

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

August 18, 2010

Jefferson City, Missouri

Volume 2

Bridgette Young,)	
)	
Complainant,)	
)	Case No. GC-2010-0248
v.)	
)	
Laclede Gas Company,)	
)	
Respondent.)	

RONALD D. PRIDGIN, Presiding
SENIOR REGULATORY LAW JUDGE
ROBERT M. CLAYTON, III, Chairman
KEVIN GUNN,
ROBERT S. KENNEY,
COMMISSIONERS

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A P P E A R A N C E S

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JUDGE PRIDGIN: Good morning. We are on the record. This is the hearing in Case No. GC-2010-0248, Bridgette Young versus Laclede Gas Company.

I'm Ron Pridgin, I'm the Regulatory Law Judge assigned to preside over this hearing. It's being held on August 8th, 2010. We are starting at about 10:05 a.m. and we are holding the hearing in Jefferson City, Missouri in the Governor Office Building and also have people participating from the Wainwright State Office Building in St. Louis, Missouri.

I would like to get entries of appearance from counsel, please, beginning with the Staff of the Commission.

MR. RITCHIE: Thank you, Judge. Representing the Staff of the Missouri Public Service Commission, Sam Ritchie, PO Box 360, Jefferson City, Missouri 65102.

JUDGE PRIDGIN: Mr. Ritchie, thank you.

On behalf of Laclede Gas Company, please.

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

JUDGE PRIDGIN: Mr. Zucker, thank you.

And, Ms. Young, could I ask you to state

your name and address, please?

MS. YOUNG: My name's Bridgette Young.
My address is 6708 Black Walnut Court, St. Louis,
Missouri 63134.

JUDGE PRIDGIN: Ms. Young, thank you.

Is there an entry of appearance on behalf
of the Office of the Public Counsel?

All right. Hearing none, any entries of
appearance from other counsel? All right. Hearing
none, we will proceed.

Do the parties wish to make any opening
statements or simply proceed to evidence?

MR. ZUCKER: I'm happy to make a brief
opening statement. I don't know about Ms. Young.

JUDGE PRIDGIN: And, Ms. Young, just to
briefly describe an opening statement, it's entirely
up to you, but if you wish to make one, it would be
essentially just your, I guess, attempt to let the
Commission know what you think the case is about. It
would not be evidence, it would not be testimony, it
would just kind of be your idea of what you think the
evidence will eventually show. So --

MS. YOUNG: All right.

JUDGE PRIDGIN: So that's up to you if
you wish to do it or not.

MR. ZUCKER: And I'm happy to pass the opening statement if Ms. Young would like to just get right to her -- her testimony.

MS. YOUNG: Yes, I'm ready. I'm ready.

JUDGE PRIDGIN: Okay. Do you want to proceed with opening, ma'am, or just go to your testimony?

MS. YOUNG: I can proceed with opening. That would be fine.

JUDGE PRIDGIN: And Mr. Ritchie, do you have an opening?

MR. RITCHIE: I do have one prepared. If the parties want to skip it, that's fine, but we can do one if that's what we agree to do.

JUDGE PRIDGIN: Okay. Thank you.

Ms. Young, it sounds like -- and again, you won't be under oath, this will not be evidence. This is just your attempt to kind of speak to the Commission and let them know what you think the evidence will eventually show. Is that what you wish to do?

MS. YOUNG: Uh-huh. That would be fine.

JUDGE PRIDGIN: All right. Thank you. Then whenever you're ready, ma'am.

MS. YOUNG: I'm here today because of

some -- I believe that Laclede Gas have been charging me with a broke line for years of service and it's too much. I think the line has been broken for many years and I believe that the gas that was leaking, it was -- it was charged to me and they're saying that it wasn't, but I believe that it was.

When they came -- when they came and dug up the yard, it -- they fixed the line, but it didn't do any better to me *anyway*, but it could be -- it might have been a little bit better.

JUDGE PRIDGIN: All right. Ms. Young, thank you. Is that your opening statement?

MS. YOUNG: Uh-huh.

JUDGE PRIDGIN: All right. Yes, ma'am, thank you very much.

Mr. Zucker, any opening?

MR. ZUCKER: Yes. Very briefly, your Honor. This is a pretty straightforward case. Ms. Young would like a credit on her bill. We would be happy to give her one, but the facts here don't justify it.

Ms. Young believes that she's been overcharged. Her belief arises from repair work that Laclede performed in August 2008 where we fixed a leak in the street in front of her home. At the same time

we fixed the leak, we took the opportunity to replace her service line. She had a steel service line. We replaced it with a plastic service line, a new -- a new plastic line.

After that work was done, Ms. Young believes that her usage and billings declined, indicating that before the work was done, she had been overcharged, charged for gas that she didn't use; in other words, she believes there's a tie between the gas leak in the street and her bill.

Her claim fails for a number of reasons. First, in the two years since the repair was done, Ms. Young's gas usage has not declined. It was consistent for the first year and then actually increased some the second year.

Second, Ms. Young's billings have declined over this past winter. The amount that she's been billed, the dollars billed have declined this past winter, but that was not because of lower usage; just the opposite, she actually used more, but it was because of lower gas prices.

Third, Ms. Young's gas usage is well below the amount of our typical residential customer and it's reasonable and consistent with the size of her home.

Fourth, the leak itself could simply not have affected her bill because the -- the leak in the -- with the leak in the street, gas escaped there in the street and didn't go down her line and wasn't registered through her meter. So it did not have any effect on the amount she was billed.

Ms. Young has also raised an issue of her usage during a period when she was not in the home. I am not sure why her usage didn't decline during that period. Perhaps the thermostat wasn't turned down. The only thing we can do from our end is remove the meter and test it to make sure the meter is accurately measuring gas usage. We've offered to do that. Ms. Young has declined our offer.

In conclusion, we ask that at the end of this hearing, the Commission find that Laclede has not violated any Commission rules or orders or decisions of the Commission. Thank you.

JUDGE PRIDGIN: Mr. Zucker, thank you.

Mr. Ritchie, any opening?

MR. RITCHIE: Good morning. May it please the Commission.

JUDGE PRIDGIN: Mr. Ritchie.

MR. RITCHIE: The issue before the Commission today is whether the complainant was

overcharged by Laclede due to a gas leak. In this case, the complainant has alleged that her gas bills have decreased in the time period after a gas leak in the street in front of her house was found and repaired. A logical conclusion a person unfamiliar with the utility and gas industry may draw is that a leak from the street was causing the complainant's bills to be higher.

The Commission Staff, as a neutral third party here, has investigated this matter. Staff's investigation found there was indeed a gas leak in the street in front of the complainant's home. However, because this was a street leak, it would not have passed through the complainant's meter; thus, not affecting her monthly bills.

Staff's investigation further found that the complainant's meter readings indicate fairly consistent usage over the past few years. Staff has confirmed the manual meter readings performed by the company matching automated meter reads. And, finally, Staff has found no violation of PSC rules or Laclede's approved tariff through its investigation. Thank you.

JUDGE PRIDGIN: Mr. Ritchie, thank you. All right. I believe we're ready to proceed with evidence. Ms. Young, are you ready to give evidence?

MS. YOUNG: Yes, sir, I am.

JUDGE PRIDGIN: If I could ask you to raise your right hand to be sworn, please.

(Witness sworn.)

JUDGE PRIDGIN: All right, ma'am. Thank you very much. This would be a chance, you know, if you had counsel, for your counsel to ask you questions. But because you are representing yourself, I'll simply let you proceed and tell the Commission whatever you'd like them to hear.

BRIDGETTE YOUNG

having been first duly sworn, testified as follows:

MS. YOUNG: All right. I'll start by saying that the leak -- I know the leakage -- the leakage -- the leakage at my home has been -- I believe has been there for many -- for many years. I've called Laclede Gas on many occasions to ask them to come out to look at the meter.

Richard Zucker is saying that the meter was never taken out. The meter was removed. They're saying they don't have any records of it. They always lose records of everything. So far they say they don't have it. But they did come remove the meter.

What happened is that I had -- I had water damage, a flood that was in my basement. And I

have a receipt from the -- from the sewer service saying they came out. I lost a lot of records down there.

I had representative come out from Laclede Gas. He showed me how -- on one of the gas bills, he writ-- he -- he had wrote it on that 30 -- he was -- I can't remember -- I'm trying to think -- to remember what it was, like 30 times 90 -- 30 -- about 30 days 90 times to 30 days or whatever and he was saying that I was overcharged for the usage, it shouldn't have been that much. But all was that destroyed when my basement got flooded. I don't have the evidence.

