1	BEFORE THE PUBLIC SERVICE OF THE STATE OF MIS	
2	ROY SMITH,	
3	Complainant,	ORIGINAL
4	and	Case No.
5	and) 	GC-2004-0281
6	MISSOURI GAS ENERGY,	
7	Respondent.	
8		
9	DEPOSITION OF ROBIN MILLER examined on Monday, the 21st day of the hours of 8 a.m. and 6 p.m. of s	June, 2004, between
LO	offices of Kansas City Power & Light floor, Kansas City, Jackson County,	nt, 1201 Walnut, 20th
l1		, .,
12	DEANNA KERR Certified Court Reporter	r No. 820(G)
13 14	for the State of Missouri, in a cerpending before the Public Service (State of Missouri, wherein ROY SMI'MISSOURI GAS ENERGY is Respondent.	Commission of the
15	Taken on behalf of the Re	spondent. FILED
16	APPEARANCES	JUL & 7 2004
17	For the Respondent:	
18	Mr. Herman A. Loepp Missouri Gas Energy	Missouri Public Se rvice Commissio r
19	3420 Broadway Kansas City, Missour	
20		
21	For the Witness: Mr. Robert P. Gingri Kansas City Power &	
22	1201 Walnut, 20th fl Kansas City, Missour	oor
23	Ransas City, Missour	Exhibit No.
24	Case	No(s):6-6-2001-0281
25	Date	mptr_4

1 STIPULATIONS 2 It is hereby stipulated and agreed by and between counsel for the respective parties and the 3 witness that signature of this deposition by this witness is hereby waived, and that said deposition may 4 be used in the same force and effect as if signed. 5 INDEX 6 Examination by Mr. Loepp. Page 3 7 DEPOSITION 8 5 Page No. 2 6 Page 9 No. 3 Page 7 7 Page 10 No. 5 Page 11 No. 6 12 Page 11 No. 7 Page 8 12 (The original exhibits are hereby attached.) 13 14 15 16 17 18 19 20 21 22 23 24 25

1		(Whereupon the deposition began at
2		2:05 p.m.)
3		(Whereupon Deposition Exhibit Nos. 1
4		through 7 were marked for identification.)
5		ROBIN MILLER,
6	of	lawful age, being produced, sworn, testified as
7	fol	lows:
8	EXA	MINATION BY MR. LOEPP:
9	Q.	Would you state your name, please.
10	Α.	Robin Miller.
11	Q.	Would you spell your last name, please.
12	A.	M. I. L. E. R.
13	Q.	Ms. Miller, my name is Herman Loepp. People call me
14		Woody. I'm an in-house attorney with Missouri Gas
15		Energy here in Kansas City. Do you understand that?
16	A.	Yes, I do.
17	Q.	You understand that you have an attorney here, Bob
18		Gingrich?
19	A.	Yes, I do.
20	Q.	Have you ever had your deposition taken before?
21	A.	Yes. On this case?
22	Q.	Not on this case. In any case ever?
23	A.	Yes.
24	Q.	So you're a little bit familiar with some of the
25		rules of deposition?

- 1 A. Yes.
- 2 Q. So if I ask you a question you don't understand,
- please ask me to repeat the question and I'll do a
- 4 better job of rephrasing it.
- 5 A. Okay.
- 6 Q. You understand that you have to say yes or no or
- okay because if you shake your head or uh-huh or
- 8 huh-uh, it doesn't come through to the transcript?
- 9 A. Yes.
- 10 Q. You understand that you've been sworn and the
- 11 testimony you are about to give here today will most
- 12 likely by used in a hearing complaint in front of
- 13 the Missouri Public Service Commission?
- 14 A. Yes.
- 15 Q. Would you tell us who your employer is?
- 16 A. Kansas City Power & Light.
- 17 Q. What's the business address for KCP&L?
- 18 | A. 1201 Walnut.
- 19 Q. What is your work experience with KCP&L?
- 20 A. Four years in account investigation and the last six
- 21 months has been with credit and collections.
- 22 Q. Would you give a little bit of your experience when
- you were in the investigation phase, please?
- 24 A. My job was to determine at any point who the persons
- were using our service, to handle illegal service

1	connections. If we had cut a property for
2	nonpayment and a new party called in within 24
3	hours, we had to determine whether or not that
4	person had been in the property at the time of the
5	disconnect. Made those determinations and decided
6	who was going to be responsible for the billing. If
7	a new party had been there then the new party would
8	be responsible. Identity theft. That about covers
9	it.

