

Exh 1

FILED  
July 27, 2010  
Missouri Public  
Service Commission

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

Charles A. Harter,	)	
	)	
	)	
v.	)	Case No. GC-2010-0217
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**STIPULATION OF FACTS**

COMES NOW Laclede Gas Company ("Laclede" or "Company"), on behalf of itself, the Complainant and the Staff, and files this Stipulation of Facts. The following facts are stipulated by the parties:

1. 1994                      Commission Rule 13.015(1)(T) (4 CSR 240-13.015(1)(T)) provides the following definition: "Rendition of a bill means the mailing or hand delivery of a bill by a utility to a customer."
2. July 25, 2002          The Commission issues an order (the "Order") in Case No. GE-2002-1159, approving Laclede's proposed tariff sheets and application for a variance from Commission rules requiring paper billing. The tariff provides customers a choice between receiving a paper bill and receiving an electronic bill. The option to choose electronic billing can be made only by the mutual consent of the customer and the Company. A copy of the Order is attached hereto as Schedule SOF-1.
3. Sept. 26, 2002        Charles A. and Mary Ann Harter become the owners of the property at 827 S. Sappington Road in Crestwood, Missouri (the Property).
4. Nov. 2002             Charles A. Harter (Complainant) becomes the named party on Laclede Gas Account No. 528806-001 (the Account) at 827 S. Sappington Road in Crestwood, Missouri (the Property).
5. 2006                    Complainant's Account is on budget billing; he receives paper billings through the U.S. Mail and makes his payments electronically until November 2006.

**Exhibit No. 1**  
**Date 7-08-10 Reporter KF**  
**File No GC-2010-0217**

6. 2007 Complainant continues to be billed on budget billing and to receive bills through the mail, but makes payments by check, and not electronically.
7. Feb. 6, 2008 Laclede receives an electronic payment on the Account in the amount of \$395.88, reducing the balance on the Account to \$81.12.
8. March 2008 Complainant's budget bill becomes \$122.00 per month. Complainant unilaterally resumes making regular monthly electronic payments through his bank, Bank of America, in the amount of \$122.55. He continues receiving paper bills through the U.S. mail.
9. Aug 2008 Laclede receives a registration for e-billing for the Account, with an email address of [harleycharter@sbcglobal.net](mailto:harleycharter@sbcglobal.net), which is an email address used by Complainant.
10. Aug. 28, 08 Laclede mails a paper bill to Complainant, a copy of which is attached hereto as Schedule SOF-2. After mailing this final paper bill to Complainant, Laclede proceeds to send e-bills to Complainant and ceases sending paper bills through U.S. mail until August 2009.
11. Aug. 2008–  
Jan 2009 Laclede causes the electronic posting of monthly e-bills on the Account. Complainant continues to make electronic payments through Bank of America's bill pay system. Payments of \$122.55 were received by Laclede on September 10, October 10, November 10, December 17, 2008, and January 16, 2009. (For purposes of this Stipulation, Complainant does not concede that these electronic payments were made in response to e-bills, or were in any way linked to an agreement by Complainant to accept e-bills in lieu of paper bills)
12. Feb-Jul 09 Laclede continues sending e-bills to customer through July 2009. Complainant discontinues paying bills electronically through Bank of America's bill pay system. Complainant makes a \$50 payment in March.
13. July 31, 2009 Laclede causes an e-bill to post to [harleycharter@sbcglobal.net](mailto:harleycharter@sbcglobal.net) with an amount due of \$884.79. A reproduction of that e-bill is attached hereto as Schedule SOF-3. This bill threatens disconnection on or after August 21, 2009.
14. Aug 21, 2009 Complainant files an informal complaint with the Commission's Consumer Services Department alleging that Laclede was sending his bills electronically rather than via regular mail, and that

Laclede was threatening to disconnect service although he had not received a disconnect notice.

15. Aug 28, 2009 Laclede sends paper bill to Complainant through regular mail, for service from July 29 – August 26, 2009, and continues sending paper bills thereafter.

WHEREFORE, Laclede respectfully requests that the Commission accept this Stipulation of Facts on behalf of the above named parties.

Respectfully submitted,

/s/ Rick Zucker

Rick Zucker, Mo. Bar #49211  
Assistant General Counsel - Regulatory  
Laclede Gas Company  
720 Olive Street, Room 1520  
St. Louis, MO 63101  
Telephone: (314) 342-0532  
Fax: (314) 421-1979  
Email: mpendergast@lacledegas.com  
rzucker@lacledegas.com

**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing pleading was served on the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 7th day of July, 2010 by United States mail, hand-delivery, email, or facsimile.

/s/ Gerry Lynch

JUL 26 2002  
WC

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 25th day  
of July, 2002.

