided with a reading
4 of your history back from the time you became a customer
5 until the present time of your formal complaint filing.

6 Q. Okay. So I'm going to take that as a no that
7 you did not require a provider to go out and physically
8 read, take a reading on the equipment that tells them
9 how the service is being used?

10 JUDGE JACOBS: So you can ask Ms. Huber
11 questions, Mr. Scott. Did you have any more questions?

12 MR. SCOTT: Okay. Well, I'm going to take
13 that answer as a no, because I've got a long drawn out
14 answer about it.

15 BY MR. SCOTT:

16 Q. Ms. Huber, let me ask you another question and
17 that is this. Had your staff in servicing this area,
18 have you changed staff at all in the past, let's say the
19 past four years?

20 A. As far as who handles your formal complaint,
21 which staff members handle it?

22 Q. No, ma'am. In other words, you had a lady --

23 MR. PRINGLE: Objection, relevance.

24 MR. SCOTT: Okay. Counsel, let me finish,
25 please.

1 JUDGE JACOBS: Mr. Scott, so your question is
2 asking Ms. Huber about whether the staff of the
3 Commission that handles consumer complaints has changed
4 in the last four years. That seems rather broad.

5 MR. SCOTT: That's the reason for the
6 question.

7 JUDGE JACOBS: Well, go ahead and explain to
8 us why you would be interested.

9 BY MR. SCOTT:

10 Q. The question is, you had a young lady there by
11 the name of Melody Faulkner (phonetic spelling) who had
12 absolutely no problem resolving matters. All of a
13 sudden the Public Service Commission is struggling to
14 resolve anything. I've gone downtown and told the
15 Public Service Commission --

16 JUDGE JACOBS: Okay. So Mr. Scott, Mr. Scott,
17 I think that your question is essentially a complaint
18 about the Commission rather than a question. So if you
19 want to ask Ms. Huber a question.

20 MR. SCOTT: The question is, have they changed
21 their staff on this. That's my question.

22 JUDGE JACOBS: In the last four years?

23 MR. SCOTT: In the last four years, have you
24 changed your staff on handling things like this?

25 JUDGE JACOBS: Ms. Huber, if you're able to

1 answer.

2 MR. PRINGLE: I'll make an objection to that.

3 JUDGE JACOBS: Ms. Huber, if you are able --
4 Mr. Scott, please do not talk over me. Ms. Huber, if
5 you are able to answer whether staff has changed at the
6 customer service department that handles complaints in
7 the past four years, you may do so. If you are not able
8 to do so, you don't have to. The question is simply a
9 yes or a no question.

10 THE WITNESS: No.

11 BY MR. SCOTT:

12 Q. Is there a way I can find out this
13 information, Ms. Huber?

14 JUDGE JACOBS: Mr. Scott, that is far outside
15 of the scope of this case. Do you have any other
16 questions for Ms. Huber?

17 MR. SCOTT: No, I don't, but I would like to
18 rebut this thing because I'm not getting my questions
19 answered.

20 JUDGE JACOBS: If you would like to have
21 information about who works for the Commission, I think
22 that's actually a matter of public information that's
23 available on multiple sources, but that is not critical
24 to the determination of this case. Ms. Huber is the
25 staff member who worked on your case, and she can answer

1 questions about the work that she does.

2 MR. SCOTT: Your Honor, Ms. Huber has not
3 provided me with an actual answer on a specific question
4 that I asked. The only thing I asked in that question
5 was very simple, has your staff changed.

6 JUDGE JACOBS: She said no.

7 MR. SCOTT: Because I had this problem before.

8 JUDGE JACOBS: And now you're arguing. So she
9 said no. She did answer your question. Did you have
10 any additional questions?

11 BY MR. SCOTT:

12 Q. Well, Ms. Huber, can you tell me if you
13 normally assign, the Commission assigns one person to
14 such a matter or the number of people involved in a
15 formal investigation?