So -- but I do have where -- the piece of paper where -- you know, the receipt where the sewer company did come out to unback the -- the flood downstairs.

But they have gave me like three different like readings or different things, the cubic meters or CCf. They're never the same. I've got like three different papers from them and nothing's the same. Nothing even adds up.

I believe there was a leakage there. And when I called them, they denied that they did not dig in my yard back in August 2nd of 2008. Mary -- it

took Mary almost like two months to find -- almost a month and a half to find out that I was not lying, they did dig. The way they left my yard, Judge Pridgin, it was terrible. They made it look -- it looked like an open grave the way they left my yard in terrible shape the way they dug it. And -- and all I did was ask them to come out to -- to redo the yard and fix it. No one ever came out.

And all -- like I said, all the information was inside this box that got wet.

JUDGE PRIDGIN: All right. Ms. Young, thank you. Is that -- is that essentially what you had to tell the Commission?

MS. YOUNG: Well, the numbers -- like I said, the numbers don't add up. I know that there was a leakage in front of my house and they're saying that the leakage don't have anything to do with my meter. Why did they take my meter off? They took my meter off the same day and they didn't put it back on for four days. If it -- if it -- if -- if the leak did not affect from the street going into my meter, why would they take the meter off there? To me, that doesn't make any sense.

I mean, these are numbers -- they can give me numbers all day long, but their numbers don't

mean anything to me because they can -- they can adjust numbers. I mean who -- who is there to stop them from adjusting numbers telling me what I used and what I did not use? I don't know. I don't trust them and I don't trust it. Because the numbers don't add up.

I've got three different sheets of paper that they've sent me correspondence of what's the cubic feet and all this and that, but they still don't add up. Some numbers are different. I mean, if it's the same numbers, why aren't they still the same? The numbers are different.

JUDGE PRIDGIN: Okay. Ms. Young, anything else you'd like to tell the Commission before we see if anyone has any questions for you?

MS. YOUNG: No. They can go ahead and proceed. I can hop in any time.

JUDGE PRIDGIN: Okay. Ms. Young, thank you. Let me see if we have any questions from counsel, first. Mr. Zucker, any cross?

MR. ZUCKER: Yes, your Honor. Thank you.
CROSS-EXAMINATION BY MR. ZUCKER:

Q. Ms. Young, my name is Richard Zucker and I'm an attorney from Laclede Gas Company. How are you this morning?

A. Fine.

Q. Can you tell me what you do for your job?

A. What do you mean?

Q. Do you have a job?

A. No. I own my own business.

Q. You own your own business. Okay. And what -- what business is that?

A. What do -- what does that have to do with this?

Q. Well, I just want to see what your background is to see --

A. What my background got to do with this? It has nothing to do with that. I own a business. I'm in construction, but what does that have to do with this?

Q. Well, I want to see what your knowledge is of gas service. Do you -- do you have any experience in gas service?

A. Let me ask you something, Rick. Do you have any experience in gas service?

Q. No, I'm asking you questions now.

JUDGE PRIDGIN: Ms. Young -- Ms. Young, would you please answer the question. If you have a legal objection, you may make an objection and I can rule on it, but this back and forth is not going to

work. If you'll just please answer his questions or make an objection.

MS. YOUNG: I make an objection. That's not his business.

JUDGE PRIDGIN: Overruled. Now if you'll please answer the question.

MS. YOUNG: What -- what do I have to answer the question about what I do for a background? I'm in construction. I just answered that.

BY MR. ZUCKER:

Q. Okay. Do you have any experience in gas service?

A. No, I don't.

Q. Okay. What about in meter reading -- meter reading?

A. I know how to read a meter.

Q. You know how to read one?

A. Yes, I do.

Q. And do you have any training in that?

A. No. But you all send cards out for us to read them.

Q. And did you use those cards? Did you actually do meter reading --

A. Yes, I did.

Q. -- and send cards in?

What is your background in leaks, gas leaks? Have you ever had any training on -- on how that works, how to repair --

A. I just said I didn't have any background in gas service.

Q. Okay. All right. You said that the numbers that we sent you are different and don't add up. Do you have any documentation of -- about what you're talking about so I could see what numbers you're referring to?

A. These numbers (indicating).

Q. Okay. So these are the numbers that I sent you; is that right?

A. Yeah. Of course.

Q. Okay. Well, let's take them one at a time, if you don't mind. Which -- which -- which ones are confusing you or making --

A. Oh, I'm not confused at all.

Q. Okay. Which ones make it appear that there's a difference in the numbers?

A. You got 2006 here to 2007, you got 635 cubic feet of gas used. Here from 2006 to 2007, you got 601. Here from 2006 to 2007, you have 119 CCfs. I'm just trying to find out which is what.

Q. Okay. So in the first one you showed

me -- or you indicated that piece of paper with the bullets on it, that comes from a letter sent to you by the Staff; is that correct?

A. No. This is coming from you.

Q. This is coming from Laclede?

A. Your name is on these papers, Rick Zucker.

Q. Okay. So -- well, the letter -- the first one you have there with the bullets on it --

A. That's yours. That's yours.

Q. The first one with the bullets on it, you -- it's under --

A. Right here?

Q. Yeah. So that one was -- is signed what at the bottom?

A. This comes from the Missouri Public Commission.

Q. And the Missouri Public Service Commission got that, you think, from Laclede; got that information from Laclede?

A. I guess so.

Q. Okay. And what are the dates -- you talked about '06/'07, I think?

A. Yeah.

Q. What are the dates of the usage there?

A. 519, 5--

Q. The dates, ma'am. The dates.

A. 200-- from 2002 -- from 2/9/07 to 2/22/06. So from 6 to the next year.

Q. Okay. So that would be 2/9/07 -- February of '07 until -- or actually from February --

A. Of '06. The 22nd of '06 to the 9th of '07.

Q. Okay. So that's February of '06 to February of '07?

A. Yeah.

Q. All right. The second one you indicated, which is the one underneath there, what are the beginning and ending dates of the '06/'07 reading, the one underneath --

A. 2/22/06 and 2/9/07.

Q. Okay. May I see that? Okay. So this -- this indicates to me that it started at February 22, 2006 and ended at May 11th, 2006.

A. That's not what it says. It's right here. It says 2/06 -- 2/22/06 to 2/9/07.

Q. So you skipped a line though where it says 05/11/06.

A. I'm looking at the cubic all the way around.

Q. Okay.

A. Right here you got the 2/06/8 and this 8/10 of 2007. It's a whole year.

Q. Right. It's a whole year from August '06 to August '07?

A. '07. Only with this one, but it's 601.

Q. Right. But that's August to August. Right?

A. And I understand that. But if it's from February to February, the numbers's not adding up. If it's from August to August, it's still not adding up.

Q. Okay.

A. Where the cubics come in at? I'm not -- it's -- it's confusing to me.

Q. And you can't see how this is February to May of '06?

A. I do. Yes, I do. Okay. I understand that. But you still -- but even if you take this year to this year, it's still the same from this year to that year (indicating).

Q. Okay. Well, let's look at that. February 22, 2006, what was the reading there according to that letter? In other words, on February 22, 2006 is the date --

A. It was 119 CCfs.

Q. Can you tell me what the reading was in that column next to the 2--

A. 7684.

Q. 7684. And on February 9, 2007, what's the reading?

A. 8202.

Q. Okay. So if I subtract 7684 from 8202, if you would give me a minute, I get 618. Does that sound right to you?

A. Well, right here it's got 518.

Q. That says 518. Okay. So that sounds like it's a typographical error.

A. That's not a typographical error.

Q. How do you know it's not a typographical error?

A. Well, how do you know it's not?

Q. Well, I'm asking you the questions.

A. Well, why -- why is it 100 meters different?

Q. Okay. It would appear to me that someone typed in a five there where it should have been a six, but otherwise --

A. Okay. On your sheet --

Q. -- the answer's correct?

A. Okay. On your sheet -- let me ask you

this: On your sheet -- this is yours.

Q. Right.

A. And this is your exhibit. Right?

Q. Uh-huh.

A. Okay. Do the numbers on this one then.

Do the numbers from the -- do your numbers.

JUDGE PRIDGIN: Ms. Young, let me interrupt. Mr. Zucker's trying to ask you questions. This is not the time for you to ask him questions. You'll be able to ask Laclede witnesses or Staff witnesses questions later, but this is his opportunity to ask you questions.

