

FILED

JAN 05 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

Michael E. McKinzy, Sr.,)	
)	
Complainant,)	
)	
v.)	
)	Case No. GC-2003-0579
)	
Missouri Gas Energy,)	
)	
Respondent.)	
)	

SUGGESTIONS IN OPPOSITION TO SUMMARY DETERMINATION OR,
IN THE ALTERNATIVE FOR DISMISSAL OF COMPLAINT

COMES NOW Michael E. McKinzy, Sr. ("Complainant")
pursuant to CSR 240-2.117(c) and opposes Missouri Gas
Energy's ("MGE") motion for summary disposition and requests
this Commission hold a hearing on all issues and enter an
order which render finding of facts and conclusions of law in
the above captioned matter.

Undisputed Facts

1. Complainant denies the statements in paragraph 1 of
MGE's motion and further states; his formal complaint was
base on MGE's refusal to transfer his existing gas service
account to his new residence at 8004 Overton in Raytown, MO.
See Complainant's Affidavit marked Exhibit 2 attached hereto
and incorporated herein by reference.

2. Complainant admits the statements in paragraph 2 of
MGE's motion.

3. Complainant admits the statements in paragraph 3 of
MGE's motion.

4. Complainant admits the statements in paragraph 4 of MGE's motion.

5. Complainant denies the statements in paragraph 5 of MGE's motion and further states; Mr. Lee did not request that the gas service be shut off, but requested the gas service be transferred into Complainant's name.

6. Complainant denies the statements in paragraph 6 of MGE's motion and further states; he requested gas service at 8004 Overton on April 9, 2003, be transferred from his previous residence at 8609 E. 87th Street and provided MGE with the social security number of his wife, Tamara Nance, also on April 9, 2003. See Exhibit 2.

7. Complainant admits the statements in paragraph 7 of MGE's motion.

8. Complainant denies the statements in paragraph 8 of MGE's motion and further states; he disputed the billing on April 9, 2003, stating he was not married to Ms. Nance at the time the gas was used and that he never lived at 3928 Highland Avenue. See Exhibit 2.

9. Complainant admits the statements in paragraph 9 of MGE's motion.

10. Complainant admits the statements in paragraph 10 of MGE's motion.

11. Complainant admits the statements in paragraph 11 of MGE's motion.

WHEREFORE, for the foregoing reasons, Complainant prays that the hearing scheduled on February 4, 2004, for the above captioned case be held on all issues and an order that will render a finding of facts and conclusions of law be entered.

Respectfully submitted,

Michael E. McKinzy Sr.

Michael E. McKinzy, Sr.
8004 Overton
Raytown, Missouri
(816) 353-9749
Complainant, Pro se

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing document was sent by U.S. Mail, postage prepaid, on January 3, 2004 to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101

Dean Cooper
Brydon, Swearengen & England
312 East Capitol
Jefferson City, MO 65101

Michael E. McKinzy Sr.
Michael E. McKinzy, Sr.

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Service Commission

STATE OF MISSOURI)
) SS NO.: 492-76-1848
COUNTY OF JACKSON)

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Affidavit of Michael E. McKinzy, Sr.

Being duly sworn and upon oath, I, Michael E. McKinzy, Sr., allege and state as follows:

1. I purchased a house located at 4020 E. 51st Terrace in Kansas City, Missouri and began residing there on or about February 23, 1993.
2. I had a residential gas service account with Missouri Gas Energy ("MGE"), beginning on or about February 23, 1993, at 4020 E. 51st Ter.
3. I resided at 4020 E. 51st Ter. from December 17, 1998 through March 30, 1999 with an active gas service account with MGE.
4. I purchased a house located at 8609 E. 87th Street in Raytown, Missouri and began residing there on or about August 15, 2000.
5. On or about August 15, 2000, I requested MGE to transfer my gas service account to my new residence located at 8609 E. 87th Street in Raytown, Missouri.
6. I paid my final bill for my gas service at 4020 E. 51st Ter.
7. On or about August 15, 2000, MGE transferred my gas service account to my new residence located at 8609 E. 87th St.
8. On or about August 15, 2000, I began residing at 8609 E. 87th St.
9. I paid my final bill for my gas service at 8609 E. 87th St.
10. I moved to my parents' residence on January 1, 2002, located at 3743 Flora in Kansas City, Missouri.
11. My marriage to Carletha R. Gaston was dissolved on November 8, 2002.

Exhibit "2"

12. I met Tamara L. Nance for the first time on November 6, 2002.

13. I married Tamara L. Nance on February 16, 2003, in Kansas City, Missouri.

14. I alone entered into a lease with an option to purchase, a house located at 8004 Overton in Raytown, Missouri on March 2, 2003.

