

**THE SECRETARY OF THE COMMISSIONS
MISSOURI PUBLIC SERVICE COMMISSION**

Case No. GC-2004-0216

FILED

JUL 13 2004

**Missouri Public
Service Commission**

JAMES DUDLEY

COMPLAINANT

VS.

**MISSOURI GAS ENERGY A
DIVISION OF SOUTHERN UNION COMPANY**

RESPONDENT

BRIEF FOR COMPLAINANTS

**JAMES DUDLEY (PRO SE)
4247 Agnes
Kansas City, MO. 64130
PH. (816) 682-1689
Attorney for Complainant**

COVER PAGE

In July of 2002, Complainants had received a gas bill from Respondent for \$2,510.00. At Complainant's home 4231 Tracy then the Complainants notified Mrs. Bussey whom works for MGE and disputed the billing account with Respondent. Complainants discovered that MGE took \$2,204 from a rental property billing account at 4024 Prospect and transferred the \$2,204 to Complainant's home account in June 24, 2002. Complainants discovered that Respondent took a Miss Sarah Chappelow name off the gas account a year later and applied her billing amount to the Complainants account ,MGE then transferred it to Complainant's home at 4231 Tracy were the gas service was disconnected on July 30 2002

In September of 2000 to April of 2001, Mr. Dudley had rented the property at 4024 Prospect in April the tenants moved out in 2001

In July 2001, Complainants had MGE to disconnect the service and reconnect the service in Complainants name the tenant no longer lived there.

Complainants then had the service restored back in his name for one year before the 4024 Prospect bill was transfer to Complainant home at 4231 Tracy.

STATEMENT OF ISSUES

- 1. Whether Respondent did not follow their (MGE) policy, and the policy of the (CSR) Code of State Regulations or the policy of (PSC) Public Service Commission in its procedures for handling a dispute that governs how MGE does business in the state of Missouri**
- 2. Whether the rule of MPSC dispute- 4 CSR-240-13.045 (#1) A dispute must be registered with the utility at least twenty-four (24) hours prior the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules was followed**
- 3. Whether MGE had the right to Transfer a Tenant account to the Landlord and whether the Complainant was a customer of 4024 Prospect**
- 4. That the commission order MGE to removed Chappelow gas billing charges from Complainant account.**
- 5. Commission to rule on Respondent disconnecting Complainant gas service while the billing account was in dispute with MGE in accordance with rule 4 CSR 240-13.045, 801- 8.06 and 4CSR 240-13.050**
- 6. Commission to rule on Respondent practices and procedure in not following the recommendation of the PSC staff when told to stop all collection in this matter in July 30 2002.**
- 7. Have Respondent remover Ms. Chappelow billing account from the Complainant credit report**

STATEMENT OF FACTS

- 8. Complainants James Dudley, Bill Dudley, Tevin Eersery, Devin Eersery, Jennifer Eersery, Jermond Eersery were residents of 4231 Tracy when this claim arose in Jackson County, the state of Missouri. Complainants is Filing this Brief in according with Rule 4 CSR 240-2.140**
- 9. Respondent disconnected Complainant's gas service while a dispute was in action with Missouri Gas Energy (MGE) and the Public Service Commission (PSC) in their decision not to follow the rules from**

(1.) General Terms and Conditions for gas service (Section 8) 8.01 Claims and Complaints Settlements- Residential Only, (2) Disputes 4 CSR 240-13.045 and (3) Discontinuance of Service 4 CSR 420-13.050 Exhibit 4 pg 3
- 10. Complainants received a gas bill for \$2,510.00 at 4231 Tracy on July 10, 2002. Exhibit 5 schedule 1**
- 11. Complainants called Respondent on July 15 and the 24 of 2002 and disputed the gas bill for the property at 4231 Tracy with Mrs. Bussey whom worked for MGE. Exhibit 5 schedule 14**
- 12. Complainants wrote the Public Service Commission on July 18, 2002, disputing the (gas) billing account at 4231 Tracy. Exhibit 4 pg 17**

