

EXH 2

Exhibit No.:  
Issues: Tariff Issues  
Witness: James M. Russo  
Sponsoring Party: MO PSC Staff  
Type of Exhibit: Rebuttal Testimony  
Case No.: GC-2004-0216  
Date Testimony Prepared: May 10, 2004

**MISSOURI PUBLIC SERVICE COMMISSION**

**UTILITY OPERATIONS DIVISION**

**REBUTTAL TESTIMONY**

**OF**

**JAMES M. RUSSO**

**MISSOURI GAS ENERGY**

**CASE NO. GC-2004-0216**

**FILED**<sup>3</sup>

JUL 07 2004

Missouri Public  
Service Commission

Jefferson City, Missouri  
May 2004

Exhibit No. 2  
Case No(s) GC-2004-0216  
Date 6-18-04 Rptr X

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

James Dudley vs Missouri Gas Energy

Case No. GC-2004-0216

**AFFIDAVIT OF JAMES M. RUSSO**

STATE OF MISSOURI


COUNTY OF COLE

) ss  
)

James M. Russo, of lawful age, on his oath states: that he has participated in the preparation of the following Rebuttal Testimony in question and answer form, consisting of 6 pages of Rebuttal Testimony to be presented in the above case, that the answers in the following Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

  
James M. Russo

Subscribed and sworn to before me this 5<sup>th</sup> day of May, 2004.

  
Notary Public

My commission expires \_\_\_\_\_

DAWN L. HAKE  
Notary Public - State of Missouri  
County of Cole  
My Commission Expires Jan 9, 2005

**REBUTTAL TESTIMONY**  
**OF**  
**JAMES M. RUSSO**  
**MISSOURI GAS ENERGY**  
**CASE NO. GC-2004-0216**

Q. Please state your name and business address.

A. James M. Russo, P. O. Box 360, Jefferson City, Missouri 65102.

Q. Are you the same James M. Russo who filed Direct Testimony in Case No. GC-2004-0216?

A. Yes I am.

Q. What is the purpose of your Rebuttal Testimony?

A. The purpose of my Rebuttal Testimony is to rebut portions of the Direct Testimony of James Dudley (Complainant) in this proceeding.

Q. What do you believe are Mr. Dudley's primary assertions stated in his Direct Testimony?

A. I believe Mr. Dudley's primary assertions are the transfer of prior unpaid gas bills accrued at 4024 Prospect Avenue, Kansas City, Missouri (4024 Prospect), to his account for gas service at 4231 Tracy Avenue, Kansas City, Missouri (4231 Tracy), and if Missouri Gas Energy (MGE or Company) violated any portion of the Rules of the Commission or its tariff by disconnecting and refusing to provide service to Mr. Dudley.

Q. Have you made an examination and study of Rules 4 CSR 240-13.045 and 4 CSR 240-13.050, in addition to MGE tariff sections 8.01, 8.06 and 8.08 as cited by Mr. Dudley in his pre-filed Direct Testimony?

Rebuttal Testimony of  
James M. Russo

1           A.     Yes I have. These rules and tariff sections are attached to my Rebuttal  
2 Testimony as Schedule 1.

3           Q.     What are the corresponding dollar amounts, property addresses, time  
4 periods and name on the account of the unpaid gas bills Mr. Dudley is disputing?

5           A.     The unpaid gas bills Mr. Dudley is disputing are: \$2,099.96 at 4024  
6 Prospect Avenue for the time period of October 2000 thru April 2001 for gas service in  
7 the name of Sara Chappelow; \$104.63 at 4024 Prospect Avenue for the time period of  
8 July 2001 thru April 2002 for gas service in the name of James Dudley and \$305.54 at  
9 4231 Tracy for the time period of January 2002 thru June 2002 for gas service that is also  
10 in the name of James Dudley. The total of the three unpaid gas bills are \$2,510.13.

11          Q.     Does Staff agree with Mr. Dudley on the disputed amount?

12          A.     Mr. Dudley's Direct Testimony is unclear as to what is exactly in dispute.  
13 Staff believes the disputed amount is the \$2,099.96 that was accrued during the time  
14 period of October 2000 thru April 2001 by an individual claiming to be Sara Chappelow.