BY MR. ZUCKER:

Q. Could -- would you be willing to agree to put all these three documents into evidence and then they're part of the record and you can --

A. You can copy them, because I'm taking them back with me. You can copy them.

MR. ZUCKER: Okay. What we're looking at, your Honor, is a letter from me to Ms. Young dated May 17th, 2006. And --

MS. YOUNG: Okay. Yesterday.

MR. ZUCKER: I'm sorry. 2010. I got stuck in 2006 there. May 17, 2010. Thank you.

And the other letter is -- I think you

can find that in Staff's report. It's a letter from Beverly of -- of the Consumer Services staff. And I can't tell what it's dated because it's just the second page of the letter.

And the third document is the exhibit that -- that we -- the first exhibit I sent in on Monday, I believe. So I know it's hard for you to follow, but if we put all those into evidence, we can work from them there.

JUDGE PRIDGIN: I -- I don't have -- I'm sorry. I don't have a problem with it, it's just I can't follow along, I don't have all these documents. If the parties are going to agree -- and I don't have a court reporter who can mark them because they aren't in front of her. If they agree on what the exhibits are and we get those filed later, I don't have a problem with it.

MR. ZUCKER: Okay. Well, I think the Staff will probably try to enter into evidence their report, so this will be -- one of the documents will be in that report. The other one will be my exhibit. The third one, which is the letter dated May 17th, is the one you don't have and that we'll -- we'll enter later so Ms. Young can use it as -- in her -- in her brief.

JUDGE PRIDGIN: Again, if all the parties are okay with that, I'm okay with it. I'll just eventually need those exhibits filed in EIFS and labeled properly so we can all refer to them accurately.

MR. ZUCKER: Sam, is that okay with you?

MR. RITCHIE: Sorry. I got sidetracked there for just a second. Can you just go over what you just said, Rick?

MR. ZUCKER: Well, there are three documents. One of them is a letter from Beverly that I believe is in the Staff report.

MR. RITCHIE: Okay. So the letter from Beverly, I believe it's February 19, 2010 is the date on that one.

MR. ZUCKER: I think that's right.

MR. RITCHIE: And then the second document was your May 17, 2010 letter to Ms. Young?

MR. ZUCKER: Yes.

MR. RITCHIE: We don't have a copy of that letter.

MR. ZUCKER: Okay. I -- I will send you one.

MR. RITCHIE: Okay.

JUDGE PRIDGIN: And if we want to simply

handle these as late-filed exhibits, I'm okay with it. That's why I issued an order asking everyone to get the exhibits to me before the hearing so we can try to avoid this, but if you need to do late-filed exhibits, I'm okay with it.

MR. ZUCKER: One of the three -- well, I think two of the three documents we'll have because one of them's in the Staff report and one of them I sent on Monday. It's just this third document, this letter, is the only one that will need to be filed as a late-filed exhibit.

MR. RITCHIE: So what was -- going back to the -- I've mentioned the May 17th letter, the letter from Beverly and what's the third?

MR. ZUCKER: The third document is the one I sent on Monday. It's an -- it's an exhibit that shows Ms. Young's usage from August to August for the last four years.

MR. RITCHIE: Okay. That's filed in EIFS. Correct?

MR. ZUCKER: Well, you know, we attempted to file it in EIFS, but there was something wrong with EIFS and it didn't take it. So what we did was we e-mailed it to the judge and to Staff and to OPC and mailed it to Ms. Young, which she obviously got it.

MR. RITCHIE: There was an exhibit filed from -- it appears as Ms. Young filed. I wonder if that's the exhibit you're referring to.

MR. ZUCKER: Oh, no. Did you file an exhibit in EIFS?

MS. YOUNG: No, I didn't.

MR. RITCHIE: It was an Excel spreadsheet.

MR. ZUCKER: Yes.

JUDGE PRIDGIN: All right. Here -- here -- here's my plan. Let's -- after -- after the hearing is concluded, Mr. Zucker, I would like for you to file your understanding of what all the exhibits are with a pleading just saying, Here's how I would label them, here's how I would file them and give all the parties a chance to look at them and say, yes, that's my understanding or, no, that's not my understanding so we can ultimately either agree on what the exhibits are or if we don't agree, go -- you know, resolve the dispute. Because we're just kind of --

MR. ZUCKER: Okay. We're floundering.

JUDGE PRIDGIN: We're floundering, I would agree. I'm not hearing any dispute over what you're trying to do. It's just I think we're having

some miscommunication we could resolve later.

MR. ZUCKER: Right.

BY MR. ZUCKER:

Q. Okay. One -- one further question about this. The information that you referred to, Ms. Young, on the bottom of the sheet in front of you that I sent you in the mail this week, do you -- do you see the dates on those are between February and July?

A. This one right here from February to July, yes.

Q. Right.

A. 2007.

Q. Right. And so the numbers there are going to be different from numbers from February to May. And they're going to be different from numbers that are from August to August. Do you follow that?

A. I do understand that. That's not what I'm saying. I understand what you're saying. What I'm saying is that the numbers still don't add up. Even if we go from August to August or September to September, from May to May, they're not adding up. All the numbers are different. They're 100 -- they're 100 centimeters off, they're 50 centimeters off. That's gas usage to me. That makes it more and it

makes it less.

Q. Well, other than the typo we found that was 100 -- exactly 100 off --

A. It's not -- it's not just that one.

Q. Okay. What other one do you --

A. You got 2008. You got from 8/10/2006 to 8/10/2007.

Q. Uh-huh.

A. It's one here -- okay. We can go back to the second -- well, let's go back here to 200-- from 2/8 of '10 and 2-- and 2 of '09. Those numbers are different as well.

Q. Right. But as we just talked about, those are two different time periods so the numbers aren't going to necessarily match. In other words, the usage from February '06 to February '07 would be different from the usage of August '06 to August '07.

A. That's not what I'm saying. That's not -- that's not what I'm saying.

Q. What are you saying then?

A. Rick, this is what I'm saying: If you take both the numbers -- if you take -- if you -- the sheet is right here -- the evidence is right here. If you take 2nd 11 and the 2nd 9th of '07 to '08, if you do it -- if look at this sheet, the same exact sheet,

if you do the numbers, they do not add up.

Q. It's not the same exact sheet. They're two different sheets with two different dates.

A. Okay. That's right.

Q. And so they wouldn't -- they wouldn't be the same then.

A. Okay.

Q. Do you -- do you agree with that?

A. No, I don't. I disagree.

Q. Okay. Well, let -- let's see if we can agree on some things. Do you agree that there was a gas leak in the street in front of your home that Laclede repaired in early August 2008?

A. Yeah.

Q. And can we agree that at the time we repaired the leak, we replaced the service line between our main in the street and the meter at your house?

A. I guess.

Q. Okay. And can we agree that Laclede had to dig in your yard to replace the service line?

A. Yeah.

Q. Okay. And can you explain how a gas leak that occurred in the street would have affected your bill, would -- would have been registered on your

meter?

A. Why wouldn't it have not? Because I'm going to tell you something. If something in the street -- okay. Let me -- let me explain like I did to you -- when I talked to you on the phone back here a few months ago.

If something's leaking -- if -- if -- if my house is over here and it's 300 feet up in my yard and the meter is there, why would you take the meter off if it does not affect my meter?

Q. Okay. I didn't ask you that. I said can you explain why --

A. And I'm explaining.

Q. -- a gas leak in the street would affect your bill?

A. And I'm -- and I'm explaining it to you. If the leak is out here, my meter's up here (indicating).

Q. Uh-huh.

A. Okay. Something's is -- okay. If you're saying that -- what -- what -- what makes it affect it, I believe it was leaking. And I believe it added onto my bill.

Q. But I'm asking you how? How did it add on?

A. Because of the leak.

Q. But -- but the leak -- in the leak, gas escapes from the pipe and it escaped from the pipe out in the street. How did it affect your bill down -- down in your meter?

A. Why wouldn't it have? Why did they take the meter off then if they didn't affect it? If you're working -- okay. It's just like if you're working on a car, why would you take another part off? It don't -- it don't make any sense.

Q. Well, when they were changing the line, they may have had to remove the meter to do the line change.

A. But if it had nothing to do with my meter, it had nothing -- the leakage have nothing to do with my home, why would they take the meter? If you're in the streets, why would you come take my meter off my home? That means something is -- that line has got to be seeping through something, it's got to be going through some type of pipes in order to get to my meter for it to be read.

Q. Right.

A. Isn't that true?

Q. Yes.

A. Okay.

Q. There's a pipe that goes from the street to your meter. And the gas goes down that pipe, goes through your meter, gets registered by the meter, then comes out the other side of the meter and goes into your home.