In the Matter of Laclede Gas Company's )  
Application for Variance from the )  
Provisions of Certain Commission Rules )  
to Offer Electronic Billing )

**Case No. GE-2002-1159**  
Tariff No. 200201125

**ORDER GRANTING APPLICATION FOR VARIANCE AND  
APPROVING TARIFF**

***Syllabus:***

This order grants Laclede Gas Company's application for a variance to Commission Rules 4 CSR 240-13.015(1)(A), 13.015(1)(R), 13.050(5) and 13.055(3). These rules require Laclede to bill its customers in writing, either through the mail or by hand delivery, and to provide written notice of disconnection. Laclede proposes to provide its customers with the option of receiving bills electronically, through the Internet. Customers who choose electronic billing will initially be notified of disconnection through the Internet.

***Discussion:***

On June 26, 2002, Laclede Gas Company filed an Application for Variance, requesting approval for a variance from certain Commission rules. Laclede seeks a variance in order to be able to promote a program by which it can electronically (over the Internet) bill and receive payment from customers. With its application, Laclede also filed a

*SCHEDULE SOF-1*

tariff (tariff file No. 200201125), delineating its electronic billing program. The tariff has an effective date of July 27, 2002.

Laclede requests a variance from Commission Rules 4 CSR 240-13.015(1)(A), 13.015(1)(R), 13.050(5) and 13.055(3). Rule 13.015(1)(A) defines a "bill" as a "written demand for payment for service . . . ." Rule 13.015(1)(R) defines "rendition of a bill" as "mailing or hand delivery of a bill . . . ." Rule 13.050(5) describes the process a utility company must go through in order to discontinue residential service. Generally, this rule requires written or hand-delivery notice prior to disconnection. Rule 13.055(3) requires written notice and other steps a utility company must take prior to disconnection, during the period of November 1 through March 31 (the cold weather rule).

Laclede seeks to include in the definition of a "bill," electronic demand for payment. Similarly, it proposes to include in the definition of "rendition of a bill," delivery through the Internet. Pursuant to Commission Rule 4 CSR 240-13.065, applicants for a variance must give reasons for the proposed variance and show good cause. Laclede asserts that there is good cause for offering customers an option of conducting business through the Internet in that it would increase customers' options for billing and payment, would reduce cost to the company, and is convenient and reliable. Laclede asserts that savings resulting from electronic billing would be passed on to all of its customers. Also, in support of its application, Laclede points out that under Commission Rules 4 CSR 240-33.020(4) and (21), applicable to telecommunications companies, a "bill" is defined as written or electronic. Rendition of a bill is defined as the date it is "mailed, posted electronically or otherwise sent to a customer." Laclede asserts that customers should have the same options with respect to gas service. With respect to disconnection notices,

Laclede further states that the first notice of disconnection would be delivered electronically, with the bill that follows the unpaid bill. Subsequent notices of discontinuance of service would be communicated according to Commission rules. Specifically, the second notice would be sent though the mail; the third, through reasonable efforts to personally contact the customer.

On July 17, 2002, Staff of the Missouri Public Service Commission filed a recommendation, asserting that Laclede has shown good cause for a variance and suggests that the Commission approve Laclede's application and tariff. In an attached memorandum, Staff notes that the changes to Laclede's tariff (implementing electronic billing, payment and notice procedures) "would provide increased customer choice for billing and payment, cost savings, convenience, and reliability."

On July 23, 2002, the Commission issued an Order Directing Filing, ordering Laclede to indicate (by filing) whether and how customers, upon enrolling in the program, will be made aware that the initial disconnection notice will be sent electronically. Laclede responded on July 24, 2002. In its response, Laclede notes that its current computer enrollment form does not explicitly advise customers that initial disconnection notices will be sent electronically. However, Laclede affirms that it will modify the text on the computer enrollment form to specifically inform customers that disconnection notices will be sent electronically.

Upon review of Laclede's application and response to the Commission's concerns, the Commission rules and Staff's recommendation, the Commission finds that Laclede has shown good cause in its request for a variance. With electronic billing,

payment and notice, customer choices are increased, the company cuts its expenses and convenience is better afforded.