16 A. On the formal investigation, there's usually
17 two of us. And myself and another member of customer
18 experience department were assigned to your formal
19 complaint. Now, there have been some informals. So
20 there might have been another person assigned at a
21 different time, but I am the only one that was assigned
22 with another member of customer service to -- I'm sorry
23 -- customer experience department to this formal
24 complaint.

25 Q. Okay. So you are pretty much solo with this

1 thing?

2 A. No, there was another member of customer
3 experience who was on this case with me.

4 Q. What is the name of that person?

5 A. Mr. Scott Glasgow.

6 Q. Okay. Now, Mr. Glasgow, was he present today
7 at all for testimony?

8 A. He's been on here all day.

9 JUDGE JACOBS: Mr. Glasgow is not being
10 offered by Staff as a witness. And Mr. Scott, I'm going
11 to ask you to let Ms. Huber answer the questions before
12 you start speaking again.

13 MR. SCOTT: Okay. Go ahead.

14 JUDGE JACOBS: Did you have an additional
15 question?

16 MR. SCOTT: No, because I haven't got my
17 question answered. No, I don't.

18 JUDGE JACOBS: Your last question was whether
19 another member of staff was working on the case. I
20 believe Ms. Huber answered you and identified that
21 person and then you asked if that person was present
22 today and she also answered that question and said that
23 person is indeed present.

24 MR. SCOTT: Okay. That's fine. Then that's
25 the answer to my question.

1 BY MR. SCOTT:

2 Q. The next question I have, Ms. Huber, is when
3 the two of you got together and you decided that you
4 were going to take these satellite readings from a
5 meter, you decided not to send -- have anyone to go out
6 or to ask the provider to go out and take an actual
7 reading. Do you believe that that is a proper way to
8 handle a matter like this?

9 JUDGE JACOBS: Excuse me. Ms. Huber, does the
10 Public Service Commission read meters?

11 THE WITNESS: No, we do not.

12 JUDGE JACOBS: I'm sorry. What did you say,
13 Ms. Huber?

14 THE WITNESS: No, we do not.

15 JUDGE JACOBS: Thank you. Do you have another
16 question, Mr. Scott?

17 MR. SCOTT: My question has not been answered.

18 BY MR. SCOTT:

19 Q. My question was very clear and that is does
20 the government agency require the utility provider to go
21 out and physically read these meters? She's worked with
22 a second person on this.

23 JUDGE JACOBS: That's a slightly different
24 question. Now you've asked if the PSC requires the
25 utility provider to physically read the meter. Ms.

1 Huber, would you like to answer that question?

2 MS. HUBER: No, we do not always require that.

3 MR. SCOTT: I didn't think so. Ms. Huber, I'm
4 done. I didn't think you did but I'm done.

5 JUDGE JACOBS: Okay. I don't think we have a
6 member of the Commission with us at this time. I will
7 follow up.

8 QUESTIONS BY JUDGE JACOBS:

9 Q. Ms. Huber, are the methods that the Commission
10 uses -- I'm sorry -- that the utility providers use to
11 read meters, including Spire, is that determined under
12 the company's tariffs?

13 A. I am not 100 percent sure there is an actual
14 allowance in the tariff, but it is typical for utilities
15 to use an AMI or an AMR type meter, but I am not the
16 best person to ask about that.

17 Q. So you don't know if the Commission actually
18 approves remote readings of meters?

19 A. Well, they do approve in the rate cases the
20 types of meters and the collection types, yes.

21 Q. Okay. So are you able to explain to us the
22 situations in which a company is required to offer a
23 customer a payment plan?

24 A. Could you repeat that? I'm sorry.

25 Q. Can you explain the situations in which a

1 company is required to offer a payment plan to a
2 customer?

3 A. In the Commission rules, if there's an
4 overcharge, they are required. Most payment
5 arrangements are not necessarily required. They're done
6 as a courtesy. And then if a default happens and
7 there's different things that can happen that would
8 allow the companies to refuse or require a certain
9 amount of payment to get someone reconnected.