JUDGE PRIDGIN: And if I could interrupt --

BY MR. ZUCKER:

Q. Do you follow me?

JUDGE PRIDGIN: If I interrupt and try to refocus the parties. And, Ms. Young, if I could try to get you to stop asking questions of Mr. Zucker. And, Mr. Zucker, if I get you to maybe -- I know you're doing the best you can, but maybe not try to testify so much as much as cross-examine the witness, I would appreciate it.

MR. ZUCKER: Okay.

MS. YOUNG: Thank you.

MR. ZUCKER: I'm trying to lead the witness here. Okay.

JUDGE PRIDGIN: I understand. You're welcome to do so.

BY MR. ZUCKER:

Q. So do you understand that the gas comes down the pipe and goes through your meter before it

gets into your home?

A. No, I don't understand that.

Q. You don't. And would you understand that gas that escapes from that pipe would never go down the pipe to get through to your meter? Do you understand that?

A. Can I say something?

Q. Yes.

A. Okay.

JUDGE PRIDGIN: Can you try to answer the question, Ms. Young?

MS. YOUNG: Yes, I am.

JUDGE PRIDGIN: Okay. I think he asked if you understood so the answer would be yes, no --

MS. YOUNG: No.

JUDGE PRIDGIN: -- I don't know, something like that.

MS. YOUNG: I'm trying to say it in my way, Judge Pridgin. No disrespect. What I'm saying is that if the gas is going through a pipe, when it's all said and done, that gas is going through a pipe from the street to my home. If they change the service line and they took my meter off, how come it did not affect -- affect my home?

JUDGE PRIDGIN: Okay. And I think he

asked you a yes or no question, do you understand?

MS. YOUNG: Yes and no.

JUDGE PRIDGIN: Fair enough.

BY MR. ZUCKER:

Q. Do you understand that gas that leaked --

MR. ZUCKER: Let me ask the question again then, your Honor.

BY MR. ZUCKER:

Q. If the gas leaked from the pipe, do you understand then that it would not have gone down the pipe and through your meter?

A. No, I don't.

Q. Okay. Since that leak was repaired in August 2008, do you believe your usage and billings are now lower than they were before August 2008?

A. I looked back over that. To a certain degree, yes; to a certain degree, no.

Q. Okay. What do you mean by that?

A. Because the days I'm not at home, my gas is shut down and -- and yes, it is -- it's lower. But when I'm there, it's a little bit higher. And I went back to go look two or three years ago and for a house that size, the readings are extremely high. And the house is insulated and everything.

Q. All right. I'm going to show you this --

did you get this -- you wouldn't have gotten this from me yet. It's not this one. It is this one. Because I just filed it yesterday. Let me show this to you.

MR. ZUCKER: I am handing her the exhibit that I sent to you yesterday in -- in the -- by e-mail.

JUDGE PRIDGIN: All right. Thank you.

BY MR. ZUCKER:

Q. Okay. And are you aware, Ms. Young, that the amount of your bill is driven to a great extent by the cost of gas?

A. Oh, yes, I do understand that.

Q. Okay. And do you see how in the last year there at the top, your bill is lower even though your gas usage is higher?

A. I see from the 8-- I see from 8/10/09 to 8/9/10 of this year I see it's nine-oh-five-seven-seven and I see the usage CCf is 676.

Q. So that usage is higher than the usage in the previous years. Correct? 676 is higher than 615 and 632?

A. I guess.

Q. But the bill is lower that -- that last year than the previous two years?

A. These numbers -- anybody can put numbers

down. These numbers don't mean anything to me.

Q. But do you understand that at least --

A. Yeah.

Q. -- the numbers.

A. Yeah. yeah. You showed me about the numbers, yeah.

Q. Okay. And if you look down at the bottom chart, which shows the gas rates, the PGA rates, the rates since November of 2009 have been lower than they were in the previous two years. Do you see that?

A. Yes. Considerably low.

Q. Correct.

A. Very, very considerably low. You're talking 15-- almost close to 15,000 CCfs, whatever it is per therm or whatever. That's a lot of difference.

Q. Laclede has offered to change and test your meter. Do you recall those offers?

A. You've already took my meter and you -- and you brought it back. They brought it back. They took it off, they brought it back about five day later -- five days later.

Q. The same meter?

A. Same meter.

Q. Okay. But what I'm saying to you is we can take that meter and go test it at our meter shop.

And you have declined that -- for us to do that. Do you -- can you tell me why?

A. Because you -- because you did it before.

Q. And --

A. You've taken -- they took it before, but you all have no record of it. I don't understand that. Mine, like I said, got destroyed inside the water.

Q. Okay. So we don't have a record of it. Would you object to us doing it again?

A. I don't want you to take it. I don't want you all messing with it.

Q. Okay. And can you tell me why?

A. What good is it going to do?

Q. Well, I mean the best I can do is offer to test the meter to see if it was accurately recording usage.

A. Rick, I don't think it was the meter. I think it was the leak that was in the street.

Q. Okay. Okay. Let me see if I have anything else. Okay. Do you -- you said that you called Laclede to redo your yard and fix it. Do you have any records of that call?

A. No. And you all don't either. I get -- mine's got destroyed. I'll say it again, when the

flood -- my basement flooded. I had -- I had those records, but they got destroyed.

Q. Okay.

A. But you all don't seem to have any records of it either.

MR. ZUCKER: Okay. Okay. That's all I have, your Honor. Thank you.

JUDGE PRIDGIN: All right. Mr. Zucker, thank you.

Any cross-examination, Mr. Ritchie?

MR. RITCHIE: No. No questions from Staff. Thank you.

JUDGE PRIDGIN: All right. Let me see if we have Bench questions. Commissioner Gunn?

COMMISSIONER GUNN: I do have a couple questions.

QUESTIONS BY COMMISSIONER GUNN:

Q. Ma'am, thank you for coming here today. I just have a couple of quick questions. What was the date of the -- of the flood in your basement?

A. November of last year.

Q. November of '09?

A. Of '09.

Q. Okay. And that -- and in -- and that was where you had records of both your contacts with

Laclede as well as the meter being taken out?

A. Yes.

Q. And the leak was in August of '08; is that correct?

A. Yes.

Q. Okay. Let me ask you a question about -- about the -- your yard. How did it -- is your yard still dug up?

A. No. We repaired it. I had someone to help me repair it.

Q. So you did that on your own?

A. No. I said I had someone to help me.

Q. Okay. But -- but the company didn't do it. You -- you helped somebody or you paid somebody to do it?

A. No. Yeah, I had to pay somebody to do it. Laclede didn't do it. I did it. Me and somebody else, Rose Stephens, did it.

Q. Okay. And do you have any -- were those records of that repair also lost in the flood or do you have any records that -- that you paid someone to repair your yard?

A. I can get it from her. No, but it was lost in the flood.

Q. Okay. But you could get -- you could get

a copy of that maybe from the contractor?

A. No. She's not a contractor. She helped me fix my yard. She's good at what she does.

Q. Okay. All right.

A. She just helped me fix the yard -- part of the yard.

Q. That might be something you consider filling late as an exhibit, that you had to pay to -- to restore your yard to the condition after the -- after the lake -- or after the leak repair.

Let me -- let me try to help here and -- and try to get to what Mr. Zucker was saying and ask you if you agree with me or not. The concept we're kind of talking about, imagine if you have a glass of water and you have a straw and when you're sucking up the water in the straw, there's a little leak up at the top near where you're drinking the water.

Would you agree that if that leak does leak water out, that you're getting less water in your mouth and the water is going back into -- into the cup? Would you agree with that statement?

A. No, I don't. No, I don't. Because it depend on how hard it's being sucked up.

Q. Okay. Well, let's assume that water is leaking out of the straw. Let's assume that there

is -- that the leak is big enough and there is water leaking out of the straw. Would you then agree that there would be less water going into your mouth then there normally would be if there was no leak?

A. I can -- I can -- yes, I can agree with that, but we're talking about gas.

Q. I understand.

A. We're talking about a line on the same line that's going to my home.

Q. I understand.

A. I mean, the leak --

Q. Right. I understand.

A. Okay.

Q. I'm just trying to -- that's the basic concept that I think that Mr. Zucker's trying to get by. I'm not saying he's right. I'm just -- I'm trying to get -- I'm just trying to get a basic -- make sure that we're all on the same page of a basic understanding of what the company is saying.

The company is saying, is that because there was a leak at the pipe, there was less gas to go through your meter or that wouldn't at least cause more gas to go through your meter than it would. Again, I'm not saying it's right. I'm just making sure you understand what their -- their position is.

