

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

Charles Engelke,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. GC-2009-0238</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and submits its *Staff Recommendation* as follows:

1. On December 5, 2008, Charles Engelke (Mr. Engelke or the Complainant) filed a *Formal Complaint* with the Missouri Public Service Commission (the Commission) against Laclede Gas Company (Laclede or the Company).

2. The substance of Mr. Engelke's *Complaint* relates to a rental property owned by the Complainant, located at 3630 California Avenue in St. Louis. In his *Complaint* Mr. Engelke disputes a portion of his account balance, \$8,330.88, related to three (3) of the four (4) floors at the rental property. In his *Complaint*, Mr. Engelke makes an offer to settle his assessed balance for \$1,800.00, payable over a one year term.

3. On December 11, 2008, the Commission issued *its Notice of Complaint and Order Directing Staff Investigation and Responses*, directing Laclede to file an answer by January 12, 2009, and directing Staff to file a report of investigation by February 2, 2009.

4. On January 12, 2009, Laclede filed *Laclede Gas Company's Answer to Complaint (Answer)*, in which the Company supports the amount billed to the Complainant.

5. Although in its *Answer* Laclede states that it does not currently have evidence warranting consideration of Mr. Engelke's settlement offer, Laclede remains open to new facts that may change its initial assessment.

6. On February 2, 2009, Staff filed a *Motion for Extension of Time*, pleading that Mr. Engelke and the Company were engaged in productive negotiations.

7. On February 2, 2009, the Commission issued its *Order Granting Motion for Extension of Time, as Modified, Setting Deadline for Staff Report and Setting Prehearing Conference*, extending the time by which Staff must file its recommendation until 9:00 am on February 27, 2009.

8. In the attached report, Appendix A, Staff indicates that on October 22, 2008, Staff attempted to call Mr. Engelke, and when such contact was unsuccessful, Staff mailed Mr. Engelke account information from Laclede with calculation details for each of the three (3) disputed accounts, Laclede tariff sheets, and Commission rules regarding denial of service and billing adjustments. Consumer Services Staff resent duplicate information after hearing from Mr. Engelke on November 3, 2008, that he had misplaced the original correspondence.

9. In its *Report*, Staff indicates they informed Mr. Engelke about the formal complaint process prior to his filing a formal complaint. In addition, Staff indicates that they have spoken with him several times about his allegations and his settlement offer.

10. Staff also reviewed Commission Rule 4 CSR 240-13.025 "Billing "Adjustments" and Rule 4 CSR 240-13.035 "Denial of Service" for any violations.

11. Based upon the information provided by Mr. Engelke in his *Formal Complaint*, account information obtained from Laclede, review of the Company's *Answer*, and Commission

rules, Staff concludes that the Company is not in violation of Missouri Statute, Commission Rule, or the Company's tariff.

WHEREFORE, Staff requests that the Commission either dismiss the *Complaint* or continue to proceed towards an evidentiary hearing in order to provide Mr. Engelke with the opportunity to present further evidence on his behalf.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

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Missouri Public Service Commission
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of February, 2009.

/s/ Eric Dearmont

APPENDIX A

**HAS BEEN DEEMED HIGHLY
CONFIDENTIAL IN ITS ENTIRETY**

SCHEDULES 1-2 AND 3

**HAVE BEEN DEEMED HIGHLY
CONFIDENTIAL IN THEIR ENTIRETY**

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Complainant,

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Case No. GC-2009-0238

Laclede Gas Company

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Respondent.

)

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AFFIDAVIT OF MARILYN DOERHOFF

STATE OF MISSOURI

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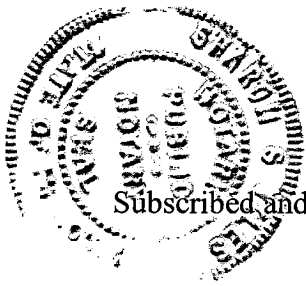
) ss

COUNTY OF COLE

)

Marilyn Doerhoff, of lawful age, on her oath states: that she has knowledge of the matters set forth, in the Report of Staff; and that such matters are true to the best of her knowledge and belief.

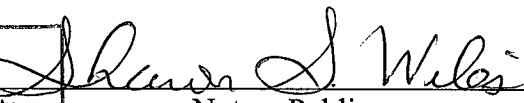

Marilyn Doerhoff



Subscribed and sworn to me before this 27th day of February 2009.

My commission expires _____

SHARON S. WILES
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: October 23, 2010
Commission Number: 06429091


Notary Public