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June 6, 2008

PUBLIC SERVICE COMMISSION
Governor Office Building
200 Madison Street
P. O. Box 360
Jefferson City, MO 65102-0360

FILED³

JUN 10 2008

Re: KFVS, L.L.C. vs. AmerenUE
Case No. GC-2008-0317

**Missouri Public
Service Commission**

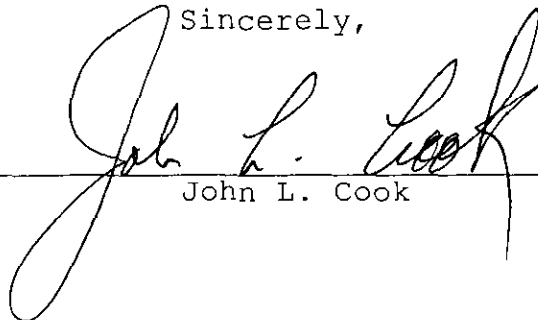
Dear Sir or Madam:

Enclosed please find an original and eight copies of our Exceptions/Objections to Staff Investigation Report which we ask that you file with the Commission.

We have sent a copy of same today by email to Ms. Wendy Tatro, Counsel for AmerenUE.

Sincerely,

By:


John L. Cook

JLC:slm

Enclosures

cc: Ms. Wendy Tatro

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE
STATE OF MISSOURI

FILED³
JUN 10 2008

Missouri Public
Service Commission

KFVS, LLC,)	
)	
Complainant,)	
)	Case No. GC-2008-0317
vs.)	
)	
AMERENUE,)	
)	
Respondent.)	

EXCEPTIONS/OBJECTIONS TO STAFF INVESTIGATION REPORT

COMES NOW Complainant, by and through its attorney, John L. Cook, and, for its Exceptions and Objections to the previously filed Staff Investigative Report, states as follows:

1. Complainant accepts and approves the finding of the Staff that the re-billing amount should be reduced by \$1,623.86. With that reduction, Complainant accepts the amount of, but not the fact of, the attempted re-billing.

2. The Staff report asserts that the difference in total usage for 9 months in 2006 compared to the same 9 months in 2007 shows "probable" failure of the meter over that time. The idea is that, because more gas was metered during the same months of 2007 than was metered in 2006, the meter must have been metering slow in 2006. To this we object. We first note that the burden of proving this "probability" is on Ameren.

3. At the out-set we question whether this evidence would carry the burden of proof for Ameren. We doubt that Ameren will

be able to show any mal-function of the meter prior to the actual testing date.

4. However, the primary fault with the Staff position is in the Report, Paragraph 11. Staff says there was a difference in usage of 6.67% with similar heating and cooling degree days. This is simply not the case. First, the math is wrong. Usage in 2006 was 134,582 ccf. Divided by the usage in 2007 of 144,172 ccf does not yield 6.67%. It is 6.65%. More importantly, the heating/cooling degree days are not "similar". In 2006 there were 3,103 heating/cooling degree days and in 2007 there were 3,265 heating/cooling degree days. 3,103 divided by 3,265 yields a difference of 4.96%. So, if you compare both usage differences and heating/cooling day differences, the "meter fault", by that reasoning, is only 1.69%. Not the 5% charged by Ameren.

5. We also note that even this modified figure cannot be supported by reason. The only true comparison of months in Schedule 1 is for the months of June, 2006 and June, 2007. That is the only month with similarity between heating/cooling degree days. In 2006 there were 302 CDD and 0 HDD. In 2007 there were 298 CDD and 0 HDD. If there were a 5% slow meter in 2006 then the usage should be 5% less in 2006. But the usage in 2006 was 21,649 and in 2007 it was 16,852. Almost 5 thousand ccf more in 2006!

6. According to the Staff Report and methodology, a correct finding would be for a re-billing of no more than 1.69% at the

correct rate. However, we object to any re-billing because the comparative figures provided by the Staff establish that Ameren cannot carry its burden of proof for any figure that is not speculative.

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By: 

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