15          Q.     Why is Staff unclear of the amount Mr. Dudley is disputing?

16          A.     Mr. Dudley states in item numbers 11 and 12, on page 2 of his Direct  
17 Testimony:

18           11.    Respondent applied the \$2,099.96 from 4024 Prospect along with the  
19 \$305.00 that was the June Bill for 4231 Tracy on June 24, 2002.

20           12.    Complainants received a gas bill for \$2,510.00 at 4231 Tracy on  
21 July 10, 2002.

22

Rebuttal Testimony of  
James M. Russo

1       The original complaint, Mr. Dudley's answer to MGE's Answer and the Pleading  
2       for Complainant, are documents filed by Mr. Dudley that refer to Sara Chappelow's bill.  
3       Staff believes the disputed amount is that portion of Mr. Dudley's delinquent bills that  
4       relate to Sara Chappelow in the amount of \$2,099.96. Mr. Dudley does not address the  
5       \$104.63 that he accrued for gas service in his name at 4024 Prospect Avenue. In  
6       addition, Mr. Dudley refers to the \$305.00 as the June bill for gas service at 4231 Tracy  
7       which was an account in his name.

8       Mr. Dudley states that MGE violated 4 CSR-240-13.045 (1) which states:

9               A customer shall advise a utility that all or part of a charge  
10              is in dispute by written notice, in person or by a telephone  
11              message directed to the utility during normal business  
12              hours. A dispute must be registered with the utility at least  
13              twenty-four (24) hours prior to the date of proposed  
14              discontinuance for a customer to avoid discontinuance of  
15              service as provided by these rules.

16       Q.     Did Mr. Dudley comply with the Rule?

17       A.     Yes. Mr. Dudley did contact the utility on July 24, 2002, as required by  
18       Section 1 of the above rule. Staff has reviewed MGE's records and verified MGE  
19       complied with Section 2 of this rule by notating the call in the Company's computer  
20       system. It is Staff's understanding that MGE requested additional information at this  
21       point in time, including a copy of the lease for 4024 Prospect Avenue. Mr. Dudley did  
22       not provide these items to MGE. Mr. Dudley did contact the Commission's Consumer  
23       Services Staff on July 29, 2002, which is within the five-day requirement cited in  
24       Section 3 of this rule. Staff also points out that the undisputed portion of the bill in the  
25       amount of \$410.17 (the sum of the amount of \$104.60 at 4024 Prospect and \$305.54 at  
26       4231 Tracy) was not paid as required by section 5 of this rule. Staff believes MGE  
27       discontinued service within the scope of Section 7 of this rule.

Rebuttal Testimony of  
James M. Russo

Mr. Dudley states that MGE violated 4 CSR-240-13.050, items 1 through 5 by failing to give proper notice.

Section (1) of this rule states service may be discontinued for any of the following reasons. Section (1)(A) states nonpayment of an undisputed bill. Section 2 addresses the reasons service may not be disconnected, while sections 3 thru 5 refer to proper notice requirements. MGE notified the customer of a pending disconnect on July 10, 2002, and, July 16, 2002. MGE is not in violation of sections 3 thru 5 of this rule.

Mr. Dudley states MGE violated Sections 8.01, 8.06 and 8.08 of the General Terms and Conditions for Gas Service of MGE's current tariff. Please explain these sections.

Section 8.01 refers to the basic rules for complaints and disputed claims to be followed by the Company and the customer. The section also sets forth the Company's rights when a customer fails to cooperate in the investigation of the dispute.

Section 8.06 refers to the Company advising the Complainant he has the right to register an informal complaint with the Commission. In addition, the Company must provide the Complainant with the address and telephone number where the customer may file an informal complaint.

Section 8.08 refers to discontinuance of service by the Company until a decision is made on a disputed charge. Specifically, the Company shall not discontinue residential service or issue a notice of discontinuance relative to the matter in dispute pending the decision of a hearing officer or other Commission personnel.

Q. Does Staff believe MGE violated any portion of the Commission Rules or MGE's tariff by disconnecting and refusing to provide service to Mr. Dudley?