- Q. Is the address 5823 East 16th Street in Kansas City,
 Missouri, is that in KCP&L's territory?
- 12 A. Yes, it is.

10

- Q. Did you bring some records in response to a subpoena duces tecum for your deposition today?
- 15 A. Yes, I did.
- Q. Are these records kept in the ordinary course of business with KCP&L?
- 18 A. Yes, they are.
- 19 Q. And they're true and accurate copies of the records of KCP&L?
- 21 A. Yes, they are.
- Q. In front of you are Exhibits 1 through 6, each being one page in length. Would you just review those records and tell us what basically they are?
- 25 A. Page 1 is the initial request for service on

	November 21st of '02. The service was requested to
	be put in Jeffrey Elders' name. That connect was
	taken at 12:39 on the 21st. At that time we
	determined it had been in there since November 15,
	and we did a date-back connect for Mr. Elders at
	that time.
Q.	So Mr. Elders was your customer effective
	November 15, 2002, 5823 East 16th Street?
A.	Correct.
Q.	I guess I should tell you that you're familiar
	this is a case Roy Smith versus Missouri Gas Energy
	in front of the Public Service Commission?
A.	Yes, I do.
õ.	Before we go back exhibit by exhibit in your records
_	does it ever appear that Roy Smith was a customer of
	KCP&L at 5823 East 16th Street?
А.	Yes, he was.
Q.	You have identified Exhibit No. 1. Could you
	identify Exhibit No. 2, please?
A.	It's a disconnect order Mr. Elders called in on
	March 17th, 2004, requesting that service be
	removed out of his name at 1:41 in the afternoon.
Q.	And can you maybe put a mark by that to show where
	the service went off his name at 1:41, and put your
	A. Q. A.

initials by that, would you please?

- 1 A. (Witness complied.)
- 2 Q. What we've circled then on Exhibit 2 is the time of
- 3 | 1341 on March 17, 2004?
- 4 A. Correct.
- 5 Q. Now, would you identify Exhibit 3, please.
- 6 A. This is a connect order called in by Roy Smith on
- 7 March 17, 2004, at the time of 1:43 p.m. in the
- 8 afternoon requesting service to be put into his
- 9 name.
- 10 Q. Again the 5823 East 16th address?
- 11 A. Correct.
- 12 Q. Would you circle the time?
- 13 A. (Witness complied.)
- 14 Q. So by looking at Exhibits 2 and 3, what we see is on
- 15 March 17, 2004, within one minute of each other
- Jeffrey Elders called to have service taken out of
- 17 his name and a minute later Roy Smith called to have
- 18 service put in his name?
- 19 | A. Correct.
- 20 Q. In front of you is Exhibit No. 4. Would you
- 21 identify that record, please, or that exhibit?
- 22 A. This is the financial account statement under
- 23 Jeffrey Elders' account showing payments and bills
- 24 and also shows a transfer of his balance on his
- 25 account. Shows payments made and the dates of the

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payments.

- Q. When you're saying his account, are you talking about payments made on the account of Jeffrey Elders?
- A. Correct.
- Q. By reviewing those records contained in Exhibit 4

 are you able to tell whether or not Roy Smith made a

 payment on behalf of the account of Jeffrey Elders?
 - A. I show a payment of 134.90 which per the memos on the account is a payment that Mr. Smith made under Jeffrey Elders' account number.
 - Q. Okay. I think what we probably need to do then is look at Exhibit No. 7 as you refer to memos on the account. Exhibit 7 is a four-page exhibit, and would you look at that record?
 - A. These are memos placed on accounts when a customer calls in in reference to the property. On March 16, 2004, our credit collections department disconnected the service at 5823 East 16th Street for nonpayment of the bill under Jeffrey Elders' name. At that time Roy Smith called us that day very upset about the disconnect but hung up on the call center prior to any questions we could ask him.