10 Q. So you aren't able to tell me today if
11 companies are ever required to offer payment plans?

12 A. In the event of an overcharge, yes. And under
13 the cold weather rule at that time, yes.

14 Q. In the event of an overcharge, what does that
15 mean?

16 A. If a company double bills or, you know, billed
17 outside of the 12 months, if they found something that
18 they charged the customer too much. I'm sorry. In the
19 event of an undercharge, they are required. If it was
20 an overcharge, it's a different amount.

21 Q. If it's an overcharge, wouldn't the result be
22 that you would get a refund?

23 A. Yes.

24 Q. If it's an undercharge and the company
25 realizes that they've undercharged you for a period of

1 time and then they come back to you and say oh, wait,
2 you owe us more money, under that circumstance the
3 company is required to give their customers more time to
4 pay; is that what you were saying?

5 A. Yes.

6 Q. Okay. And then did you also mention the cold
7 weather rule as a situation where a payment requirement
8 or a payment plan might have to be offered?

9 A. Yes.

10 Q. Okay. Can you explain to us today how
11 customers can view a company's tariffs?

12 A. It's usually provided on the website. It's by
13 request. Usually they are always sent with the new
14 packet for a new customer and then it's available on the
15 Missouri Public Service Commission website as well.

16 Q. Do you know if companies are also required to
17 provide physical copies of tariffs to be reviewed in
18 their offices?

19 A. Yes, they are required to make those available
20 to customers.

21 Q. And can you explain to me if it is typical
22 that payment plans are reached with customers without
23 actually having a customer sign a document and just
24 doing that in a discussion over the phone?

25 A. It is my understanding that's how a lot of

1 them work because they're usually in a situation where
2 they're trying to avoid disconnection. I do think it's
3 generally the practice a follow up letter or something
4 with a billing statement is also provided.

5 Q. So there will typically be something in
6 writing to confirm what the company and the customer
7 came up with when they spoke over the phone?

8 A. That is correct.

9 Q. Okay. And in your experience working with
10 folks who have a complaint about their utility company,
11 is that typically what you see that they will come up
12 with a payment arrangement and it will be followed up in
13 writing by the company?

14 A. Yes.

15 Q. So there's nothing unusual about a customer
16 and a company coming up with a plan and the company
17 sending a letter that confirms what the payments will
18 be?

19 A. No, there's nothing unusual that I see about
20 that.

21 Q. And then I have a question for you about we've
22 spent a little bit of time today talking about this
23 medical form that is provided to customers when they say
24 that they have a medical issue that would make
25 disconnection of utility services at that time

1 especially troublesome. So in your review in this case,
2 was it your understanding that the company had done
3 something wrong under the tariff or the company may not
4 have complied with its own guidelines for when it
5 provides those forms?

6 A. This all happened in the informal, but I did
7 review it as it was also an allegation in the formal
8 complaint; but when I reviewed the phone call, there was
9 a representative who did not offer. She was trying to
10 find other assistant mechanisms. That same day a
11 different rep ended up mentioning the medical form and
12 got it sent out. So there is an actual rule that
13 requires companies to avoid disconnection if a medical
14 form is on file. However, the company has to have
15 received that in order for that restriction to be in
16 place.

17 Q. And I think the language of the rule actually
18 says that the customer needs to provide the
19 documentation for the medical problem, right; that's
20 what the rule says?

21 A. Right. And it has to be signed by a medical
22 physician. That is in 13.050 paragraph 10, I believe.
23 Let me double check my reference.

24 Q. 13.050?

25 A. Uh-huh, paragraph 10.

1 Q. So I think the language you would be referring
2 to is the part of the rule that says any person who
3 alleges a medical emergency if requested shall provide
4 the utility with reasonable evidence of the necessity?

5 A. That's correct.

6 Q. Okay. And so is there somewhere in the
7 company's tariff that says that when a customer calls up
8 and says that they have a medical emergency Spire has to
9 offer them that form immediately?