Rebuttal Testimony of  
James M. Russo

1           A.     No. Staff does not believe that MGE has violated its tariffs or any  
2 Commission Rules by disconnecting and refusing service to Mr. Dudley. As stated  
3 earlier, Staff believes the disputed bill amount was \$2,099.96. Staff also believes that the  
4 two remaining balances of \$104.63 and \$305.54 are not in dispute. In addition, Staff  
5 notes that Mr. Dudley had outstanding delinquent gas bills owed to MGE on properties  
6 he owns at 3514 Bales and 3312 Moulton that were subsequently transferred to the Tracy  
7 account in October of 2002.

8           Rules 4 CSR 240-13.045 and 4 CSR 240-13.050, and MGE tariff sections 8.01,  
9 8.06 and 8.08 do not apply to these other delinquent accounts to prevent discontinuance  
10 of service. Rather, Staff believes the sections are quite clear in allowing MGE to  
11 disconnect service for the non-payment of undisputed amounts. Specifically,  
12 4 CSR 240-3.045 (7) states:

13                   Failure of the customer to pay to the utility the amount not  
14                   in dispute within four (4) working days from the date that  
15                   the dispute is registered or by the delinquent date of the  
16                   disputed bill, whichever is later, shall constitute a waiver of  
17                   the customer's right to continuance of service and the  
18                   utility may then proceed to discontinue service as provided  
19                   in this rule.

20           In addition, 4 CSR 240-13.050 (1) and (1) (A) state: service may be discontinued  
21 for the following reasons: (A) Nonpayment of an undisputed delinquent charge. Finally,  
22 Staff believes MGE tariff section 8.06 is not applicable in any scenario because  
23 Mr. Dudley did file a timely informal complaint as it relates to the Sara Chappelow bill.

24           Q.     What does Mr. Dudley presently owe on the property located at 4231  
25 Tracy according to MGE's records?

26           A.     As of April 26, 2004, the amount is \$2,895.91.

Rebuttal Testimony of  
James M. Russo

1 Q. You earlier stated that MGE's records indicated Mr. Dudley owed  
2 \$2,510.13. Can you reconcile the difference?

3 A. Yes. The \$2,510.13 was the balance as of June 25, 2002. The difference  
4 is attributable to the usage of additional gas at 4231 Tracy, the transfer of two more  
5 delinquent residential accounts on other property owned by Mr. Dudley less payments  
6 made to Mr. Dudley's account. Listed below are summaries of the charges for gas  
7 service and charges by property location that comprise the \$2,895.91.

8 **Summary of Gas Charges**

9	Balance as of June 30, 2002	\$2,510.13
10	Additional charges	883.43
11	Transfer from 3514 Bales	250.20
12	Transfer from 3312 Moulton	324.15
13	Payment on September 2, 2002	-290.00
14	Payment on October 2, 2002	-190.00
15	Energy Assistance January 22, 2003	<u>-592.00</u>
16	Total of Gas Charges	\$2,895.91

17  
18 **Summary by Property Location**

19	4024 Prospect Avenue	\$2,099.96
20	4024 Prospect Avenue	104.63
21	4231 Tracy	116.97
22	3514 Bales	250.20
23	3312 Moulton	<u>324.15</u>
24	Total	\$2,895.91

25  
26 Q. Does this conclude your Rebuttal Testimony?

27 A. Yes, it does.



(J) The telephone number and address of a customer services office of the Missouri Public Service Commission, the commission's 800 telephone number, and the statement that the company is regulated by the Missouri Public Service Commission;

(K) The address and telephone number of the Office of Public Counsel and a statement of the function of that office; and

(L) If the utility is a gas distribution company, an explanation of the function of the purchased gas adjustment clause.

(4) At all of its public business offices, a utility shall make available for public inspection a copy of this chapter and the utility's tariffs. At these offices, conspicuous signs shall be posted which indicate that this information is available for public inspection.