Later on that afternoon, and I'm sorry I don't have the names in front of me on this, Mr. Smith

1	į	called and said he would pay the disconnect amount
2		and call back for the reconnect order, advised us
3		that he had stayed here and said that once he
4		brought the account current he would then call back
5		and have the service put in his name.
6	Q.	Is it his name or his name only?
7	A.	It says his name only.
8	Ω.	Ms. Miller, I'm looking at the first page of Exhibit
9		No. 7 and there's notes starting with November 21st,
0		2003, December 2nd, 2003, up to May 24th of 2004.
.1	A.	On the first page, yes. The original dates of the
12		calls start on the first page at November 21st of
L3		'03 and go through May 24th of '04.
14	Q.	I see that there's three entries on March 16, 2004?
L5	Α.	Correct.
16	Q.	Would it be safe to assume that the lower, the first
L7		3/16 entry, the one closest to the bottom of the
18		page, would be the earlier call?
19	A.	Yes.
20	Q.	And then the one above it happened after. And then
21		there's a third entry on 3/16. Could you explain
22		that entry for us?
23	Α.	The third entry on 3/16 is Mr. Smith calling us back
24		with the receipt number for the payment he made at a

pay station for the amount of 134.90, and at that

1		time we received that payment we issued a reconnect
2	,	on the property under Jeffrey Elders' account
3	;	number.
4	Q.	Would you look at the entry on your records of
5		April 29, 2004?
6	A.	On April 29 Roy Smith called, and at that time he
7		was the customer of record because he had connected
8		on 3/17 after he paid the bill under Mr. Elders'
9		name. The note states we had advised the customer
10		that we would send him a duplicate bill because he
11		had realized he had not received a bill yet. And at
12		that time we accepted the transfer of the \$52
13		remaining balance under Jeff Elders' account because
14		he had been paying the bills through Jeff Elders.
15		Roy requested to us to transfer the amount to
16		him to the new open account number which is what we
17		did.
18	Q.	Looking at page 2 and also actually looking at
19		pages 1 and 2 of Exhibit No. 7, I see some other
20		entries that go back to November of 2003 regarding
21		conversations KCP&L employees had with Roy Smith.
22		Can you briefly describe those?
23	A.	Actually we received a call on November 19th from a
24		male caller claiming he was calling for his friend.
25		We advised him that we needed a receipt number for

the \$80 payment. On the 20th we note the account that Jeff paid and advised him that the check posted on 11/19, and he advised that he would pay the rest of the balance when he received the new bill.

I'm going back a few dates. On November 17th a friend of Jeffrey's called and wanted to make arrangements on the account and we advised him we could not make arrangements with him, that he would have to have Jeffrey call us. I'm sorry I got a little out of order.

- Q. That's okay. So basically starting on November 17, 2003, an unidentified friend of Jeffrey's called and tried to make arrangements on the outstanding account he had with KCP&L -- when I say "he,"

 Jeffrey Elders had with KCP&L, for service at 5823

 East 16th Street?
- 17 A. Correct.
- 18 Q. Would you identify Exhibit 5, please.
 - A. Exhibit 5 is the account financial statement of Roy Smith. His account opened on 3/17. The official, first official transfer, was \$84.68 which came from an old address that Mr. Smith had with us. Then on 4/29 we transferred the balance of Mr. Elders' account for 52.01 to Mr. Smith's account.

When he originally called us for a duplicate

bill at the time of his connect order on the 1/th
the bill cycles sometimes don't run exactly 30 days
on a new account. It will sometimes range between
30 to 45 days, so that's why Mr. Smith had
originally not got a bill when he had called us. On
4/19 a bill was issued to him for the usage from
3/17 through 4/28.

- Q. That's -- is that information also from Exhibit
 No. 6, or what's Exhibit No. 6 showing?
- A. Exhibit No. 6 is what we call a service order query on the property. In other words it lists every single action the company has taken on that property as far as turnons, meter exchanges, disconnects for nonpayment. This shows that on November 15 KCP&L turned on the service at the meter for Jeffrey Elders. It shows on March 16 of 2004 we disconnected Jeffrey Elders' account at the property for nonpayment.

It shows March 17th that we did a turnoff read at meter because the meter was already disconnected for nonpayment. We just went out and took a read to close it out for Mr. Elders. It also shows that on March 17, 2004, we went out and did a turnon at meter to turn the service back on for Mr. Smith.

