

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

In the Matter of the Laclede Gas Company )	
Tariff Filing to Allow Estimated Billing )	Case No. GT-2008-_____
Whenever an Automatic Meter Reader )	Tariff No. YG-2008-0690
Fails to Send Readings of Actual Usage. )	

**MOTION TO SUSPEND TARIFF FILING  
AND REQUEST FOR AN EVIDENTIARY HEARING**

**COMES NOW** the Missouri Office of the Public Counsel and for its Motion to Suspend Tariff Filing and Request for an Evidentiary Hearing states:

1. On May 19, 2008, Laclede Gas Company filed a proposed tariff revision to allow Laclede to estimate the usage on a customer's natural gas bill whenever an automatic meter reader (AMR) fails to transmit an actual reading. The proposed revision also contains notice requirements in the event Laclede's meter or AMR is defective. The proposed tariff revision is attached and labeled "Attachment A." It bears an effective date of September 16, 2008 and was assigned tariff file number YG-2008-0690.

2. Public Counsel moves to suspend Tariff No. YG-2008-0690 and requests an evidentiary hearing regarding the proposal. Public Counsel opposes the tariff filing primarily because it would weaken consumer protections by allowing Laclede to expand the circumstances where Laclede may estimate a customer's usage. The Commission's rules clearly prohibit estimated billing due to the harmful impact that large catch-up bills place on consumers, with only a few exceptions. 4 CSR 240-13.020(2). Laclede should make it a priority to gain actual reads whenever possible rather than seek to diminish the importance of actual reads, which would create more problems for Laclede's customers.

3. In recent years the Commission received far more complaints filed against Laclede than any other Missouri gas utility, and possibly more than *any* Missouri utility. Most of the complaints involved Laclede's estimated billing problems. Laclede's poor estimated billing performance should not be rewarded with a tariff revision removing its obligation to gain actual reads whenever possible. This attempt to degrade important consumer protections should be denied.

4. All charges made or demanded by any gas corporation shall be just and reasonable. Section 393.130 RSMo (Supp. 2007). Every unjust or unreasonable charge made or demanded for gas service is prohibited. *Id.* It is inherently unjust and unreasonable to estimate a customer's usage in instances where the utility is able to obtain access to the customer's premises for the purpose of reading the meter. It is also a violation of Commission rule 4 CSR 240-13.020(2).

WHEREFORE, pursuant to Sections 386.710 and 393.140(11) RSMo 2000, the Missouri Office of the Public Counsel respectfully requests an Order from the Commission suspending Tariff No. YG-2008-0690 and directing the parties to propose a procedural schedule that includes an evidentiary hearing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 28<sup>th</sup> day of May 2008:

General Counsel  
Missouri Public Service Commission.  
P. O. Box 360  
Jefferson City, MO 65102  
[GenCounsel@psc.mo.gov](mailto:GenCounsel@psc.mo.gov)

Michael Pendergast  
Laclede Gas Company  
720 Olive Street, Rm. 1520  
St. Louis, MO 63101  
[mpendergast@lacledegas.com](mailto:mpendergast@lacledegas.com)

**/s/ Marc Poston**

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LACLEDE GAS COMPANY  
720 OLIVE STREET  
ST. LOUIS, MISSOURI 63101  
(314) 342-0601

KENNETH J. NEISES  
EXECUTIVE VICE PRESIDENT

May 19, 2008

**VIA EFIS**

Secretary  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

RE: Case No. GW-2007-0099

Dear Secretary:

Enclosed herewith for filing with the Missouri Public Service Commission are the following revised tariff sheets which are applicable to both divisions of Laclede Gas Company:

P.S.C. MO. No. 5 Consolidated  
Sixth Revised Sheet No.R-8  
Original Revised Sheet No.R-8-a

As more fully supported in *Laclede Gas Company's Response to Staff's April 25, 2008 Reply and Public Counsel's February 19, 2008 Second Response* dated May 5, 2008 in the above-referenced case, the purpose of the revised tariff sheets is to clarify the procedures the Company will use to address instances in which a customer's meter has stopped or failed to register or provide readings of actual usage.

