

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Renee Anderson,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2008-0176
)	
Laclede Gas Company,)	
)	
Respondent.)	

COMPLAINANT'S RESPONSE TO
MOTION FOR SUMMARY DETERMINATION

COMES NOW, Complainant, by and through her attorney, and, pursuant to 4 CSR 240-2.117 and files her Response to Motion for Summary Determination, and in support thereof states the following:

1. Complainant denies that Respondent is entitled to summary determination, or, alternatively, to determination of this case on the pleadings because there do still remain genuine issues of material fact. Specifically, whether Complainant, should be owe the amount in dispute because Laclede Gas is finally pursuing the actual customer of record, Kevin Jackson.

2. Complainant admits Respondent's factual statements in paragraph 2 of its motion.

3. Complainant admits Respondent's factual statements in paragraph 3 of its motion.

However, Respondent failed to cite the final point of relief mentioned in Complainant's Complaint, that "the Commission grant any other relief it deems appropriate" (Complaint, pg. 3, para. 4).

4. Complainant admits the factual statements in paragraph 4 of Respondent's motion.

5. Complainant admits the factual statements in paragraph 5 of Respondent's motion.

6. Complainant admits the factual statements in paragraph 6 of Respondent's motion.

7. Complainant admits in part and denies in part the factual statements in paragraph 7 of Respondent's motion. Complainant admits that Respondent wishes to apply Section 13.035(2) of the Commission's rules; however Complainant denies that the application of the Benefit of Service rule is not contested. The very nature of filing an informal complaint and a formal complaint pursuant to 4 CSR 240-2.070 (1) which states that "any person...who feels aggrieved by a violation of any statute, rule, order or decision within the commission's jurisdiction may file a complaint" *is* to contest the application of the Benefit of Service Rule by Respondent. Furthermore, Complainant asked the Commission to do that which it deemed appropriate, which could include the Commission making a finding that the she does not owe the debt at the Geraldine Property.

8. Complainant is without sufficient knowledge to admit or deny the factual statements in paragraph 8 of Respondent's motion. As such, the allegations therein remain a material issue of fact. Furthermore, Respondent's own Answer contradicts the statements in the current motion as to the point of pursuing the customer of record, Kevin Jackson for the debt. In its Answer, Respondent states that it had no forwarding address for Mr. Jackson. Thus, when the account was turned over for collection it could have only been in Complainant's name; not Mr. Jackson. (Answer, page 4, para. 16). Furthermore, Complainant will introduce into evidence a copy of the final bill with her name on it; not that of Mr. Jackson. Consequently, a material issue

of fact still remains as to whether Respondent actually made any attempts to collect the debt from Mr. Jackson prior to holding Complainant accountable under the Benefit of Service Rule.

9. Complainant admits the factual statements in paragraph 9 of Respondent's motion.

10. Complainant is without sufficient knowledge to admit or deny Respondent's application of any policy with respect to bankruptcies; however, Complainant does admit that service was established in November 2007 at the Gilmore Property.

11. Complainant admits in part and denies in part the factual statements of paragraph 11 of Respondent's motion. Respondent failed to list the fourth and final request for relief that "the Commission grant any other relief it deems appropriate" (Complaint, pg. 3, para. 4). Thus, a material issue of fact remains regarding the relief being sought by Complainant.

12. Complainant admits in part and denies in part the factual statements of paragraph 12 of Respondent's motion.

- a. Complainant is without sufficient knowledge to admit or deny what Respondent will continue to do in the future with respect to its collection efforts against Mr. Jackson.
- b. Complainant admits that service was established at the Gilmore property.
- c. Complainant is without sufficient knowledge to admit or deny the factual statements made by Respondent in its paragraph 12 C.

13. Complainant denies the factual statements made in paragraph 13 of Respondent's motion. Complainant intends to testify to the fact that she has incurred difficulty with current billing practices governing her current payment arrangement with Respondent with her at the

Gilmore property suggest that Respondent must be held accountable for its failure to follow established billing rules.

14. Complainant denies that Respondent is entitled to summary determination or, alternatively, to a determination on the pleadings, disposing of the case as having no remaining justiciable controversy. It is not for Respondent to determine what further relief might be granted by the Commission. Complainant believes the true injustice to be to not allow her to request services be discontinued to keep the bill manageable because she was not the customer of record, yet when it was time to send a final bill, her name appeared on the bill. Thus, the taxpayers of the State deserve for this case to be heard, so that justice can, in fact, be served.

WHEREFORE, for the reasons set forth herein, Complainant respectfully requests that the Commission deny Respondent's motion for summary determination or a determination on the pleadings, finding that material issues of fact do still exist and that it is still within the Commission's discretion to provide additional relief to the Complainant, including finding that she does not owe the debt that is the subject of her informal and formal complaint.

Respectfully submitted,

/MWS/

Michelle Whitaker Smith
Missouri Bar No. 42869
4144 Lindell Blvd., Suite 407
St. Louis, MO 63108
(314) 533-2088 (phone)
(314) 533-6510 (fax)
smithlegalministry@yahoo.com

CERTIFICATE OF SERVICE

Copy of the foregoing will be served on April 10, 2008, to the Attorney for Respondent, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of the Public Counsel, Missouri Office of the Public by US mail, email, or facsimile.

/MWS/_____