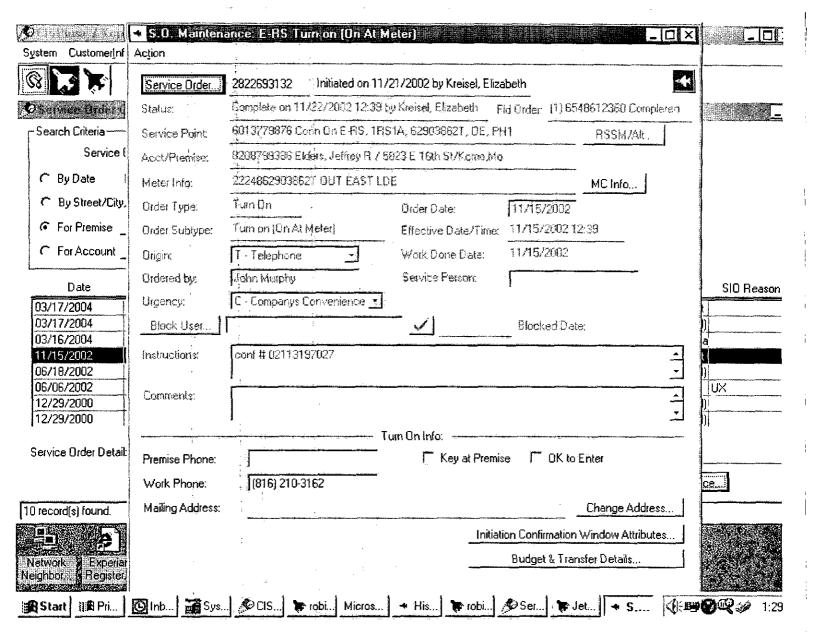
Q. You referred to turning Jeffrey Elders on

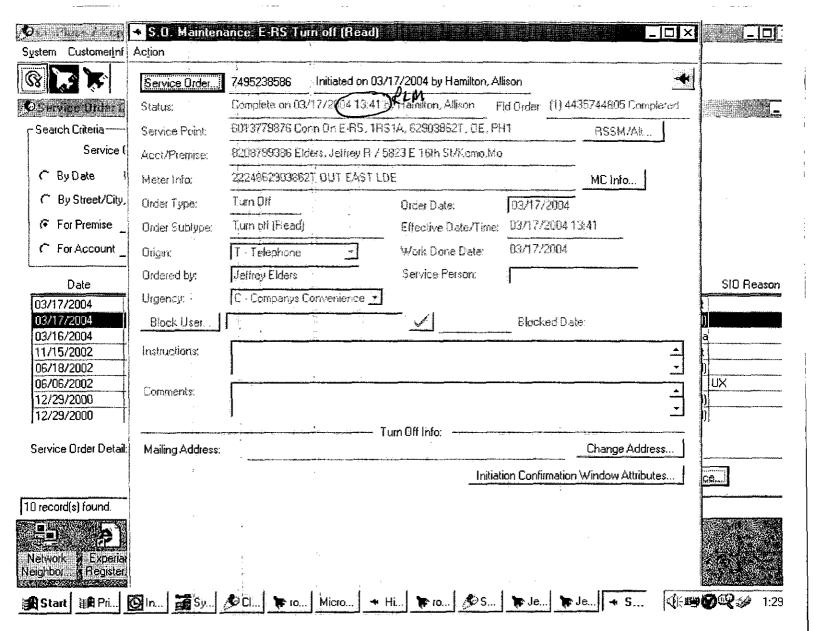
- November 15th. I might have missed the year. Was that 2002?
- 3 A. Yes, it was.
- Q. I want to go back to Exhibit No. 7 for a moment, and
- 5 I want to make sure it's clear on the record that
- 6 you guys, KCP&L, received a phone call from a person
- 7 naming himself as Roy Smith, said he would pay
- 8 134.90 on the account that actually belonged to
- 9 Jeffrey Elders; is that correct?
- 10 A. Yes, he did.
- 11 Q. And that Mr. Smith says that he has stayed at this
- address every now and then; is that correct?
- 13 A. Yes.
- 14 Q. Now, all the records that we have introduced here or
- marked here as Exhibits 1 through 7, these are
- 16 records that are kept in the normal course of
- 17 business?
- 18 A. Yes, they are.
- 19 Q. And they are true and accurate copies of records at
- 20 KCP&L?
- 21 A. Yes, they are.
- 22 Q. And in your position with KCP&L would you be
- 23 considered custodian of these records or have access
- 24 to these records?
- 25 A. Yes, I would.