**IT IS THEREFORE ORDERED:**

1. That Laclede Gas Company's request for a variance is granted.
2. That the following tariff sheets, effective July 27, 2002, are approved:

**P.S.C. MO. No 5 Consolidated**

Third Revised Sheet No. R-3, Cancelling Second Revised Sheet No. R-3  
First Revised Sheet No. R-3-a, Cancelling Original Sheet No. R-3-a  
First Revised Sheet No. R-3-b, Cancelling Original Sheet No. R-3-b  
First Revised Sheet No. R-6-b, Cancelling Original Sheet No. R-6-b  
First Revised Sheet No. R-6-c, Cancelling Original Sheet No. R-6-c  
First Revised Sheet No. R-12-b, Cancelling Original Sheet No. R-12-b  
First Revised Sheet No. R-26, Cancelling Original Sheet No. R-26  
First Revised Sheet No. R-32, Cancelling Original Sheet No. R-32

3. That Laclede Gas Company shall specifically inform customers enrolling in the electronic billing program that initial notices of disconnection will be sent electronically.
4. That this order shall become effective on August 4, 2002.
5. That this case may be closed on August 5, 2002.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

(SEAL)

Simmons, Ch., Murray, Lumpe, Gaw and Forbis, CC., concur

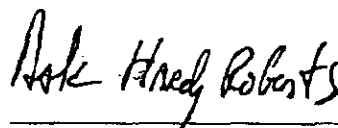
Jones, Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 25<sup>th</sup> day of July 2002 .



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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**



**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
July 25, 2002**

**CASE NO: GE-2002-1159**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Mark W. Comley**  
**Newman, Comley & Ruth**  
601 Monroe Street, Suite 301  
Jefferson City, MO 65102

**Michael C. Pendergast/Rick Zucker**  
**Laclede Gas Company**  
720 Olive Street, Room 1520  
St. Louis, MO 63101

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

Statement Date: 08/28/2008  
 Account Number: 528806-001-2  
 Service Address: 827 S SAPPINGTON RD

Amount Due	\$160.70
Due By	09/11/08
Delinquent After	09/19/08



\*\*\*\*\*AUTO\*\*SCH 5-DIGIT 63126  
 >07189 0010425 001 092049 LECSTME

CHARLES A HARTER  
 827 S SAPPINGTON RD  
 ST LOUIS, MO 63126

Present Reading	Previous Reading	Usage (CCF) X	BTU Factor	= Therm
5814	5799	15	1.019	15.3
Actual Reading			Rate: Res. General	

**Detail - Current Charges** Amount  
 Charge For Gas Svc 07-29-08 To 08-27-08 35.50  
 (Includes A Monthly ISRS Charge Of \$.43)  
 Crestwood Tax 2.27  
 Subtotal - Current Utility Charges 37.77  
 Total Current Charges \$37.77

**Detail - Account Balance** Amount  
 Prior Gas Balance 210.04  
 Payment - Thank you (122.55)  
 Current Charges 37.77  
 Account Balance \$125.26

**Detail - Payment Plan** Amount  
 Budget Amount 164.00  
 Budget Credit (3.30)

Gas Consumption Comparison				
Current Period	15.3			
Previous Period	17.3			
Same Period Last Year	16.4			
	Use In Therms	Degree Days	Supplier Cost of Gas/Therm	Days In Billing Period
Current Period	15.3	0	1.06993	29
Previous Period	17.3	0	1.06994	32
Same Period Last Year	16.4	0	.90488	28

#### Important Messages

Your E-BILL registration has been activated. You will not receive another paper bill in the mail while e-billing is active.

ChoicePay is a great option for paying your bills. You control when and how much you pay. You can also choose to make a payment one time using your bank account and another time using your credit or debit card. The choice is yours - ChoicePay is safe, convenient and makes it easy to keep your bill payments on time and under control. For more information, visit <https://paylacledegas.choicepay.com>.

On hot days, keep the window coverings closed during the day to prevent unnecessary warming from the sun. On colder days, save energy by keeping draperies and shades on south-facing windows open during the day to allow sunlight in; keep them closed at night to reduce the chill from drafty windows.

Please retain this portion for your records.

See back of bill for other convenient ways to pay your bill.

Please detach and return this portion to Laclede Gas Company, Drawer 2, St. Louis, MO 63171 with your payment. Please do not fold, staple or paper clip payment to your bill.

Account Number: 528806-001-2  
 Service Address: 827 S SAPPINGTON RD

Amount Due \$160.70  
 Due By 09/11/08  
 Delinquent After 09/19/08

Amount  
 Enclosed:  
 Please do not write below.