10 A. I think that is company policy. If it's in
11 the tariff, I would have to find it. I'm not sure about
12 in the tariff. But per the rule as long as a medical
13 form is on file, they have to avoid the disconnection
14 for a 21-day extension.

15 Q. Okay. So in this case if there was a lapse,
16 it was a medical situation was mentioned and the form
17 was not immediately offered to the customer?

18 A. Right.

19 Q. But the form was offered the same day?

20 A. Yes.

21 Q. In your review of this case, you noted that
22 because it was a deviation from what would be considered
23 complying perfectly with the company's policy to offer
24 that form; is that right?

25 A. That's correct. I followed up with the

1 company and they had admitted that yes, that should have
2 been and that's why their employee was coached about,
3 you know, offering it immediately.

4 Q. But you aren't able to tell me if there's a
5 tariff provision for this company that addresses that?

6 A. I would have to get back to you on that. I am
7 not 100 percent sure on that.

8 JUDGE JACOBS: Okay. All right. Those are
9 all the questions that I have for Ms. Huber. Do we have
10 any recross from Ms. Bockstruck?

11 RECROSS-EXAMINATION BY MS. BOCKSTRUCK:

12 Q. Just one question. Ms. Huber, when Staff
13 conducts an investigation on a formal complaint, is it
14 Staff's policy to attempt to talk to both the company
15 and the complainant as part of its investigation?

16 A. Yes, it is.

17 Q. Did you attempt to do that with Mr. Scott
18 here?

19 A. I did.

20 MS. BOCKSTRUCK: Thank you. That's all I
21 have.

22 JUDGE JACOBS: Mr. Scott, do you have any
23 additional questions for Ms. Huber?

24 MR. SCOTT: Your Honor, the only question that
25 I have for Ms. Huber is that I never received any

1 medical form from them even though she stated that a
2 medical form was sent out later that day. Second thing
3 is that I have not seen anybody as far as getting this
4 matter resolved. I haven't seen any progress on it
5 right now.

6 RECROSS-EXAMINATION BY MR. SCOTT:

7 Q. The only thing that I can say is the question
8 for Ms. Huber that I would have is what do you normally
9 do when you discover that a medical form was not
10 returned to you? Isn't that a little bit unusual?

11 JUDGE JACOBS: So Ms. Huber, are medical forms
12 such as in this case, are they returned to the
13 Commission?

14 THE WITNESS: No, they are not.

15 JUDGE JACOBS: So Mr. Scott, did you want to
16 rephrase your question?

17 BY MR. SCOTT:

18 Q. Then who are these medical forms returned to?

19 A. To the utility company that can grant your
20 extension for disconnection.

21 Q. Now, does the utility company confirm that
22 they received any medical form from the customer?

23 A. I'm sorry. Can you repeat that?

24 Q. Does the utility provider confirm with the
25 Public Service Commission that a medical form was

1 received so all parties are on the same page?

2 A. If they would have received a form, they
3 should have had that on file and been able to provide it
4 with the information that I requested when investigating
5 this complaint.

6 Q. Okay. So that means that in your opinion do
7 you believe they received the completed form?

8 A. No, I do not.

9 MR. SCOTT: Okay. Then that will be my final
10 question, Your Honor, because now I see what's going on,
11 but that's my final question.

12 JUDGE JACOBS: Thank you. Is there any
13 redirect by Staff?

14 MR. PRINGLE: Yes, Judge.

15 REDIRECT EXAMINATION BY MR. PRINGLE:

16 Q. Ms. Huber, Ms. Bockstruck asked you a few
17 questions about reaching out to complainant and
18 respondent in a complaint. How did you reach out to
19 Mr. Scott?

20 A. I tried to contact him by telephone and then I
21 also used the email address on file, and I received a
22 response that he may take some time but he would get
23 back with me. And then I also had a later communication
24 with him by email as well.

