

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

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

**RESPONSE TO ORDER ADOPTING  
PROPOSED PROCEDURAL SCHEDULE AND THE STAFF REPORT**

COMES NOW Missouri Gas Energy, a division of Southern Union Company (MGE or Respondent), and, in response to the Order Adopting Proposed Procedural Schedule With Conditions and Setting Evidentiary Hearing, and, in response to the Staff Report, states as follows to the Missouri Public Service Commission (Commission):

**RESPONSE TO ORDER**

1. The Commission's July 21, 2008, Order Adopting Proposed Procedural Schedule With Conditions and Setting Evidentiary Hearing, among other things, directed that the parties file a list and order of witnesses and order of cross by August 12, 2008. In response, MGE states that it will call one witnesses – Ms. Shirley Bolden. Ms. Bolden will testify by telephone, using the call-in information identified in the Commission's order.

2. MGE proposes the following order of witnesses and order of cross-examination:

<b><u>ORDER OF WITNESSES</u></b>	<b><u>ORDER OF CROSS-EXAMINATION</u></b>
Ms. Johnson (Complainant), by telephone	Staff, MGE
Ms. Bolden (MGE), by telephone	Staff, Ms. Johnson
Staff witness, in person	MGE, Ms. Johnson

## **RESPONSE TO STAFF REPORT**

3. As previously was stated in MGE's Answer and Motion to Dismiss (filed on April 11, 2008), it remains 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 there is no dispute that Ms. Johnson has paid nothing toward that outstanding balance and has requested new service.

4. MGE's tariff and Commission Rule both 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). Accordingly, there is no tariff violation associated with MGE's refusal to provide service and the matter should be dismissed in accordance with MGE's Motion.

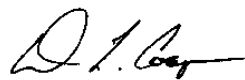
5. On April 25, 2008, the Staff filed its Staff Report in this matter. That report recommended, in part, that "MGE remove \$437.68 from the final account balance of \$957.74, leaving a balance of \$520.06 that [Ms. Johnson] would be required to pay to have gas service initiated at her new address."

6. MGE states that it would consent to a Commission order directing this result and dismissing the Complaint.

WHEREFORE, MGE respectfully requests that the Commission consider this pleading to comply with its Order Adopting Proposed Procedural Schedule With Conditions and Setting Evidentiary Hearing, consider MGE's response to the Staff Report and, thereafter, issue its order

dismissing the Complaint.

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 August 12, 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)

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