

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

VOOK, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2009-0110
	)	
LACLEDE GAS COMPANY,	)	
720 Olive Street	)	
St. Louis, MO 63101	)	
<b>CERTIFIED MAIL</b>	)	
	)	
Respondent.	)	

**NOTICE OF COMPLAINT AND ORDER DIRECTING FILING**

Issue Date: September 30, 2008

Effective Date: September 30, 2008

On September 23, 2008, VOOK, LLC, filed the complaint, of which a copy of accompanies this notice and order.

THE COMMISSION ORDERS THAT:

1. Laclede Gas Company shall conduct an investigation as to the cause of the complaint.
2. Laclede Gas Company shall file an answer to the complaint no later than October 29, 2008.
3. Laclede Gas Company's answer shall include the results of Laclede Gas Company's investigation.

4. This Commission's Staff ("Staff") shall conduct an investigation as to the cause of the complaint.
5. Staff shall file a report of its findings no later than December 1, 2008.
6. This order becomes effective immediately upon issue.

The Commission's rules of discovery are set forth at 4 CSR 240-2.090.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. A request from Laclede Gas Company for mediation will suspend the schedule set forth in this order.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 30<sup>th</sup> day of September, 2008.

Jordan, Regulatory Law Judge

Copy to: Kurt Cummiskey  
Attorney At Law LLC  
3801 Connecticut  
St. Louis, MO 63116

And

VOOK, LLC  
3191 South Spring Street  
St. Louis, MO 63116

3801 CONNECTICUT  
ST. LOUIS, MO 63116

**KURT CUMMISKEY**  
ATTORNEY AT LAW LLC  
E-MAIL: kurt@commishlaw.com

TELEPHONE: (314) 664-2555  
FACSIMILE: (314) 762-0721

**FILED<sup>3</sup>**

SEP 23 2008

Missouri Public  
Service Commission

Secretary of the Missouri PSC  
Attn: Data Center  
PO Box 360  
Jefferson City, MO 65102-0360

Re: Formal Complaint

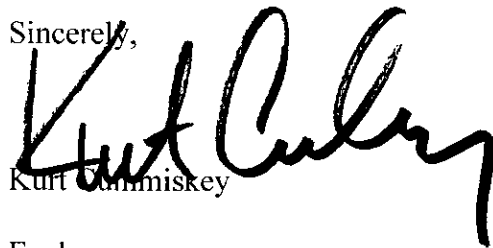
Dear Madam/Sir:

On behalf of VOOK LLC please find enclosed Formal Complaint concerning Laclede Gas Company, with attached Exhibit A.

A copy of this Formal Complaint has been served on Laclede Gas Company as shown below.

Thank you for your attention to this important matter.

Sincerely,



Kurt Cummiskey

Enclosures

cc: Laclede Gas  
Drawer 2  
St. Louis, MO 63171

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE  
STATE OF MISSOURI

FILED<sup>3</sup>

SEP 23 2008

Name: VOOK LLC  
Complainant

Missouri Public  
Service Commission

vs.

Case No.

Company Name: Laclede Gas Company  
Respondent

COMPLAINT

Complainant resides at 3801 Connecticut/3191 S. Spring, St. Louis  
MO 63116  
(address of complainant)

1. Respondent, Laclede Gas Company  
(company name)  
of 720 Olive Street, St. Louis, MO 63101, is a public utility under the  
(location of company)  
jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

An automatic meter reading device was installed at the above
address which failed to record or transmit meter readings for the
the period 10/21/07 through 2/9/08. A bill based on prior usage
which fails to take into account actual usage, rehabilitation of
the building, occupancy of the building, was previously disputed
by VOOK LLC's representative. There is no "similar period of like
use" to base VOOK LLC's usage on. The period being used as a
comparison was prior to current occupancy and occupancy permit
for the building being issued. Information requesting how the
gas company arrived at the estimated figure-such as that contained
in the August 22, 2008, letter of the MOPSC - was requested but
not provided to VOOK LLC's representative in a manner that was
understandable.

3. The Complainant has taken the following steps to present this complaint to the Respondent:

A number of correspondence were sent to Laclede Gas Company to bring these problems to their attention. These correspondence are attached hereto as Exhibit A.

WHEREFORE, Complainant now requests the following relief:

Request is made that the invoice or billing submitted to VOOK LLC be denied unless more accurate proof of actual usage, or invoice that takes into account rehabilitation of the building, actual occupancy of the building during the time period in question or some other relief that is based on the actual usage of the occupants be made.