1	Q. I have nothing further at this time. Do you have
2	anything else you want to add?
3	A. No.
4	(Whereupon the deposition ended at
5	2:20 p.m.)
6	* * * *
7	I hereby certify that pursuant to the foregoing stipulation, the signature of the witness was waived.
8	Witness my hand and seal this 3 day of
9	Jan State County
10	DEANNE GERR Certified Court Respetter
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12	IN RE: SMITH VS. MISSOURI GAS ÉNERGY
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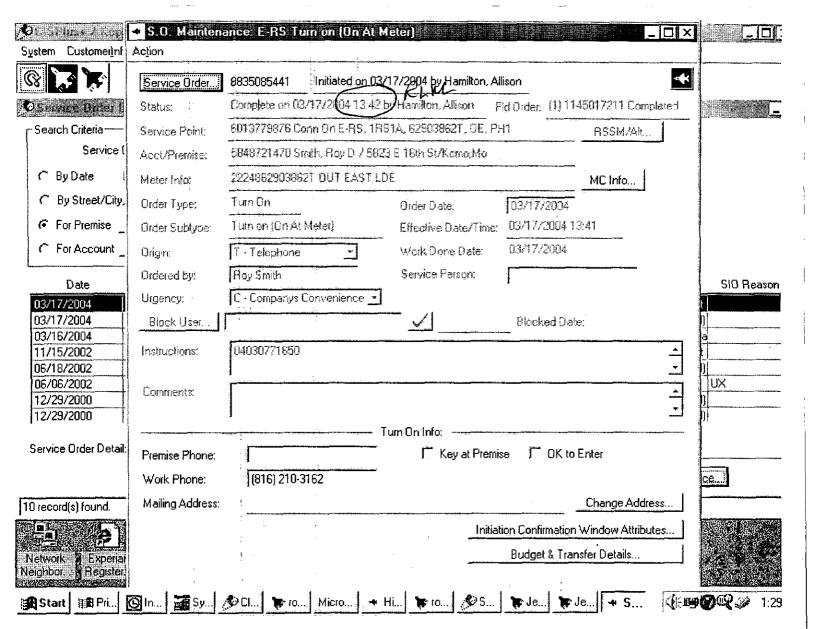
CERTIFICATE 1 2 STATE OF MISSOURI) 3) SS. COUNTY OF JACKSON) 4 5 I, DEANNA KERR, Certified Court Reporter within and for the State of Missouri, do hereby certify that there 6 came before me: 7 ROBIN MILLER, 8 at the time and place set forth in the caption thereof, 9 who was by me first duly sworn to testify the whole truth of her knowledge concerning this matter in controversy aforesaid; that she was examined and her 10 examination then and there written in Stenograph by me and afterwards typed, being correctly and accurately set 11 forth in the 14 foregoing pages; and that said deposition is now herewith returned. 12 13 I further certify that I am not counsel, attorney or relative of either party, or clerk or stenographer of 14 either party or of the attorney of either party, or otherwise interested in the event of this suit. 15 IN WITNESS WHEREOF I have hereunto set my hand and 16 affixed my seal at my office in Shawnee, Kansas, this 17 June 23, 2004. 18 19 20 DEANNA KE Certified Co 21 Arramannan and Andrews 22 23 24