(5) A utility shall maintain records on its customers for at least two (2) years which contain information concerning:

(A) The payment performance of each of its customers for each billing period;

(B) The number and general description of complaints registered with the utility;

(C) The number of settlement agreements made by the utility;

(D) The actual number of discontinuances of service due to each of the following categories of reasons:

1. The customer's failure to keep a settlement agreement or cold weather rule payment agreement;

2. The customer's failure to make any other required utility payment;

3. Unauthorized interference, diversion or use of utility service; and

4. All other reasons combined.

(E) Actual number of reconnections; and

(F) Refund of deposits.

(6) The utility shall submit to the commission, upon request, a written summary of the information required by section (5) of this rule.

**AUTHORITY:** sections 386.250(6), *RSMo Supp. 1991 and 393.140(11)*, *RSMo 1986*.<sup>\*</sup> Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994.

<sup>\*</sup>Original authority: 386.250(6), *RSMo 1939*, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 394.140(11), *RSMo 1939*, amended 1949, 1967.

#### 4 CSR 240-13.045 Disputes

**PURPOSE:** This rule establishes reasonable and uniform standards for handling disputes between customers and utilities.

(1) A customer shall advise a utility that all or part of a charge is in dispute by written notice, in person or by a telephone message directed to the utility during normal business hours. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules.

(2) When a customer advises a utility that all or part of a charge is in dispute, the utility shall record the date, time and place the contact is made; investigate the contact promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

(3) Failure of a customer to participate with the utility in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service and the utility, not less than five (5) days after provision of the notification required by section (9), may proceed to discontinue service unless the customer files an informal complaint with the commission within the five (5)-day period.

(4) Customers presenting frivolous disputes shall have no right to continued service. A utility, before proceeding to discontinue the service of a customer presenting a dispute it deems frivolous, shall advise the consumer services department of the commission of the circumstances. The consumer services department shall attempt to contact the customer by telephone and ascertain the basis of the dispute. If telephone contact cannot be made, the consumer services department shall send the customer a notice by first class mail stating that service may be discontinued by the utility unless the customer contacts the consumer services department within twenty-four (24) hours. If it appears to the consumer services department that the dispute is frivolous or if contact with the customer cannot be made within seventy-two (72) hours following the utility's report, the utility shall be advised that it may proceed to discontinue service. If it appears that the dispute is not frivolous, service shall not be discontinued

until ten (10) days after the notice required by 4 CSR 240-13.050(5) has been sent to the customer by the utility. The customer shall retain the right to make an informal complaint to the commission.

(5) If a customer disputes a charge, s/he shall pay to the utility an amount equal to that part of the charge not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute and any other pertinent factors in determining the amount not in dispute.

(6) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the utility, at the utility's option, an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.

(7) Failure of the customer to pay to the utility the amount not in dispute within four (4) working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later, shall constitute a waiver of the customer's right to continuance of service and the utility may then proceed to discontinue service as provided in this rule.

(8) If the dispute is ultimately resolved in favor of the customer in whole or in part, any excess moneys paid by the customer shall be refunded promptly.

(9) If the utility does not resolve the dispute to the satisfaction of the customer, the utility representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission. If a customer files an informal complaint with the commission prior to advising the company that all or a portion of a bill is in dispute, the commission shall notify the customer of the payment required by sections (5) or (6) of this rule.

(10) A utility may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and is not required to comply with these rules more than once prior to discontinuance of service.

**AUTHORITY:** sections 386.250(6), RSMo Supp. 1991 and 393.140(II), RSMo 1986.\* Original rule filed Sept. 22, 1993, effective July 10, 1994.

\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(II), RSMo 1939, amended 1949, 1967.

#### 4 CSR 240-13.050 Discontinuance of Service

**PURPOSE:** This rule prescribes the conditions under which service to a customer may be discontinued and procedures to be followed by utilities and customers regarding these matters so that reasonable and uniform standards exist for the discontinuance of service.

(1) Service may be discontinued for any of the following reasons:

(A) Nonpayment of an undisputed delinquent charge;

(B) Failure to post a required deposit or guarantee;

(C) Unauthorized interference, diversion or use of the utility service situated or delivered on or about the customer's premises;

(D) Failure to comply with terms of a settlement agreement;

(E) Refusal after reasonable notice to permit inspection, maintenance, replacement or meter reading of utility equipment. If the utility has a reasonable belief that health or safety is at risk, notice at the time inspection is attempted is reasonable;

(F) Misrepresentation of identity in obtaining utility service;

(G) Violation of any other rules of the utility approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's system; or

(H) As provided by state or federal law.