25 Q. When you reach out to the parties in a

1 complaint, you're attempting to collect evidence,
2 correct?

3 A. That's correct.

4 Q. Besides his complaint, did Mr. Scott provide
5 anything else to staff?

6 A. No, he did not.

7 Q. Also for questions about having someone read a
8 meter, isn't it true that Mr. Scott's meter was part --
9 it was enrolled in the automated reader process, the
10 automatic meter reading process?

11 A. That is my understanding, yes.

12 Q. And also to your understanding what would be
13 the advantage of having someone physically read a meter
14 that has automated meter reading?

15 A. I don't know that there would be an advantage
16 because the automated sends daily reads and sometimes
17 hourly depending on how you request it. So that
18 information would be more accurate for time of day and
19 when usage is higher or lower.

20 Q. So you're saying that the automated meter
21 reading process is more accurate than having someone
22 physically read the meter?

23 A. Yes.

24 MR. PRINGLE: Thank you, Ms. Huber. I have
25 nothing else.

1 JUDGE JACOBS: Okay. I believe that that
2 should conclude Ms. Huber's testimony today. So I thank
3 you very much, Ms. Huber, for appearing. And looks like
4 we should be done with testimony. So our witnesses are
5 excused, including Ms. Huber, and we can move on now to
6 discuss any final matters the parties need to discuss
7 before we close our hearing today. The only thing I
8 have to mention is that we do have a pending objection
9 on Spire's Exhibit 103. I will make sure there's
10 something that goes out to give the parties an
11 opportunity to address that particular exhibit. Did any
12 other party have anything they wanted to mention at this
13 point?

14 MR. SCOTT: Yes, I did. I wanted to mention
15 several things with Spire, because Spire is basically
16 contending that it has a case and it's telling you the
17 Commission, as well as me the customer, that they have
18 every right to do what they're doing. When you're doing
19 something by satellite instead of sending someone out to
20 physically read a meter, that's not correct. The meter
21 reader is going to always be more accurate than the
22 satellite because anything can interfere with a
23 satellite. They also did not send out the medical form
24 as requested. I never received one because there's
25 absolutely no reason I would have not had the form

1 completed by a physician and sent back to them. So I
2 already know they didn't send that to me even though
3 they indicated that they did.

4 JUDGE JACOBS: So Mr. Scott, we have already
5 heard your arguments today and we have heard from
6 witnesses. So we've completed that part of the
7 proceeding.

8 MR. SCOTT: There's nothing more that I can
9 state other than the payment arrangement to resolve the
10 matter? That's the only thing I can bring up here?

11 JUDGE JACOBS: You would discuss any
12 arrangement that you'll need to make to resolve the case
13 with Spire outside of this hearing.

14 MR. SCOTT: Okay. But I need to know the
15 guidelines on that.

16 JUDGE JACOBS: Once again, that would take
17 place --

18 MR. SCOTT: Is there anyone in the Public
19 Service Commission can give me guidelines on that?

20 JUDGE JACOBS: There are many people who are
21 available to help customers answer questions about their
22 utility service and about any programs that are
23 available to you. It's just not something that takes
24 place in this hearing proceeding. So you know how to
25 contact the Commission because you've been able to file

1 this complaint. You can call the customer service
2 number and ask questions. You can also contact Spire.

3 MR. SCOTT: Okay. That's fine, Your Honor.
4 But I have had no success with the Public Service
5 Commission when it comes to this kind of matter. Just
6 as of late I have not had any. Before this, yes, I had
7 plenty of success. This is one of the reasons that this
8 complaint had to be submitted because the Public Service
9 Commission has got to a point where they don't care
10 about anything. So I have had no success with them.

11 Now, if I have to go to Spire, then I'm going
12 to have to anticipate that I'm going to have even less
13 success because Spire is not going to be compelled to do
14 anything.