A. And what you say -- what you say your name was?

Q. I'm a commissioner.

A. What you say --

Q. My name is Commissioner Kevin Gunn.

A. Oh, Commiss-- okay. Okay. Commissioner, what -- and what I'm saying is that if the leak was leaking at my home, why would you take my meter off if it did not have anything -- it was not coming through -- registering through my meter? Why would you take the meter off for four days?

Q. And I understand that point. I'm just -- I'm just trying to agree on the -- on the general concept of what they're trying to say. Again, I'm not trying to say they're right or not.

So -- so my second question is with regard to that, the -- the meter that they took off, what was the date that they took that meter off?

A. You know what? I can't remember. Like I say, the -- the information was destroyed in a flood.

Q. Sure. But that was --

A. Believe me --

Q. It was at the time that the leak occurred. Correct?

A. What -- which -- what did you say?

Q. When they went in to repair the street leak, it was about that time that they took your meter -- that they took your meter off; is that correct?

A. They took it -- they took it the same day.

Q. The same day. So did they come back with the same meter or was it a new meter that they came back, or do you know?

A. I don't know.

Q. All right. And that was gone for four -- four or five days?

A. Yeah, about four days.

Q. Okay. Okay. Great. I don't have anything else. But I would suggest that you file as an exhibit -- a potential late-filed exhibit -- information about how much you may have paid to restore your yard back to -- back to its original -- original look.

A. I gave it to Rick Zucker. I told him what the amount was about two -- two months ago and just the other day, last week.

Q. Okay. Well, the Commission is the one that will decide. And we'll --

A. Okay.

Q. -- and whether or not Mr. Zucker agreed with you, we may agree with you. We may not agree with you.

A. Okay.

Q. But we'll ultimately make the decision and Laclede Gas and Mr. Zucker will do what we tell them to do.

A. Okay.

Q. So I would just suggest that you -- that you send it off.

COMMISSIONER GUNN: Other than that, I don't have anything else. Thank you, ma'am.

MS. YOUNG: Okay. Thank you. Thank you.

JUDGE PRIDGIN: All right. Thank you. And I don't have any questions. Let me see if we have any further cross-examination.

Mr. Zucker, any further questions of Ms. Young based on Bench questions only?

MR. ZUCKER: No. I would just like to make the point though that Ms. Young's complaint is about the -- the overcharged gas -- the overcharge on gas due to the leak. She has not filed a complaint about the yard damage and so we would reserve the right to -- to file testimony ourselves if that becomes an issue.

COMMISSIONER GUNN: Fair point,
Mr. Zucker.

MR. ZUCKER: Having said that, if she has receipts for -- for damage or she can reproduce them, we would be glad to work with her on that.

MS. YOUNG: I spoke with you last week and you said no. And I did -- and it is in the record that I -- I --

RE-CROSS-EXAMINATION BY MR. ZUCKER:

Q. So did I ask you for receipts?

A. You asked me for receipts and I told you they was destroyed in the flood that was in my basement. You know told me \$50 and I told you no, because that's not what I paid. I told you I paid 250.

MR. ZUCKER: So I object to that discussion -- or that testimony has being privileged settlement discussions.

JUDGE PRIDGIN: Well, I -- I mean, I guess if you want it stricken from the record, if you want to file a motion and give people a chance to reply, I don't know how -- how relevant or harmful it is it, but I see your point, Mr. Zucker. It's outside of her complaint and it was just kind of -- I think just brought up here recently.

MR. ZUCKER: Okay. I am not going to move to strike it from the record.

JUDGE PRIDGIN: Okay. Thank you.

MR. ZUCKER: And I guess my final word would be that if the Commission tells us to do something, we will do it. So I agree with Commissioner Gunn on that.

JUDGE PRIDGIN: All right. Mr. Zucker, thank you. Any further questions of this witness? Mr. Zucker, any further questions for Ms. Young?

MR. ZUCKER: Not from me.

JUDGE PRIDGIN: Thank you. Mr. Ritchie?

MR. RITCHIE: None from Staff.

COMMISSIONER GUNN: No. I don't have anything else.

JUDGE PRIDGIN: Ms. Young, anything further you'd like to tell the Commission?

MS. YOUNG: No. It's just that I -- I spoke with -- like I said, I spoke with Rick, I tried to make -- he called me, I tried to come to agreement with him. We didn't come to agreement. That's why we **end** up here. I believe that the gas was leaking from my home. I would never, ever take that back. No one can make me take it back. I believe that they owe me money -- a lot -- a lot of money from the gas leakage

that was in front of my home.

They denied that they did not dig my yard up and it took, like I said, two months for them to find the records that they dug my yard up. I had a lady from Laclede Gas, I think I've got her name written down on a piece of paper somewhere that I cannot even find that. But she spoke with me and told me that they did not dig my yard up, I must be cuckoo. That was the word that she was like, Something must be wrong with you, we didn't dig your yard up. But come back to find out that my yard was dug up and it was left in horrible condition.

JUDGE PRIDGIN: All right. Ms. Young, thank you. Any-- anything further before I give Laclede a chance to put on evidence?

MS. YOUNG: No, that's it.

JUDGE PRIDGIN: Thank you.

Mr. Zucker, any evidence?

MR. ZUCKER: Yes. We would call Gerry Lynch to the stand.

JUDGE PRIDGIN: All right. Is that Ms. Lynch? All right. Thank you.

MR. ZUCKER: Can you see her where she is now or would you like her to switch places?

JUDGE PRIDGIN: Where she -- I can see

her just fine so there's no need for anybody to move.

Ms. Lynch, can you hear me, ma'am?

THE WITNESS: Yes, I can.

JUDGE PRIDGIN: All right. Would you raise your right hand to be sworn, please.

(Witness sworn.)

JUDGE PRIDGIN: Thank you very much, ma'am.

Mr. Zucker, when you're ready.

MR. ZUCKER: Okay. And can you hear her well or should I move the mic?

JUDGE PRIDGIN: So far I can hear her.

MR. ZUCKER: Let me know if it becomes a problem.

GERRY LYNCH

having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ZUCKER:

Q. Ms. Lynch, please state and spell your name for the record.

A. Gerry Lynch, L-y-n-c-h.

Q. And who are you employed by?

A. Laclede Gas Company.

Q. And what is your title at Laclede?

A. Legal secretary.

Q. And what are your responsibilities in

this role?

A. I help three attorneys with EIFS filings, word processing, fact gathering and file management.

Q. Okay. And how long have you been at Laclede?

A. Eleven years.

Q. And what other positions have you held at Laclede?

A. I started as a secretary in the Community Services Department. I worked there in that respect from 1999 until 2002. And then I was promoted to supervisor, which I held until I went to legal in 2004.

Q. And what were your responsibilities as a supervisor in community services?

A. We investigated complaints we received from the Public Service Commission from customers and we would complete reports and provide any other information that they requested.

Q. Okay. Good. What is your educational background?

A. I graduated from Bishop DuBourg High School.

Q. Okay. And did Laclede repair a gas leak at Ms. Young's home in 2008?

A. No.

Q. Did -- did Laclede repair a gas leak near Ms. Young's home in 2008?

A. Yes, we did.

Q. And where was that gas leak?

A. The gas leak was in the street at the joint on the main pipe where her service line connected to it.

Q. Okay. And would this leak repair information of this street leak appear in Ms. Young's customer account?

A. No, it would not.

Q. Okay. And where would it appear?

A. We would have the records in our Construction and Maintenance Department because it's not connected to any one particular customer.

Q. Okay. So if -- if Ms. Young would have called our Customer Service Department and talked about a leak at her home, what would the Customer Service Department have said?

A. They would say there was no record of a leak at her home.

Q. Okay. Is there any-- is there anything in Ms. Young's account that has to do with a leak?

A. There is. When we were completing --

finishing repairing the leak, I'm sorry, we went ahead and replaced her steel service pipe with a plastic pipe. So there would be a record that she would need to have her service restored.

Q. And why would she need to have service restored? Was it turned off?

A. We did need to turn it off, yes.

Q. Okay. And is the restoration of her service referenced in her account?

A. It is. It's in -- under Order History.

Q. Okay. And could Laclede have turned the gas back on without Ms. Young being present?

A. We do need someone to be there because we have to gain access to the premise in order to complete a gas safe inspection and also to re-light all of the appliances.

Q. Okay. And can we turn the gas back on before we are able to get in the house?

A. No.

Q. Okay. In your opinion, would Laclede have any reason to hide the fact that it dug in Ms. Young's yard?

A. No.

Q. In your opinion, could the leak that you described on Ms. Young's street affect her gas bill?

A. No, it could not.

Q. And why not?

A. Because it leaked in the street and it did not travel up to get to her meter so it would not have registered.

Q. Okay. I'm going to hand you what's marked as Exhibit --

MR. ZUCKER: Should we call it Exhibit 1, your Honor?