(2) None of the following shall constitute sufficient cause for a utility to discontinue service:

(A) The failure of a customer to pay for merchandise, appliances or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) The failure of the customer to pay for service received at a separate metering point, residence or location. In the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these rules, a

utility may transfer and bill any unpaid balance to any other residential service account of the customer and may discontinue service after twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule;

(C) The failure of the customer to pay for a different class of service received at the same or different location. The placing of more than one (1) meter at the same location for the purpose of billing the usage of specific devices under optional rate schedules or provisions is not construed as a different class of service for the purpose of this rule;

(D) The failure to pay the bill of another customer, unless the customer whose service is sought to be discontinued received substantial benefit and use of the service;

(E) The failure of a previous owner or occupant of the premises to pay an unpaid or delinquent bill except where the previous occupant remains an occupant or user; or

(F) The failure to pay a bill correcting a previous underbilling, whenever the customer claims an inability to pay the corrected amount, unless a utility has offered the customer a payment arrangement equal to the period of underbilling.

(3) On the date specified on the notice of discontinuance or within eleven (11) business days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the eleven (11) business day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a settlement agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

(5) A utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

(6) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in



which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer; and

(C) In the case of a multidwelling unit residential building where each unit is individually metered or in the case of a single family residence, the notice provided to the occupant of the unit about to be discontinued shall outline the procedure by which the occupant may apply in his/her name for service of the same character presently received through that meter.

(7) At least twenty-four (24) hours preceding a discontinuance, a utility shall make reasonable efforts to contact the customer to advise him/her of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

(8) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

(9) Notwithstanding any other provision of this rule, a utility shall postpone a discontinuance for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency, if requested, shall provide the utility with reasonable evidence of the necessity.

(10) Notwithstanding any other provision of this rule, a utility may discontinue residential

service temporarily for reasons of maintenance, health, safety or a state of emergency.

(11) Upon the customer's request, a utility shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid and, if required, satisfactory credit arrangements have been made. At all times, a reasonable effort shall be made to restore service upon the day restoration is requested, and in any event, restoration shall be made not later than the next working day following the day requested by the customer. The utility may charge the customer a reasonable fee for restoration of service, if provided in the utility's approved tariffs.

*AUTHORITY: sections 386.250(6), RSMo Supp. 1991 and 393.140(11), RSMo 1986.\* Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Emergency amendment filed Jan. 30, 1984, effective Feb. 9, 1984, expired April 1, 1984. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994.*

*\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(11) 1939, amended 1949, 1967.*

#### **4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather**

*PURPOSE: This rule protects the health and safety of residential customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31 due to delinquent accounts of those customers. Reporting requirements regarding heat-related utility service are found at 4 CSR 240-3.175 for electric utilities and at 4 CSR 240-3.250 for gas utilities.*

(1) The following definitions shall apply in this rule:

(A) Energy Crisis Intervention Program (ECIP) means the federal ECIP administered by the Missouri Division of Family Services under section 660.100, RSMo;

(B) Heat-related utility service means any gas or electric service that is necessary to the proper function and operation of a customer's heating equipment;

(C) Low Income Home Energy Assistance Program (LIHEAP) means the federal LIHEAP administered by the Missouri Division of Family Services under section 660.110, RSMo;

(D) Registered elderly or handicapped customer means one who is sixty (60) years old and above, or is handicapped to the extent that s/he is unable to leave the premises without assistance and who files with the utility a form approved by the commission attesting to the fact that s/he meets these qualifications and which also lists an agency or person the utility shall contact as required in this rule; and

(E) Utilicare means the state program of energy assistance established by section 660.122, RSMo.

(2) This rule takes precedence over other rules on provision of heat-related utility service from November 1 through March 31 annually.

