

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

James Dudley,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2004-0216
)	
Missouri Gas Energy,)	
)	
Respondent.)	

MGE STATEMENT OF POSITION

COMES NOW Missouri Gas Energy, a division of Southern Union Company (“MGE”), and provides the following Statement of Position to the Missouri Public Service Commission (“Commission”):

1. On April 16, 2004, the Commission issued its Order Adopting Procedural Schedule. Among other things, this order stated that “the Parties shall agree on and file a list of issues to be determined herein by the Commission.” While the Complainant has unilaterally filed a list of issues, MGE is not aware of a joint list of issues that has been discussed with the parties. Thus, MGE’s statement of position is organized as MGE views the list of issues.

2. MGE’s Statement of Position is as follows:

A) Was the discontinuation of natural gas service at 4231 Tracy (Mr. Dudley’s residence) proper and in accordance with Commission rules and the Company’s tariffs?

MGE Position: Yes. Pursuant to Company procedures, and in accordance with approved tariffs, MGE notified Mr. Dudley several times of an impending discontinuation of his gas service at 4231

Tracy between May 9, 2002 and July 16, 2002. These notices were based upon Mr. Dudley's failure to pay for natural gas provided in Mr. Dudley's name at 4231 Tracy (his residence). On July 24, 2002, service was discontinued at 4231 Tracy because of Mr. Dudley's failure to pay the \$306.16 owed at that time for service provided at 4231 Tracy. From May 7, 2002 through July 24, 2002, Mr. Dudley made no payment toward the amount owed for service provided to 4231 Tracy. (Rebuttal Testimony of Ms. Shirley Bolden, p. 3-5).

B) May MGE transfer amounts related to natural gas service provided to 4024 Prospect (rental property owned by Mr. Dudley) to Mr. Dudley's bill?

MGE Position: Yes. MGE provided natural gas service to 4024 Prospect in the name of a Sarah Chappelow from on or about September 26, 2000 through April of 2001. In April of 2001, it was reported to MGE that Sarah Chappelow never resided at 4024 Prospect. MGE later was provided a police report indicating that Sarah Chappelow had items stolen from her car on September 15, 2000, to include her driver's license and social security card. A balance of \$2,099.96 remained outstanding for the period of time service was provided in the name of Sarah Chappelow.

MGE later provided service in Mr. Dudley's name at 4024 Prospect from August 3, 2001 through April 17, 2002. As of April 17, 2002, Mr. Dudley owed MGE \$104.63 for natural gas service provided in his name at 4024 Prospect. On April 24, 2002, MGE transferred the amount of \$2,099.96 to Mr. Dudley's account for 4024 Prospect. On June 25, 2002, MGE transferred the amount of \$2,204.59 (the \$2,099.96 incurred initially in the name of Sarah Chappelow, plus the \$104.63 incurred in Mr. Dudley's name at 4024 Prospect) from Mr. Dudley's 4024 Prospect account to his 4231 Tracy account.

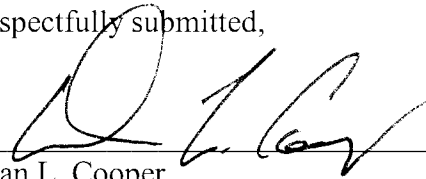
MGE relied upon Section 3.02 of MGE's tariff which provides in part that "Company

reserves the right to transfer any unpaid amount from prior service(s) to a current service account.”

Additionally, MGE believes that Mr. Dudley had the benefit of use of the service provided to his real estate located at 4024 Prospect during the cold winter of 2000-2001 in that further deterioration of the residence was prevented. Also, investigation reveals that Mr. Dudley paid a Kansas City Power & Light Company bill during the time period natural gas service was being provided to 4024 Prospect in the name of Sarah Chappelow. (Rebuttal Testimony of Ms. Shirley Bolden, p. 5-9).

WHEREFORE, Respondent, Missouri Gas Energy, requests that the Commission consider the above Statement of Position.

Respectfully submitted,



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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 June 3, 2004, to the following:

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