JUDGE PRIDGIN: That's fine.

BY MR. ZUCKER:

Q. Okay. What's marked as Exhibit 1. This is the exhibit I sent on Monday, August 16th to the parties.

MS. ZUCKER: And you have this Ms. Young. Right? Would you like another copy?

MS. YOUNG: Oh, no. I have one.

BY MR. ZUCKER:

Q. Okay. And do you recognize this document, Ms. Lynch?

A. I do.

Q. And can you describe it?

A. It is Ms. Young's usage the two years prior to the service line being replaced and the two -- two years after this service line being

replaced.

Q. Okay. And is there additional information on there?

A. Yes. It also shows from the last four years her gas usage between February and July for each year.

Q. Okay. And were these figures on this document compiled by you or under your supervision?

A. Yes.

Q. Okay. And you've checked this information?

A. I have. I've checked it along with our usage history and our customer information system and also along with the degree days.

Q. Okay. And is the information you checked recorded and maintained by Laclede in the regular course of Laclede's business at the time these events occurred or within a reasonable time thereafter?

A. Yes.

Q. And are the data compiled on this exhibit, in fact, accurate?

A. Yes, they are.

MR. ZUCKER: Thank you. I'd move for admission of Exhibit 1 into evidence.

JUDGE PRIDGIN: Exhibit 1 has been

offered. Any objections?

Hearing none, Exhibit 1 is admitted.

(Exhibit No. 1 was received into evidence and made a part of the record.)

BY MR. ZUCKER:

Q. Okay. Ms. Young claims her usage declined after the August 2008 line replacement; is that true?

A. No, it is not.

Q. And what does that exhibit show?

A. It shows the year after the service line was replaced, it was very consistent. The year after -- or two years after the service line was replaced, it actually -- she used more gas.

Q. So in your opinion, does this exhibit indicate that Laclede was overcharging the customer prior to the service line replacement?

A. No, it does not.

Q. I'm going to hand you what's -- what I'm about to mark as Exhibit 2. This is the document I sent yesterday. And I gave Ms. Young a copy of it. I'm going to ask you if you can identify that document?

A. Yes, I can. This document shows the annual amount that was billed along with the PGA rates

for the last four -- three years.

Q. And was this document prepared by you or under your supervision?

A. Yes.

Q. And is it true and correct to the best of your knowledge and belief?

A. Yes, it is.

MR. ZUCKER: I move for admission of Exhibit 2 into evidence.

JUDGE PRIDGIN: Exhibit 2 has been offered. Any objections?

MR. RITCHIE: I'll just note that this is the one that I don't think we've seen yet, so we'll wait to see this first. This will be getting filed in EIFS, as I understand.

JUDGE PRIDGIN: Okay. And what I'm hearing then is you want to reserve a right to object later after it's filed; is that correct?

MR. RITCHIE: Yes.

JUDGE PRIDGIN: Okay. Mr. Zucker, it sounds like Staff counsel, Mr. Ritchie, would like to reserve his right to object after he sees the exhibit. So I'm going to show it as offered but not admitted. And then we can -- once it's filed, I can give the parties a chance to look at it and then rule on your

offer later.

MR. ZUCKER: Okay. That's fine. And I apologize to Mr. Ritchie. I sent it to the general -- general counsel e-mail address and I should have sent to Mr. Ritchie directly. So I think he would have gotten it had I done that.

JUDGE PRIDGIN: That's -- I believe we can fix it later.

MR. RITCHIE: No problem. Thanks, Rick.

MR. ZUCKER: Okay.

BY MR. ZUCKER:

Q. What does this analysis show on Exhibit 2, Ms. Lynch?

A. This shows that although she used more usage and CCfs the year 2009 through 2010, her gas bill was actually less.

Q. Okay. Ms. Lynch, do Laclede's records show whether we've changed the meter at Ms. Young's home?

A. They show that we haven't been out there for the past decade.

Q. So the meter that she has now, she's had for at least ten years?

A. Yes.

Q. Okay. And when did we install an

automated meter reading device or an AMR out there?

A. We installed it in February of 2006.

Q. Okay. And since we did the AMR installation, have we had any issues with meter readings at Ms. Young's home?

A. No.

Q. Okay. To your knowledge, has Laclede offered to replace the meter at Ms. Young's home and test the removed meter?

A. We have, yes. We --

Q. Go ahead.

A. -- did during the informal process and then also in your letter in May that you had mailed to her.

Q. And do you know if Ms. Young has agreed to have her meter tested?

A. She has declined.

Q. And do you know why?

A. No.

Q. Okay. According to Exhibit 1 for that -- for the four-year period covered there, it appears that Ms. Young's usage has averaged about 630 CCf per year. Do you agree with that?

A. I do.

Q. Do you know how much gas a typical

Laclede residential customer uses?

A. The average is approximately 884 CCfs.

Q. Okay. So compared with average, is Ms. Young's usage then well below average?

A. Yes, it is.

Q. Okay. Ms. Young claims her yard was damaged in connection with the line replacement. Do Laclede records indicate that she registered any complaint with us in -- in the few months after that event, let's say between August 2008 and the end of 2008?

A. No.

Q. Did she -- do our records show that she called Laclede's Customer Care Center to complain?

A. No, they do not.

Q. And if she had done that, would that have been noted in her account?

A. Yes, it would have. It would have been under the remarks section.

Q. Okay. Could she have been referred to Laclede's Claims Department?

A. They do not have a record of a complaint either.

Q. Laclede Claims Department doesn't?

A. No.

Q. Okay. What about the people that did the yard work, the Construction and Management Department?

A. Contacted the Con-- Construction and Man-- I'm sorry, C and M Department and they do not have a record either.

Q. Okay. Do you have any -- have you reviewed Ms. Young's account?

A. I have.

Q. And have you reviewed the remarks on her account?

A. Yes, I have.

Q. Did Ms. Young contact us in 2009?

A. She did. Thirty-three times.

Q. And what were these calls about?

A. Over half of them were regarding pledges from heat grant agencies. The others were regarding billing and payments.

Q. Do any of the notes in these remarks mention yard damage?

A. No, they do not.

Q. A few more questions. Do you have in Laclede's records the date that the service -- or that the line replacement was actually performed?

A. I believe it was August 3rd, 2006.

Q. Okay. Would that be 2008 or 2006?

A. Oh, I'm sorry. 2008.

Q. We're having a little trouble with 2006 sneaking in. So August 3rd the work was done. And at that point the gas had been left off?

A. Yes, it would. Until we could contact Ms. Young to have it restored.

Q. Okay. And so how was -- was Ms. Young notified that her gas was off?

A. Yes, she was.

Q. And how was she notified?

MS. YOUNG: Can I object to something?

JUDGE PRIDGIN: You may object.

MS. YOUNG: I was not notified. I was not notified. That's a lie. And I did not call Laclede Gas 33 times last year because I was out of the state for six months last year, so that's a lie. And another thing too -- and another thing --

JUDGE PRIDGIN: I'm going to --

Ms. Young, I'm going to overrule your objections. You'll be given a chance to cross-examine later, but I'm going to overrule your objections.

I'm sorry, Mr. Zucker.

MR. ZUCKER: So you'll have a chance to ask her questions.

BY MR. ZUCKER:

Q. And what -- what -- how did we notify Ms. Young that her gas had been turned off?

A. We would have left a note on her door requesting she contact us to have it restored.

Q. Okay. And did she, in fact, contact Laclede?

A. She did on August 5th.

Q. On August 5th. And did Laclede then restore service?

A. Yes, we did. The same day.

Q. The same day, August 5th?

A. Uh-huh.

Q. So the gas was off at most two days; is that correct?

A. That's correct.

Q. And when service was restored on August 5th, would Ms. Young have had the same meter that she had on August 2nd before -- the day before the line replacement?

A. Yes.

Q. Okay. Do you have any records in which Laclede came out and read the meter manually?

A. We do. Let's see. We completed a meter reading on September 19th, 2008; January 29th, 2009; and then also November 13th of 2009.

Q. Okay. And do you know why we would have done this manual meter readings if she had AMR on there?

A. The customer would have requested it.

Q. Okay. Okay. And at the time we did those meter readings, did we remove the meter?

A. No, we did not.

Q. Did we test the meter?

A. No, we did not.

Q. If we were to test the meter, would we do it onsite at Ms. Young's home or would we remove the meter to test it?

A. We would remove the meter and take it to our meter shop.

MR. ZUCKER: Okay. No further questions. Thank you, Ms. Lynch.

