

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND

PROFESSIONAL CORPORATION

312 EAST CAPITOL AVENUE

P.O. BOX 456

JEFFERSON CITY, MISSOURI 65102-0456

TELEPHONE (573) 635-7166

FACSIMILE (573) 635-3847

E-MAIL: JOHNNYR@BRYDONLAW.COM

DAVID V.G. BRYDON
JAMES C. SWEARENGEN
WILLIAM R. ENGLAND, III
JOHNNY K. RICHARDSON
GARY W. DUFFY
PAUL A. BOUDREAU
SONDRA B. MORGAN
CHARLES E. SMARR

DEAN L. COOPER
MARK G. ANDERSON
GREGORY C. MITCHELL
BRIAN T. MCCARTNEY
DIANA C. FARR
JANET E. WHEELER

OF COUNSEL
RICHARD T. CIOTONE

July 22, 2003

Mr. Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED⁴
JUL 22 2003

Missouri Public
Service Commission

RE: Case No. GC-2004-0023

Dear Mr. Roberts:

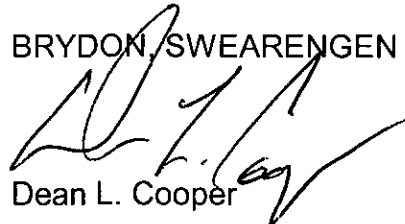
Enclosed for filing please find an original and eight (8) copies of Missouri Gas Energy's Answer to Complaint in the above-referenced case. Please file stamp the receipt copy and return it to me for my records.

If you have any questions, then please do not hesitate to contact me. Thank you very much for your cooperation.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/tli

Enclosures

cc: General Counsel's Office
Office of the Public Counsel
Mr. Cleveland Hardy

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

JUL 22 2003

Missouri Public
Service Commission

Cleveland Hardy,

Complainant,

v.

Missouri Gas Energy,

Respondent.

Case No. GC-2004-0023

MGE'S ANSWER TO COMPLAINT

COMES NOW Missouri Gas Energy, a division of Southern Union Company ("MGE"), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission ("Commission") as its answer and affirmative defenses to the Complaint filed by Cleveland Hardy ("Complainant"):

1. MGE admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.

2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Michael Noack
Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111
(816) 360-5560
(816) 360-5536 facsimile
Mnoack@mgemail.com

3. Mr. Hardy's complaint is that another individual's account balance was transferred to his account in error and the correct balance on the account should be approximately \$519.

4. Mr. Hardy previously contacted MGE concerning an outstanding debt of \$3,292.65. Of that amount, \$2,277.56 was a past due amount transferred from Terri S. Young, Mr. Hardy's acquaintance. Ms. Young and Mr. Hardy previously moved to the address of 6231 Harrison in May 2000. Mr. Hardy has reported that Ms. Young moved out soon thereafter.

5. MGE has been in contact with Ms. Young who now resides at 9351 Bales, Apt. 1203. The outstanding balance of \$2,277.56 has now been transferred to Ms. Young's active account. Mr. Hardy has been informed of that fact and been told that the current outstanding debt on his account is now \$1,015.09. In order for service to be restored, Mr. Hardy will need to pay 65% of that outstanding balance or \$659.81 (*See* Section 3.12 on Sheets Nos. R-30 and R-31 of MGE's General Terms and Conditions for Gas Service (The Company may require that 100% of the outstanding balance be paid before service is reconnected. MGE has offered Mr. Hardy less burdensome initial payment requirements in order to have service reconnected.)).

6. The difference between what Mr. Hardy claims he owes (approximately \$519) and the current balance of \$1,015.09 is the gas used between the February 15, 2001 bill (which was attached to Mr. Hardy's Complaint) and the May 31, 2001 date of the final bill and disconnection at the subject address.

7. MGE agrees that the past due amount of \$2,277.56 should remain with Ms. Young. However, MGE further asserts that the current balance due from Mr. Hardy is \$1,015.09, rather than the \$519 claimed by Mr. Hardy.

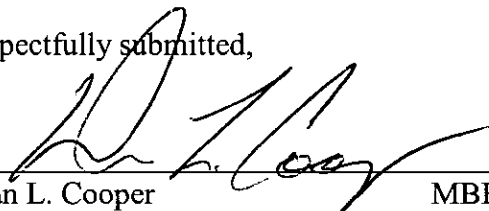
8. Except as expressly admitted in this answer, MGE denies each and every other allegation contained in Complainants' Complaint.

9. Further answering, MGE states that it has acted in accordance with its tariffs.

10. Further answering and for its first affirmative defense, Respondent states that the Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent Missouri Gas Energy, prays the Commission dismiss the Complaint and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,


Dean L. Cooper MBE#36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-3847 facsimile
dcooper@brydonlaw.com

ATTORNEYS FOR MISSOURI GAS ENERGY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by U.S. Mail, postage prepaid, on July 22, 2003, to the following:

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

Cleveland Hardy
P.O. Box 270768
Kansas City, Missouri 64127

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