Make check payable to:

Laclede Gas Company  
 Drawer 2  
 St. Louis, MO 63171

52880600120000160708

07189 0010425 014379 014379 00001/00001

SCHEDULE SOF-2



**CUSTOMER:** CHARLES A HARTER  
**ACCT. NO.:** 5288060012  
**SERVICE AT:** 827 S SAPPINGTON RD  
**RATE:** RG-Residential General  
**DEPOSIT:** \$0.00

**BILL SUMMARY**  
 GAS ARREARS/LATE PAY 848.40  
 CURRENT CHARGES 36.39  
**AMOUNT DUE \$884.79**  
**DUE BY 08-12-09**  
**DELINQUENT AFTER 08-21-09**

**PLEASE PAY AMOUNT DUE: \$884.79 BY DUE DATE: 08-12-09**  
**BILL IS DELINQUENT AFTER: 08-21-09**

BILL DETAILS	AMOUNT	GAS USAGE DETAILS		
PRIOR GAS BALANCE	842.96	GAS SERVICE 06-29-09 TO 07-29-09		
LATE PAYMENT CHRG GAS	6.44	(ACTUAL READING)		
CHARGE FOR GAS SVC 06-29-09 TO 07-29-09	34.21	PRESENT READING	PREVIOUS READING	USAGE (CCF)
(INCLUDES A MONTHLY ISRS CHARGE OF \$.99)		6884	6867	17
CRESTWOOD TAX	2.18	TOTAL USAGE (CCF)		
ACCOUNT BALANCE	884.79	17		
		xBTU FACTOR 1.014		
		<b>=THERMS 17.2</b>		
		DEGREE DAYS 0		
		AVG. THERMS PER DEG DAY .0000		
		AVG. GAS COST PER THERM \$.83140		

**IMPORTANT INFORMATION**  
 SCHEDULED DISCONNECT AUG 21, 2009  
 WE MAY REPORT YOUR PAYMENT PERFORMANCE TO CREDIT REPORTING AGENCIES TO THE EXTENT PERMITTED BY LAW.  
 BUDGET BILLING CANCELLED DUE TO IRREGULAR PAYMENTS  
 +CLOSE DRAPERIES ON HOT DAYS TO KEEP THE SUN OUT AND  
 OPEN THEM ON COOLER DAYS TO LET THE SUN IN.  
 CONSIDER CHOICEPAY AS A PAYMENT OPTION. IT'S SAFE,  
 CONVENIENT AND KEEPS YOU IN CONTROL OF BILL PAYMENTS.

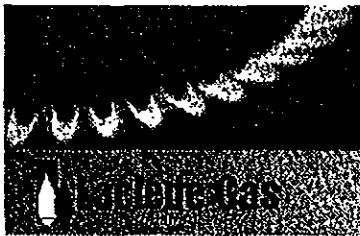
**Special Message**  
*read this notice from your gas company*



**To report a gas odor or other emergency, and for all your billing, service or appliance repair needs, call:**

(314) 621-8960  
 (toll calls: 1-800-887-4173)

HC

**IMPORTANT CONTACT INFORMATION**

For all your billing and customer service needs, call 314-621-6960 or toll-free 1-877-839-4179.  
IN AN EMERGENCY OR TO REPORT A GAS ODOR, call 314-342-0800.  
Send correspondence to Drawer 9,  
St. Louis, MO 63166  
[www.lacledegas.com](http://www.lacledegas.com)

Account Number: 528806-001-2  
Service Address: 827 S SAPPINGTON RD.

Disconnection Notice Detail	Amount
Amount Due	\$884.79
Disconnection Amount	\$842.96
Disconnect date on or after	08-21-09



AUTO\*\*3-DIGIT 031  
>00774 0017933 001 092049 LEC96HE  
CHARLES A HARTER  
827 S SAPPINGTON RD  
ST LOUIS, MO 63126

## FINAL DISCONNECTION NOTICE

We have not yet received payment of the amount due shown on your most recent gas bill. To avoid disconnection, payment of at least the **DISCONNECTION AMOUNT** as shown above must be received immediately. Please pay using one of the following options:

- Pay from your bank account or by Visa, MasterCard or Discover credit card by calling ChoicePay toll-free at 1-877-839-2478. A convenience fee will be charged.
- Pay by cash, check or money order at a participating Schnucks or Dierbergs Market. A convenience fee will be charged.
- Bring a check or money order to the Bill Payment Depository located in the lobby of the Laclede Gas Building at 720 Olive Street in downtown St. Louis from 6:30 a.m. to 10:30 p.m., seven days a week.

Please provide your account number when making all payments. If you are unable to pay the disconnection amount, please call us at 314-621-6960 to determine if a payment arrangement can be made.

Please Note: When service is restored following disconnection, payment of a reconnection fee and a deposit may be required.



Please retain this portion for your records.

Please use this portion to pay at an authorized payment agent or at the Laclede Bill Payment Depository.



**DOLLAR HELP** ☒  
CHECK A RED BOX!

Account Number: 528806-001-2  
Service Address: 827 S SAPPINGTON RD

Amount Due	\$884.79
Disconnection Amount	\$842.96
Disconnection date on or after	08/21/09

Amount \$  
Enclosed:

Please do not write below.

HC

52880600120000842965