JUDGE PRIDGIN: Mr. Zucker, thank you. Let me see if we have any questions.

Ms. Young, first of all, just a yes or no question, do you have any questions for Ms. Lynch?

MS. YOUNG: Yes, I do.

JUDGE PRIDGIN: All right. I'll give you the chance to ask those questions and I'll remind you that you are only to ask questions and not testify. You should be asking her questions. So with that

reminder, you may -- you may proceed.

CROSS-EXAMINATION BY MS. YOUNG:

Q. When you was talking to Rick, you said that I never made calls down there to Laclede Gas, but you just come back and said that I called four times between October -- I mean August of 2008 to 2009.

A. I believe what I said was you did not call to complain about your yard.

Q. Oh, that's what you said --

A. Yes.

Q. -- I didn't call to -- but you said -- no, it was said a few minutes ago by Rick that I never called -- there's no records of me calling in 2008 or 2009 at all, but I had 33 calls in 2009. How is that so?

A. We have no record of you calling and complaining about your yard, but we do have records of you calling in 2009 regarding pledges and also billing and payments.

Q. Okay. Thirty-three times?

A. Yes.

Q. I don't see how that's -- but okay. Okay. Were you the one that called me back when I called in and I think someone called me back? Were you the supervisor that called back and told me that

my yard wasn't dug up?

A. No.

Q. Okay. Okay. I needed to ask that question. Again, as far as like -- there was something I was going to ask that you was saying. Oh, I'm trying to think what I was going to say. It's on the tip of my tongue what I was going to ask.

The meter -- what date did you have the meter being removed?

A. We don't show that it was removed.

Q. The meter wasn't removed?

A. No.

Q. Well, how did they come back and bring it back?

A. We couldn't have.

Q. That's not --

A. We don't show that there was a record of us removing it.

Q. Oh, when the gas leak occurred?

A. We turned your meter off. We turned the gas off, but we wouldn't have removed the meter.

Q. Okay. You didn't remove the meter.
Okay. Okay. You said that. That's not true.

Okay. You say you came back out
August the 5th?

A. Yes.

Q. August 5th. No one came out to my home August 5th. I don't have any record of that. You all don't have any record of that. No one ever came out to my home. My son-in-law came back and lit all my stuff. You all never come back. I put that -- but I told Rick about that a few months ago. You all never came back to my home.

JUDGE PRIDGIN: Ms. Young --

THE WITNESS: I show that you --

JUDGE PRIDGIN: Ms. Young, could you try to ask questions and not testify, please.

MS. YOUNG: Oh, okay. Okay. Sorry.

JUDGE PRIDGIN: That's all right. I know this is difficult.

MS. YOUNG: Okay. Yeah. It is very.

BY MS. YOUNG:

Q. What is -- I just wanted to ask a question about August 5th. And the meter -- when they dug up my yard, it was August 2nd. I never had a letter left in the door. I just want to ask because when I came home, the guy was digging up the yard and I spoke with the guy so they never left a letter in the door at that particular time.

MS. YOUNG: Okay. Okay. Judge Pridgin,

that's it. Thank you.

JUDGE PRIDGIN: Thank you. thank you very much.

Mr. Ritchie, any questions?

MR. RITCHIE: Staff has no questions. Thank you, Judge.

JUDGE PRIDGIN: All right. Thank you very much.

Let me see if we have any Bench questions. Commissioner Kenney?

COMMISSIONER KENNEY: No, I don't have any questions. Thank you.

JUDGE PRIDGIN: Okay. I don't have any questions. Mr. Zucker, anything else?

MR. ZUCKER: Just very briefly a few, your Honor.

REDIRECT EXAMINATION BY MR. ZUCKER:

Q. Ms. Lynch, I'm going to hand you a document that hasn't been marked, but we'll mark it Exhibit 3. I do not have copies of it, but maybe Ms. Young can look along with it.

A. Okay.

Q. And ask you if you can identify that document?

A. Yes. This is the service ticket from

when Ms. Young would have contacted us and requested her service be restored.

Q. Okay. Does it indicate that she actually contacted us?

A. Let's see. I'm sorry. I'm having trouble locating that. I'm sure that she would have.

Q. Okay. Does it indicate what date it was that we received the contact?

A. Yes, it does. It was August 5th.

Q. And what time would that have been?

A. The ticket was printed out at 1301, which would be 1:01 p.m.

Q. Okay. And does it say who would have contacted us? Was it Ms. Young or somebody in her family or --

A. The name on the ticket is Bridgette A. Young.

Q. Okay. And does it show that we responded to that ticket?

A. Yes, it does.

Q. And -- and what -- does it say even what service technician it was?

A. It does.

Q. Who was the service technician?

A. Employee No. 6684.

Q. Okay. And was -- was -- what work was to be done on that ticket?

A. Restore gas service.

Q. Okay. And was that work actually done?

A. Yes, it was.

Q. When was that work started?

A. It was started at 1325 and completed at 1430.

Q. 1325. That would be 1:25 p.m.?

A. Yes.

Q. So the ticket was printed at 1:01 p.m. and by 1:25 we were out to her house?

A. That's correct.

Q. Okay. And it was finished when, 1430?

A. 1430.

Q. So that's 2:30 p.m.?

A. Yes, it is.

Q. Okay. And does it show that we did the inspection that we were supposed to do?

A. Yes, it does.

Q. Okay. Are there any comments?

A. It's -- it's hard to read. Says, Off due to C and M. Rebuilt and connected to customer fuel run. I can't read the next line, but it does say, Relit appliances and okay at this time.

Q. Okay.

A. Gas back on.

MR. ZUCKER: Okay. Thank you very much.
I have no further questions.

JUDGE PRIDGIN: Mr. Zucker, thank you.
Any further evidence, Mr. Zucker?

MR. ZUCKER: Yes. Let me offer that --
this Exhibit 3 into the record.

JUDGE PRIDGIN: Okay. And could you --
could you describe that, Mr. Zucker?

MR. ZUCKER: I'm sorry. What was that?

JUDGE PRIDGIN: I'm sorry, Mr. Zucker.
Could you describe proposed Exhibit 3, please?

MR. ZUCKER: Yes. Exhibit No. 3 is a
service ticket that we fill out when we do service
work, which in this case was restoring service at
6708 Black Walnut.

JUDGE PRIDGIN: Okay.

MS. YOUNG: I was out of town. I'll give
you the records from that. I wasn't there.

JUDGE PRIDGIN: And I don't know
Mr. Ritchie, is that something that you have a copy
of? Because I don't think I do.

MR. RITCHIE: I don't believe so.

JUDGE PRIDGIN: My plan then is to treat

this the same way as Exhibit No. 2 and that is to have Laclede late file that and give the parties the chance to look at that and object or consent to that exhibit. So I'll just show that as being offered and not ruled upon yet.

MR. ZUCKER: Okay.

JUDGE PRIDGIN: Mr. Zucker, any further evidence?

MR. ZUCKER: No, sir.

JUDGE PRIDGIN: All right. Thank you.

Mr. Ritchie, any evidence?

MR. RITCHIE: Yes, your Honor. Thank you. Should I stay back here to do it or should I go up there?

JUDGE PRIDGIN: It's up to you. However you want to proceed.

MR. RITCHIE: I'll go up so you can use the microphone.

JUDGE PRIDGIN: Commissioner Kenney I believe has a quick question.

BRIDGETTE YOUNG

having been previously sworn, testified as follows:

QUESTIONS BY COMMISSIONER KENNEY:

Q. Ms. Young, can you hear me? Hello? Can you hear me Ms. Young in St. Louis?

A. Uh-huh. I can now, yes.

Q. Hi. My name's Robert Kenney. I just have a quick question for you.

A. Uh-huh.

Q. Other than the \$250 that you identified earlier regarding the damage to your yard, are you able to give or place a dollar amount on -- or the measure of damages that you're claiming with respect to your claim here today?

A. You know what though? I only asked for -- just them to give me credit on my bill for the few hundred dollars. But when I look back, I think it's in the thousands.

Q. And what do you base the -- well, let me ask you, what do you base the few hundred on that you originally asked for as a bill credit? And then now that you are modifying it, what do you base the thousands of dollars on?

A. Because I think it's been going on for years. I don't think this just happened a couple months ago, a year ago. I think it's been going on for years. But what I did with Rick, I just asked him for 250 for the yard and just 250 for the gas just to make -- you know, make -- make -- you know, just come to heads -- just to come -- you know, meet me halfway.