15 My next question is, okay, what are my options
16 here?

17 JUDGE JACOBS: So I would encourage you to
18 look for the customer service phone number that you can
19 call. You can also consult the Commission's website.
20 Unfortunately this specific formal hearing process is
21 not designed to deal with that issue. This process is
22 designed to deal with the complaints that you have made
23 about Spire through January of 2020.

24 MR. SCOTT: Okay.

25 JUDGE JACOBS: Okay. And your complaint has

1 been taken very seriously. A great deal of time and
2 effort has been devoted to this for the past year to
3 resolve this case.

4 MR. SCOTT: Okay.

5 JUDGE JACOBS: And we're still in the process
6 of doing that right now.

7 MR. SCOTT: Correct, that is correct.

8 JUDGE JACOBS: Okay. So I didn't hear any
9 final matters there that necessarily need to be
10 resolved. We have admitted several exhibits. As I said
11 before, those will get marked and then they will be
12 filed in EFIS. Then there will be an order that comes
13 out that explains how any corrections can be made if
14 that's necessary. As we have done throughout this
15 process, Mr. Scott, you receive in the mail copies of
16 the Commission's orders in this case. So you will be
17 receiving that information in the mail.

18 Ms. Bockstruck, did you need to say something?

19 MS. BOCKSTRUCK: Yes. You had requested
20 earlier that we file in EFIS the August 2019 bill. Was
21 that given a specific exhibit number?

22 JUDGE JACOBS: Thank you so much for reminding
23 me. I almost didn't deal with that. So I would just
24 propose if you file that in EFIS, just file it in
25 response to this request and then what I'll do is I'll

1 have it marked. I'll probably just do your next number,
2 and then we'll just go through that objection process
3 with it. So it's going to be kind of like what we have
4 do with your 103-C we'll do with that whenever you file
5 it. Does that answer your question? We'll have to have
6 a little bit more process there.

7 Mr. Scott, you'll receive a copy of that as
8 well. But thank you for reminding me about that, Ms.
9 Bockstruck. The exhibit issues that we have outstanding
10 that I'm aware of at this point is the 103 that
11 Mr. Scott had objected to and then I also asked for that
12 August statement which was the only one that was missing
13 from what the parties had submitted. So Ms. Bockstruck
14 is making clear that Spire is going to provide that.
15 Obviously I know you're going to do it pretty soon. If
16 I don't see it soon, then I'll just issue an order
17 saying you said you were going to do this, please do it
18 by this date. You'll probably get to that before I do.
19 So I'm assuming you guys will take care of that
20 promptly. So those are two exhibits that we could
21 potentially have some more filings on before they're
22 admitted into the record.

23 I don't think there were any other outstanding
24 exhibit issues, but I will be -- As I said, they'll get
25 marked and then everyone will have an opportunity to

1 verify that the correct stuff was filed. Does anybody
2 have anything else they want to say about exhibits?

3 MS. SCOTT: No, I have nothing.

4 JUDGE JACOBS: Okay. And then we will have
5 the transcripts prepared, of course. It takes ten
6 business days. The transcripts are supposed to be ready
7 by December 18. Is there any party who thinks that it
8 will be necessary to have formal briefing in this case?
9 I do not believe that formal briefs will be useful here.
10 So no briefing is going to be ordered.

11 And unless anybody has anything else, I think
12 we're ready to close our hearing today. Anything else
13 before we get off the record?

14 MR. SCOTT: I don't have anything.

15 JUDGE JACOBS: Okay.

16 MR. PRINGLE: Nothing from Staff.

17 MS. BOCKSTRUCK: Thank you so much.

18 JUDGE JACOBS: So we are ready to close this
19 proceeding understanding that we have a couple exhibits
20 issues that are going to have to be resolved and we're
21 going to make sure that all the exhibits get filed
22 correctly. Thank you to all of our witnesses for being
23 here today. Thank you, counsel. Thank you, Mr. Scott.
24 Thank you, Ms. Bentch. I really appreciate all of you
25 being here and I hope you all have a great afternoon.

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We are off the record. Thank you.

(Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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