9/19/08  
Date

Kurt Culy  
Signature of Complainant  
For VOOK LLC

Attach additional pages, as necessary.  
Attach copies of any supporting documentation.

**KURT CUMMISKEY**  
**Attorney at Law LLC**

3803 Connecticut – Suite 100  
St. Louis, MO 63116  
314.588.8828 – office  
314.762.0721 – facsimile

July 16, 2008

Laclede Gas  
720 Olive Street  
Attn: Ms. T. Buford  
St. Louis, MO 63101

Re: Estimated bill – 3191 South Spring Ave., 2 Fl  
Account No.: 553800-004-9

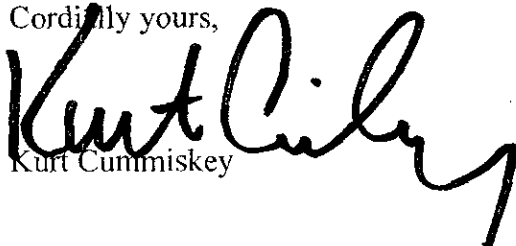
Dear Ms. Buford:

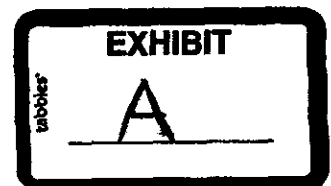
Request for information concerning how the estimated bill at the above address was determined has not been received. Some information was provided but it is not possible to determine from the information provided how the estimated bill was estimated.

Please be advised that the amount of the estimated bill is not acceptable to my client, and the offer to compromise the amount of the bill is withdrawn.

Thank you for your attention to this matter, and please consider the estimated bill to continue to be disputed.

Cordially yours,

  
Kurt Cummiskey



**KURT CUMMISKEY**  
**Attorney at Law LLC**

3803 Connecticut – Suite 100  
St. Louis, MO 63116  
314.588.8828 – office  
314.762.0721 – facsimile

July 9, 2008

Laclede Gas  
720 Olive Street  
Attn: Ms. T. Buford  
St. Louis, MO 63101

Re: Estimated bill – 3191 South Spring Ave., 2 Fl  
Account No.: 553800-004-9

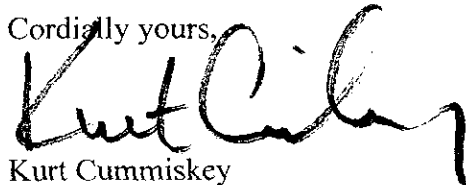
Dear Ms. Buford:

As of the date of this correspondence, the undersigned has received no documentation or other information reflecting how the amounts VOOK LLC is being billed was calculated. This was requested on June 26, 2008.

As previously requested, please consider the amount invoiced for gas useage from October 31, 2007 through February 9, 2008 as **DISPUTED**. If you would be so kind as to provide all information in your possession concerning how the estimated amount was calculated, it would be sincerely appreciated. At this time, I am unable to determine how the amount requested was determined. Also, it appears that the amount I am currently being billed as a "prior gas balance" of \$1,708.34 is incorrect.

Also, enclosed please find copy of check and invoice reflecting payment for recent invoice for gas service from May 30, 2008 through June 20, 2008.

Cordially yours,



Kurt Cummiskey

Enclosures

**KURT CUMMISKEY**  
**Attorney at Law LLC**

3803 Connecticut – Suite 100  
St. Louis, MO 63116  
314.588.8828 – office  
314.762.0721 – facsimile

June 26, 2008

Laclede Gas  
720 Olive Street  
Attn: Ms. T. Buford  
St. Louis, MO 63101

Re: Estimated bill – 3191 South Spring Ave., 2 Fl  
Account No.: 553800-004-9

Dear Ms. Buford:

Thank you for your attention to the dispute of the unmetered gas charge for the above property. As you know, a remote metering device was installed at the above property improperly which failed to measure the actual gas usage during the time period of October 31, 2007 through February 9, 2008.

The undersigned continues to dispute the charges on behalf of VOOK LLC. **It is requested that this matter continue to be considered disputed until this matter is resolved.** Please advise in writing whether any late charges will accrue while this matter is disputed. As you know, Laclede Gas attempted to shut off service and/or threatened to shut off service recently in an effort to collect this disputed amount. The undersigned considers that an improper attempt to coerce payment of this disputed bill.