(3) Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall—

(A) Notify the customer, at least ten (10) days prior to the date of the proposed discontinuance, by first-class mail, and in the case of a registered elderly or handicapped customer the additional party listed on the customer's registration form of the utility's intent to discontinue service. The contact with the registered individual shall include initially two (2) or more telephone call attempts with the mailing of the notice;

(B) Make further attempts to contact the customer within ninety-six (96) hours preceding discontinuance of service either by a second written notice as in subsection (3)(A), sent by first class mail; or a door hanger; or at least two (2) telephone call attempts to the customer;

(C) Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4 CSR 240-13.050(8);

(D) Make a personal contact on the premises with a registered elderly or handicapped customer or some member of the family above the age of fifteen (15) years, at the time of the discontinuance of service; and

(E) Ensure that all of the notices and contacts required in this section shall describe the terms for provisions of service under this rule, including the method of calculating the required payments, the availability of financial assistance from the Division of Family Services and social service or charitable organizations that have notified the utility that

P.S.C. MO. No. 1  
Canceling P.S.C. MO. No. 1

Second Revised  
First Revised

SHEET No. R-53  
SHEET No. R-53

Missouri Gas Energy,  
a Division of Southern Union Company

For: All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

8. CLAIMS AND COMPLAINTS SETTLEMENTS - RESIDENTIAL ONLY

8.01 COMPLAINTS AND DISPUTED CLAIMS: When a customer advises the Company prior to the date of the proposed discontinuance of service that all or any part of any billing as rendered is in dispute, the Company shall:

- (A) Immediately record the date, time and place the complaint is made.
- (B) Investigate the dispute promptly and completely.
- (C) Attempt to resolve the dispute informally in a manner mutually satisfactory to both parties.

A customer may advise the Company that a claim is in dispute in any reasonable manner such as by written notice, in person or by a telephone call directed to the appropriate personnel of the Company. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these General Terms and Conditions for Gas Service.

The Company, in attempting to resolve the dispute in a mutually satisfactory manner, may employ telephone communication, personal meetings, on-site visits or any other technique reasonably conducive to settlement of the dispute.

The failure of a customer who has lodged a dispute to cooperate in the investigation of that dispute, to respond to the Company's offer to negotiate, or to participate with the company in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service and the Company may, not less than five days after provision of the notice required by Rule 8.06, proceed to discontinue service unless the customer files an informal complaint with the Commission within the five-day period.

DATE OF ISSUE July 16, 2001  
month day year

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ISSUED BY Robert J. Hack

Vice President, Pricing and Regulatory Affairs  
Missouri Gas Energy, Kansas City, MO. 64111

**Schedule 1-4**

P.S.C. MO. No. 1  
Canceling P.S.C. MO. No. 1

First Revised  
Original

SHEET No. R-57  
SHEET No. R-57

Missouri Gas Energy,  
a Division of Southern Union Company

For: All Missouri Service Areas

GENERAL TERMS AND CONDITIONS FOR GAS SERVICE

(D) The date upon or after which service will be discontinued.

8.05 RES JUDICATA: The Company may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already adjudged and is not required to comply with these General Terms and Conditions for Gas Service more than once prior to discontinuance of service.

8.06 FAILURE TO REACH AGREEMENT: If the Company does not resolve the complaint to the satisfaction of the customer, the Company representative shall advise the customer:

(A) That each party has a right to register an informal complaint with the Commission; and,

(B) Of the address and telephone number where the customer may file an informal complaint with the Commission.

8.07 OTHER REMEDIES: Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time prior to or after the issuance of any informal Commission staff opinion.

8.08 DISCONTINUANCE PENDING DECISION: The Company shall not discontinue residential service or issue a notice of discontinuance relative to the matter in dispute pending the decision of the hearing examiner or other Commission personnel except pursuant to the terms of an interim determination.

8.09 RECORD KEEPING: The Company shall maintain records on its customers for at least two (2) years which is to contain information concerning:

(A) The payment performance of each of its customers for each billing period;

(B) The number and general description of complaints registered with the Company;

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ISSUED BY John M. Fernald

Director, Rates and Regulatory Affairs  
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**Schedule 1-5**