These revised tariff sheets have an issue date of May 19, 2008 and an effective date of September 16, 2008.

Sincerely,

Handwritten signature of Kenneth J. Neises in black ink, followed by the initials "MTC" in a stylized script.

Enclosures

cc: Office of the Public Counsel

**P.S.C. MO. No. 5 Consolidated, Sixth Revised Sheet No. R-8**  
**CANCELLING P.S.C. MO. No. 5 Consolidated, Fifth Revised Sheet No. R-8**

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

**RULES AND REGULATIONS**

9. Resale

The gas supplied to a customer will be for the use of the customer only and shall not be remetered or submetered for resale to another or others, except for gas supplied for use as a vehicular fuel.

10. Meter Tests and Billing Adjustments

A. Meter Tests.

Meters are the property of Company and shall be subject to testing in accordance with the statistical sampling authorized by the Commission in Case No. GO-95-320 in which the Commission granted the Company a variance from the requirements of 4 CSR 240-10.030(19) relating to the removal, testing and inspection of gas meters.

Company at any time, upon the written or verbal request of a customer, will test the meter of such customer, provided only one such test shall be made free of charge within a twelve-month period, and the customer shall pay the cost of any additional tests within this period unless meter is shown to be inaccurate in excess of 2%. The customer may, if he notifies Company, be present at such tests. In the event the registration is proved, by this test by the Company under standard methods, to be inaccurate in excess of 2%, bills will be adjusted by an amount to compensate for the excess or deficiency for a period equal to one-half of the time elapsed since the previous meter test, but not to exceed the applicable time period set forth in B(A) below. No part of a minimum charge will be refunded.

In the event a gas meter stops or fails to register or provide readings of actual usage, the customer shall be billed for such period on an estimated consumption basis. The bill will be estimated based upon the procedure described on Tariff Sheet R-40, Usage Estimating Procedure. The Company shall have a written procedure for determining when a gas meter has stopped or failed to register or provide readings of

DATE OF ISSUE	May 19, 2008	DATE EFFECTIVE	September 16, 2008
	Month Day Year		Month Day Year
ISSUED BY	K.J. Neises,	Executive Vice President,	720 Olive St., St. Louis, MO 63101
	Name of Officer	Title	Address

Attachment 1

**P.S.C. MO. No. 5 Consolidated, Original Sheet No. R-8-a  
CANCELLING All Previous Schedules.**

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

**RULES AND REGULATIONS**

actual usage. Within ten business days of such a determination being made pursuant to such procedures, the Company shall document such failure on the customer's account and provide a notice advising the customer by mail, bill message, telephone message or hand delivery that the meter requires maintenance and that the customer is being billed based on estimated usage that may not reflect the customer's actual usage. The notice shall also advise the customer to contact the Company so that arrangements can be made to access the customer's premises if such access is necessary to perform the required work on the meter. Failure by the customer to make the required arrangements after the Company has sent such notice shall constitute a failure to permit access as provided in Rule 14(1)(E) of this tariff, and the Company may discontinue service to the customer pursuant to Rule 14, Discontinuance of Service; provided that nothing herein shall be construed as requiring the Company to discontinue service within any specific period of time or as preventing the Company from discontinuing service to a customer for any other lawful reason.

**B. Billing Adjustments**

(A) For all billing errors, the Company will determine from all related and available information the probable period during which such condition existed and shall make billing adjustments for the period estimated to be involved as follows (except for as provided in (B), (C) and (D) of this rule) for:

DATE OF ISSUE

May 19, 2008

DATE EFFECTIVE

September 16, 2008

Month Day Year

Month Day Year

ISSUED BY

Kenneth J. Neises

Executive Vice President,

720 Olive St.,

St. Louis, MO 63101

Name of Officer

Title

Address

Attachment 1