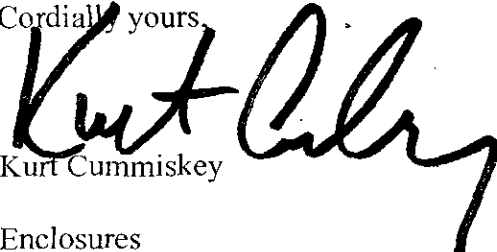
First, the correspondence of June 20, 2008, states that the estimated invoice is based on "prior usage history." As previously related, this building was completely rehabbed with two 90% efficient Trane furnaces installed. Thus, it remains VOOK LLC's position that estimating the disputed invoice on "prior usage history" is not appropriate. Enclosed as Exhibit A is occupancy permit from 2007 reflecting the date the above property was first available for occupancy following the rehabilitation. If the numbers being used are from prior to that time, they would be misleading. Please advise if information from the time period prior was used.

Please consider this an objection to these estimated charges and a request for forgiveness from this charge due to Laclede Gas' negligence, or the negligence of Laclede Gas representatives in installing a remote metering device. It is my understanding from the correspondence dated June 20, 2008 (attached hereto as Exhibit B), and received by the undersigned on June 25, 2008, that the invoice continues to be based on conjecture.



In light of the foregoing I have been authorized to pay \$150 to settle the unknown charges, which to date have been based upon information not shared with the undersigned. Please advise if this is acceptable and a draft will be forwarded to your attention.

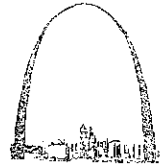
Cordially yours,

  
Kurt Cummiskey

Enclosures



**City of St. Louis**  
**DEPARTMENT OF PUBLIC SAFETY**  
DIVISION OF BUILDING AND INSPECTION  
FRANCIS G. SLAY  
MAYOR



HOUSING CONSERVATION DISTRICT SECTION

CN: 273030

ISSUE DATE: 07/03/07

CERTIFICATE OF INSPECTION

This certifies that the Unit/Property at 3801 03 CONNECTICUT ST 03-2F  
aka: 3191 S SPRING 2F

has been inspected by the Division of Building and Inspection and has  
complied with applicable provisions of the Housing Conservation  
District Ordinance of the City of St. Louis, as amended, and may be  
occupied as a ONE FAMILY DWELLING UNIT, with Occupancy limited to 7  
person/s. This Certificate expires on July 3, 2008.

THIS CERTIFICATE IS NOT APPLICABLE FOR SECTION 8

Issue to: Vook LLC

Vook LLC

3843 Connecticut  
St. Louis, MO 63116

CODE OFFICIAL

This Certificate indicates that only a Basic Minimum  
Standard Building Inspection was performed. This does not  
certify Electrical, Mechanical, Plumbing, or Lead Paint  
Inspections.

Ward:15 Precinct: 2

*Building Safety is NO Accident*

**EXHIBIT**

A



Customer Relations

720 Olive St.

St. Louis, MO 63101

June 20, 2008

LLC Vook

3803 Connecticut

St. Louis MO 63116

RECEIVED

Re: Acct 553800-004-9

Dear Sir:

Our method used to calculate an unmetered gas charge is one in which we use estimating factors established from your prior usage history. There are two factors used: one for heating usage and one for non-heating usage. These factors are then applied to the weather conditions that existed during the period of time the meter was malfunctioning to produce a month-by month billing. This method that we use is in agreement with the rules and regulations of the Missouri Public Service Commission by which we are governed.

I have listed below a breakdown of the unmetered gas charge billed on your May 2008 statement.

Service Dates		Degree		
From	TO	Days	Therms	Billings
10/31/07	11/29/07	520	192.5	\$227.98
11/29/07	1/2/08	1031	370.4	\$382.82
1/2/08	1/31/08	889	322.2	\$339.45
1/31/08	2/9/08	231	85.1	\$91.46
Subtotal				\$1,041.71
St. Louis City Tax				\$115.73
Sales Tax				\$80.63
Total				\$1,238.07

EXHIBIT

B

tabbles

Page 2

The late fees that were charged on the May and June bills have been waived.

I hope this information will be of assistance to you. If you have any questions or wish to make payment arrangements, please contact me at 314-342-0827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ms. T. Buford".

**Ms. T. Buford**  
**Customer Relations**



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**ROBERT M. CLAYTON III**

**TERRY JARRETT**

**KEVIN GUNN**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

**Information Sheet Regarding Mediation of Commission Formal Complaint Cases**

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. In addition, the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the

participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The Judge assigned to be the mediator will not be the same Judge assigned to the contested complaint.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case. If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale  
Secretary