And that -- I could not get anything resolved with them at Laclede Gas.

Q. And how do you arrive at the 250 for your yard?

A. Because I -- the two bags of fertilizer was \$58 a piece. I paid her \$100 and with the hay and stuff --

Q. Gotcha.

A. -- that I had to put down.

Q. And the 250 in bill credits, that's based upon your belief that you were overcharged for a particular period of time?

A. Yeah. I only asked them for only like a few months at the time that I was speaking with them. I didn't ask -- I didn't ask them for like the years back, but I believe it's been going on for years.

Q. And what's the basis of that belief?

A. The leakage. I mean, I've been calling them for years. I mean it's like I've been -- I've been -- the records show -- I don't understand how people can delete records, but by them being the only Laclede Gas in town, they all together so what can you do? You know, you -- it's like you ain't comparing apples to apples, you know. And to me, a lot of records got destroyed.

And it's kind of strange how I called 33 times last year, but I didn't call too many times in 2008. That's the reason why they came out because I called because I told them that something was wrong with the meter and I believe it was the leakage. And that's the reason why they got -- came out. They didn't come out on their own. They came out because I called.

Q. How far back do you think this has been going on?

A. For years. For years. Ever since I think they changed that meter about ten years ago. I think the meter was changed ten years ago. They came and took the meter to take it to a service stop to get it tested and they brought it back. Why -- what happened to those records? I have no reason to lie. They took the -- the meter off there and -- and -- and they brought it back.

Q. And that was in --

A. But they have no record of that.

Q. That was in 2000?

A. No. That was like in 2000 and I think 9, I believe.

Q. You made mention of something happening ten years ago. And that's -- what was that?

A. Oh, I'm talking about replace-- I think they replaced the whole meter -- replaced the whole meter. I think they come out every so many years and replace the whole meter. I got a new meter back I guess about maybe ten years ago, I believe. I think it was about ten years ago. I can't -- I can't put a date on it, but I think it's about ten years ago when they put me a new meter in. I hope -- maybe they have records of that.

COMMISSIONER KENNEY: Okay. Thank you.

COMMISSIONER CLAYTON: Judge, I don't have any questions. Thank you.

JUDGE PRIDGIN: Thank you. All right, Mr. Ritchie, I'm sorry.

COMMISSIONER KENNEY: Sorry about that.

MR. RITCHIE: Did you want to proceed with evidence?

MR. RITCHIE: Yes. Staff calls Mary Schierman-Duncan.

JUDGE PRIDGIN: All right. Ms. Duncan, if you'd like to take the stand, please. And if you'll raise your right hand to be sworn, please.

(Witness sworn.)

JUDGE PRIDGIN: Thank you very much, ma'am. And if you would, have a seat.

Mr. Ritchie, when you're ready, sir.

MARY SCHIERMAN-DUNCAN

having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. RITCHIE:

Q. Good morning.

A. Good morning.

Q. Can you please state your name and spell it for the record.

A. Mary Schierman-Duncan, S-c-h-i-e-r-m-a-n dash D-u-n-c-a-n.

Q. And where are you employed, Ms. Duncan?

A. Missouri Public Service Commission.

Q. And in what capacity?

A. Consumer services coordinator.

Q. Are you the same person that prepared and caused to be filed the Staff's report of investigation and recommendation?

A. I am.

Q. Do you have any additions or corrections you would like to mention now?

A. Not at this time.

MR. RITCHIE: I would like to offer into evidence Staff's report of investigation and recommendation at this time.

JUDGE PRIDGIN: And I'll label that as

Exhibit No. 4.

MR. RITCHIE: May I approach?

JUDGE PRIDGIN: You may. And I'm sorry, Mr. Ritchie, did you offer that?

MR. RITCHIE: If I didn't, I'd like to offer this into evidence.

JUDGE PRIDGIN: Okay. I believe you did. I just wanted to make sure.

(Exhibit No. 4 was marked for identification.)

JUDGE PRIDGIN: Exhibit No. 4 has been offered. Are there any objections?

MR. ZUCKER: No, your Honor.

JUDGE PRIDGIN: Hearing none, Exhibit No. 4 is admitted.

(Exhibit No. 4 was received into evidence and made a part of the record.)

JUDGE PRIDGIN: Mr. Ritchie?

BY MR. RITCHIE:

Q. Did you have an opportunity to review Ms. Young's gas usage history?

A. I did.

Q. And what did you find?

A. That it remained relatively consistent over the four-year period.

Q. So would those fairly consistent numbers indicate that the street level leak was affecting Ms. Young's gas usage at all?

A. Did not appear to.

Q. What are some of the other reasons that Ms. Young could have experienced lower bills, as she has claimed?

A. Her usage could -- would -- could be lower based upon her own personal usage, whether she was there or not, the weather outside, indicators like that. Her actual billing could be lower due to the purchase price of the gas, taxes, surcharges.

MR. RITCHIE: Okay. Thank you. That's all the questions I have.

JUDGE PRIDGIN: Mr. Ritchie, thank you. And let me see if we have any questions.

Ms. Young, let me ask you the same way I asked about Ms. Lynch. Do you have any questions, but only questions for Ms. Duncan?

MS. YOUNG: No. Not -- well, yeah. When I spoke -- when I actually spoke to Mary the first time, she called me a couple -- on a couple of occasions and asked me and told me was I sure that they dug my yard up. And I told her yes. She told me she didn't mean no harm, she said, but they don't have

any record of it. And I told her, They did dig my yard up.

And she came back almost four to five weeks later, I believe, and she found out that they dug the yard up. And she said she don't understand why they said they didn't when they did.

JUDGE PRIDGIN: Ms. Young, let me ask you again: Do you have any questions for this witness?

CROSS-EXAMINATION BY MS. YOUNG:

Q. Yeah. I just want to ask her, did she -- did she find out exactly what I was telling her about my yard being dug up and about the time frame?

A. Yes. You and I -- Ms. Young and I spoke initially on March 9th and she relayed this information to me. I went back to the company and reviewed the situation and it was -- let me find the date.

I spoke with her, I'm sorry, on March 8th. On March 9th, I received a response from Laclede that they had had a street leak in front. But prior to that, they had indicated that they had not -- they had no records of the yard being dug.

The -- as far as the time frame, the initial informal complaint was initiated February 10th and by my notes, my first contact with Ms. Young was

March 8th.

JUDGE PRIDGIN: All right. Ms. Young, any further questions for Ms. Duncan?

MS. YOUNG: No. That will be it.

JUDGE PRIDGIN: All right. Thank you. Mr. Zucker?

MR. ZUCKER: Just a few, your Honor.

JUDGE PRIDGIN: Whenever you're ready, sir.

CROSS-EXAMINATION BY MR. ZUCKER:

Q. Okay. Ms. Duncan --

A. Yes.

Q. -- when -- or Ms. -- do you prefer to be called Ms. Schierman-Duncan?

A. Either one will work.

Q. Okay. When you were working with Ms. Young on the informal complaint, did she mention anything about damage to the yard and that being part of her complaint?

A. Okay. First of all, I did not work with her on the informal complaint. That was our investigator, Beverly. But there is nothing documented in Beverly's complaint file regarding damage claims.

MR. ZUCKER: Okay. Thank you. No

further questions.

JUDGE PRIDGIN: All right. Thank you.
Let me see if we have any questions from the Bench.
Mr. Chairman?

CHAIRMAN CLAYTON: I have no questions.
Thank you.

JUDGE PRIDGIN: Thank you. And I don't
believe I have any questions. Any redirect?

MR. RITCHIE: No, your Honor. Thank you.

JUDGE PRIDGIN: All right. Ms. Duncan,
thank you very much.

Mr. Ritchie, any further evidence?

MR. RITCHIE: No. Thank you, your Honor.

JUDGE PRIDGIN: All right. Thank you.
Anything else from the parties?

All right. Hearing nothing, I will wait
until the transcript is filed. I will probably order
briefs of Staff and Laclede and certainly give
Ms. Young the chance, but not the requirement to file
a brief.

CHAIRMAN CLAYTON: Does she want to make
a closing statement?

JUDGE PRIDGIN: I was going to say is
there anything further, anything anybody wants to say
in closing?

MR. ZUCKER: No, your Honor.

MS. YOUNG: Oh, no, your Honor.

JUDGE PRIDGIN: All right. If there's nothing further then, all right. Thank you very much. That will conclude the hearing in Case No. GC-2010-0248. Thank you very much. We're off the record.

(Hearing concluded.)

(Off the record.)

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Tracy Thorpe Taylor, CCR