15. I began residing at my new residence located at 8004 Overton on March 15, 2003, Tamara L. McKinzy continued to reside at 6107 E. 8th Street in Kansas City, Missouri.

16. When I moved into the residence at 8004 Overton, the gas service was on in the name of my landlord/property owner, Mr. Gerald Lee.

17. On April 9, 2003, I requested MGE to transfer my gas service account from my previous residence at 8609 E. 87th St. to my new residence located at 8004 Overton.

18. On April 9, 2003, Tamara L. McKinzy was not a member of my household at my new residence at 8004 Overton.

19. I was told by a MGE's customer service representative on April 9, 2003, on the phone that my gas service account would be transferred the next day and that I would be charged a five (\$5.00) transfer fee.

20. I was told by a MGE's customer service representative on April 9, 2003, on the phone how my gas service account would be transferred, which included my ex-wife still being on the account as my current wife at my new residence at 8004 Overton.

21. I informed a MGE's customer service representative on April 9, 2003, that I had been divorced from Carletha McKinzy and in fact had remarried, but that my new wife did not reside with me.

22. I was requested on April 9, 2003, by a MGE's customer service representative to provide my new wife's name and social security number.

23. I provided a MGE's customer service representative on April 9, 2003, with my new wife's name and social security.

24. I was told on April 9, 2003, by a MGE's customer service representative that a credit check had been performed on my new wife's social security number which uncovered a past due bill from her previous residence at 3928 Highland Ave. in Kansas City, Mo. (Account#5704570968) in the amount of 449.96 for past service from 12/17/98 through 3/30/99.

25. I was told on April 9, 2003, by a MGE's customer service representative that my gas service account could not be transferred without first resolving my wife's past due amount.

26. I disputed the billing on April 9, 2003, and stated to a MGE service representative that I was not married to Tamara L. Nance at the time the gas was used and that I had never lived at 3928 Highland Ave.

27. The gas service at my residence at 8004 Overton was discontinued on June 17, 2003.

28. I was not given any type of verbal notice from MGE before the day that the gas service to my residence was discontinued.

29. I was not given any type of written notice from MGE before the day that the gas service to my residence was discontinued.

30. My kids called me while I was at my union electrician's job on June 17, 2003 to inform me that MGE was turning off the gas service to my residence.

31. I took off early from my union electrician's job on June 17, 2003, to get the gas service to my residence restored.

32. I took the whole day off from my union electrician's job on June 18, 2003, to get the gas service to my residence restored.

33. I called the Public Service Commission Hotline on June 17, 2003, to report that the gas service to my residence had been discontinued by MGE for not paying my wife's past due bill from her previous residence and stated that I wanted to file a formal complaint against MGE for discontinuing gas service to my residence.

34. I received a call from an MGE employee named Renee from (816)360-5509 on June 18, 2003, to discuss restoring gas service to my residence.

35. I was told by Renee on June 18, 2003, that if I provided documents showing, where my wife resided and if she did not reside with me, the gas service to my residence would be restored.

36. I was instructed by Renee, on June 18, 2003, to fax my documents to (816) 360-5569.

37. I faxed Renee on June 18, 2003, a copy of my lease agreement for 8004 Overton and copies of my wife's pay statements in her maiden name, Tamara Nance, with an address of 6107 E. 8th Street in Kansas City, Missouri.


38. My lease agreement for my residence at 8004 Overton show only me as lessee.

39. After I faxed Renee the documents, she called back on June 18, 2003, and stated that the documents I had faxed her did not prove anything and that the only way I could get the gas service to my residence restored was pay my wife's gas bill.

40. I returned to my union electrician's job on June 19, 2003, and was laid off for being absent.

41. I have had to purchase a new electric stove to heat water to take baths and wash dishes and clothes.

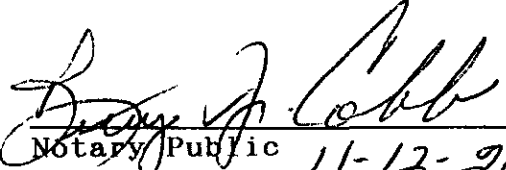
And further affiant sayeth not.


Michael E. McKinzy, Sr.

STATE OF MISSOURI)
) SS NO.: 492-76-1848
COUNTY OF JACKSON)

Subscribed and sworn before me, a Notary Public, on the 12 day of November, 2003.

7-22-2006
My Commission Expires:


Notary Public 11-12-2003



BETTY J. COBB
Jackson County
My Commission Expires
July 22, 2006