- 13. Complainants called Respondent again on July 24, 2002 disputing the gas billing account at 4231 Tracy. Exhibit 5 schedule 14**
- 14. The Public Service Commission informed MGE to stop all collection proceedings on July 30, 2002 on the billing account at 4231 Tracy. Exhibit 4 pg 15 # 3**
- 15. Respondent disconnects Complainant's home gas service on July 30, 20002. Ex 5 schedule 13 b and schedule 11 pg 3 # 3,4,5, and 6**
- 16. Respondent did not follow their (MGE) policy, nor the policy of the (CSR) Code of State Regulations or the policy of (PSC) Public Service Commission in its procedures for handling a dispute that governs how MGE does business in the state of Missouri**
- 17. The rule of MPSC dispute- 4 CSR-240-13.045 (#1) A dispute must be registered with the utility at least twenty-four (24) hours prior the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules. Ex. 4 pg 1**
- 18. Complainants had registered with the gas utility within 24 hours. Complainants spoke with Respondent on July 15 and 24th of 2002. Complainant's gas service was disconnected on July 30, 2002.**
- 19. Mr. Dudley's gas service at 4231 Tracy was disconnected on July 30th, while the bill was in dispute. Section 8. 8.01-8.08 and 4 CSR-240-13.045 #1. and 4 CSR 240-13.050**

20. Alleges as follows: on or about September 26, 2000 to April 5, 2001 Complainant had a rental property at 4024 Prospect in Kansas City, Missouri 64130, Sarah Chappelow had a contract with the Respondent; and the (gas) billing account was in Sara Chappelow name. Ex. 5 schedule 10 pg 5 # 5
21. From September 26, 2000, Complainant did not have a contract with Respondent for gas service at 4024 Prospect.
22. Complainant never told Respondent that Complainant would be responsible for anyone's billing account at 4024 Prospect for gas service that was acquired in a tenant name.
23. Complainant never had an agreement with Respondent that he would be responsible for anyone's billing account at 4024 Prospect That was acquired in a tenant name
24. Ms. Chappelow name was removed from the 4024 Prospect's gas bill account and was replaced with Complainant's name.
25. Respondent applied the \$2,204 from 4024 Prospect along with the \$305 that was the June bill for 4231 Tracy on June 24 2002. Ex. 5 schedule 13 b
26. MGE admitted that the 4024 Prospect billing account was transferred to 4231 Tracy account Complainant home and the gas service was disconnected on July 30, 2002.

- Complainant Exhibit # 5 schedule 10 MGE motion for summary judgment pg 3 lines 14, 15, 16, or 7, 8, 9, and 10**
- Affidavit of Wanda Bussey pg 7 line 15, 16, 17, and 18**
- 27 Schedule 11 Support of MGE motion for summary judgment pg 1 lines 7, 8,9,10 and 11 Also pg3 lines 3, 4, 5, and 6**
- 28. Schedule 12 MGE answer in opposition to plaintiff motion for summary judgment pg 4 lines 20 and 21 also pg 6 lines 4, 5, 6, 7, 8, and 9**
- 29. Schedule 15 MGE answer to the PSC pg 4 lines 1-10**
- 30. MGE further show that the collection continue after July 30, 2002 when the PSC staff ask MGE to stop all collection. Complainant Exhibit # 5 schedule 4 #3 and schedule 5, 6, 7, 8, 9, and 13 b 7/10/2002 – 10/1/2002 pg c 10/1/2002 – 2/19/2003**
- 31. Wanda Bussey admitted that she spoke with Mr. Dudley twice in July of 2002**
- 32. MGE never show one bill that was sent out to Complainant home for \$305**
- 33. There is one for \$ 2,510 that Complainant disputed on July 15, and the 30 2002. Complainant Exhibit 5 schedule 1**
- 34. Ms. Wanda Bussey, Ms. Shirley Bolden and the PSC Russo admitted that there are no Tariff rules that allow MGE to transfer a Tenant billing account to the Landlord billing account.**

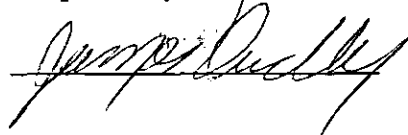
35. There was not one document that MGE introduce to the Commission or to the Court nor to the Complainant that shown that \$305. Was the reason for the discontinue of Complainant gas service

CONCULSION

While the conclusion is that (MGE) Respondent admitted that they fail to follow the rules that MGE and the PSC Tariffs requires MGE to do in handling complaints, disputes, transfers and discontinue of service.

Wherefore from these conclusion Complainants prays that the Commission finds for Complainants in these complaint.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "James Dudley", written over a horizontal line.

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CERTIFICATE OF MAILING

I hereby certify on this 10 day of July 2004 that a copy of the foregoing was mailed or hand delivered to:

**ROB HACK
3420 BROADWAY KANSAS CITY MO 64111
ATTORNEY FOR MISSOURI GAS ENERGY
A DIVISION OF SOUTHERN UNION COMPANY.**

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A handwritten signature in cursive script, appearing to read "James Dudley", written in dark ink.

James Dudley