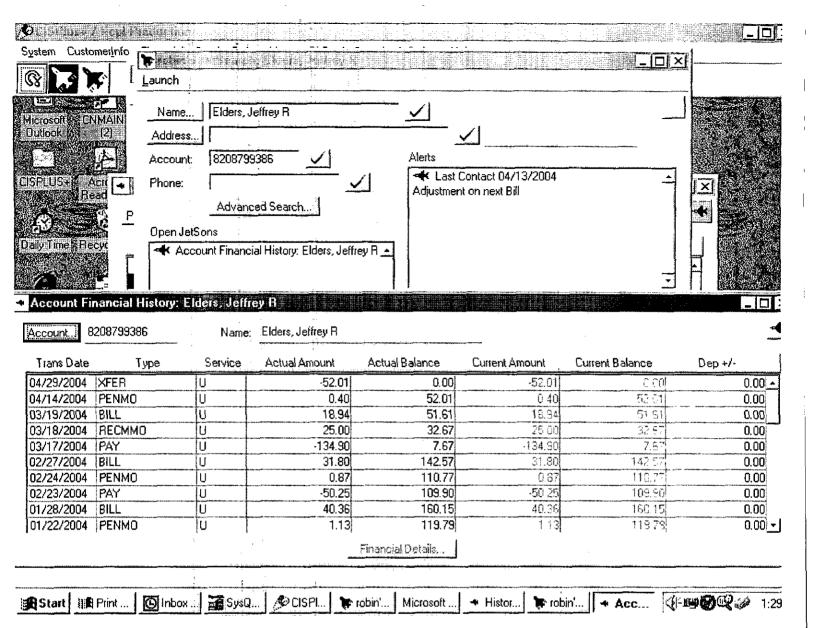
1	BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI
2	ROY SMITH,)
3	Complainant,
4	j j
5	and) Case No.) GC-2004-0281
6	MISSOURI GAS ENERGY,
7	Respondent.)
8	
9	REPORTER'S CERTIFICATE
10	I hereby certify that the original deposition transcript of ROBIN MILLER, taken on behalf of the Respondent on
11	Monday, the 21st day of June, 2004, is in the custody of:
12	:
13	Mr. Herman A. Loepp Missouri Gas Energy
14	3420 Broadway Kansas city, Missouri 64111
15	The taxed costs are as follows:
16	
17	Respondent:
18	Respondent: \$ MISSOURI GAS ENERGY
19	A COURT
20	Deanna Kerr
21	Certified Court Reporter Sint
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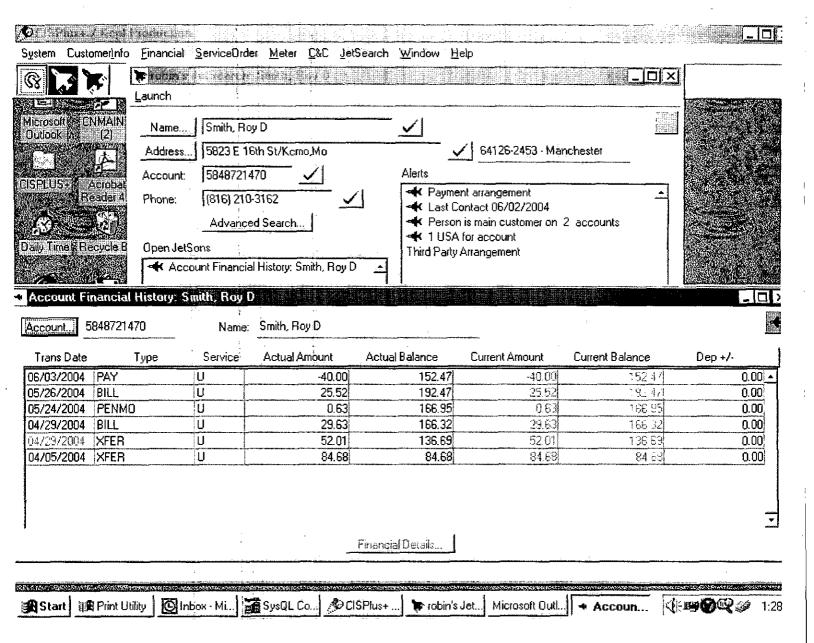




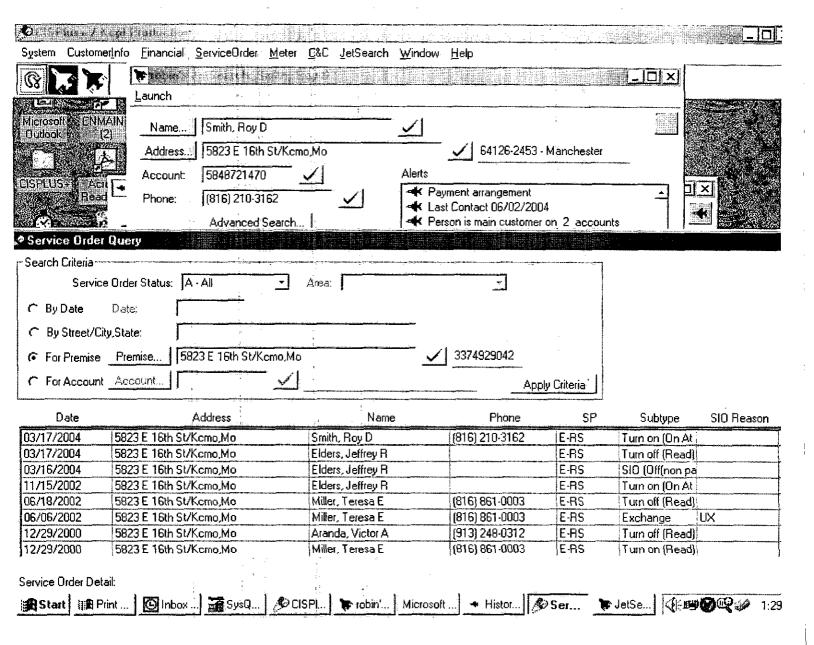
EXHIBIT











EXHIBIT

