

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

Beverly A. Johnson,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2008-0295
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**ANSWER AND MOTION TO DISMISS**

**COMES NOW** Missouri Gas Energy, a division of Southern Union Company (MGE or Respondent), 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 Motion to Dismiss the Complaint filed by Beverly A. Johnson (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:

Todd Jacobs  
Missouri Gas Energy  
3420 Broadway  
Kansas City, MO 64111  
(816) 360-5976  
(816) 360-5536 facsimile  
[Todd.jacobs@sug.com](mailto:Todd.jacobs@sug.com)

**COMPLAINT AND RELIEF SOUGHT**

3. Complainant alleges that she had an outstanding balance associated with an account in her name at 4200, E. 56th Street, Kansas City, MO 64130, when she left that

residence in 2001. The outstanding balance remains unpaid. She now seeks to initiate service in her name at 4800 S. Hocker Road, Apt 202, KCMG 64136. Complainant asks that the Commission direct MGE to initiate service in her name “with a \$0 balance.”

### **ANSWER**

4. Ms. Johnson has contacted the Company previously to request natural gas service at 4800 S. Hocker Road, Apt 202. MGE’s records indicate that Ms. Johnson has an outstanding debt in the amount of \$957.74, associated with the 4200 East 56<sup>th</sup> Street address.

5. The service at 4200 East 56<sup>th</sup> Street was initiated in November 1997 and was discontinued for non-payment on May 23, 2001. The Company did not receive a request to discontinue service at 4200 East 56<sup>th</sup> Street. As of April 16, 2001, the address on this account was changed to P.O. Box 280714, Kansas City, MO 64128. Disconnection notices were mailed to the Post Office Box prior to the shut off.

6. The last payment toward Ms. Johnson’s account was made by Energy Assistance Funds through ECIP, on March 20, 2001, in the amount of \$600.00.

7. MGE has asked that Ms. Johnson pay fifty percent (50%) of the outstanding debt (\$478.00) before MGE will initiate service at the new address. During periods covered by the cold weather rule, Ms. Johnson would have needed to pay twelve percent (12%) of the outstanding debt and twelve percent (12%) of the annual Average Bill Calculation amount (ABC) at the new location in order to initiate service. Twelve percent (12%) of the outstanding debt was \$114.93, and twelve percent (12%) of the annual ABC was \$39.43. The total would have been \$154.36.

8. Rule 3.02 of MGE’s tariffs (Sheet R-19) states, in part, that MGE “may refuse to commence service to an applicant” for “non-payment of an undisputed delinquent charge.”

9. Commission Rule 4 CSR 240-13.035 similarly states that “a utility may refuse to commence service to an applicant” for “failure to pay an undisputed delinquent utility charge for services provided by that utility or by its regulated affiliate.”

10. MGE operated within the requirements of its tariffs and Commission rule when it refused natural gas service to Ms. Johnson.

11. Except as expressly admitted in this answer, MGE denies each and every allegation contained in the Complaint.

### **AFFIRMATIVE DEFENSES**

12. Further answering and as an affirmative defense, MGE states that it has acted in accordance with its tariffs.

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

### **MOTION TO DISMISS**

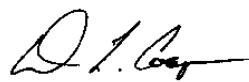
14. It is clear from Ms. Johnson’s Complaint that she has an outstanding balance for gas service previously provided by MGE. It is further clear from the Complaint that Ms. Johnson has requested new service.

15. MGE’s tariff and Commission Rule state that MGE may refuse to provide service where there is a failure to pay a delinquent charge (MGE Tariff, Rule 3.02; Commission Rule 4 CSR 240-13.035).

16. There is no dispute as to the relevant facts. The Commission should find in MGE’s favor and dismiss this Complaint.

**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,



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ATTORNEYS FOR MISSOURI GAS ENERGY

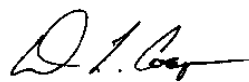
### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent  
by electronic mail or by U.S. Mail, postage prepaid, on April 11, 2008, to the following:

Office of the General Counsel  
Governor Office Building  
Jefferson City, MO 65101  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Office of the Public Counsel  
Governor Office Building  
Jefferson City, MO 65101  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Beverly Johnson  
4800 S. Hocker Road, Apt. 202  
Kansas City, MO 64136



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