

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

Linda Light,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2008-0045
)	
Missouri Gas Energy,)	
)	
Respondent.)	

RESPONSE TO CONCURRING OPINION

COMES NOW Missouri Gas Energy, a division of Southern Union Company (“MGE”), and, in response to the Concurring Opinion of Commissions Robert M. Clayton III and Kevin D. Gunn, states as follows to the Missouri Public Service Commission (Commission):

1. On April 29, 2008, the date scheduled for a hearing in this matter, Ms. Light made a statement wherein she indicated that her complaint had been satisfied and she voluntarily dismissed her complaint. Tr. 18; *See* Commission Rule 4 CSR 240-2.116 (“[A] . . . complainant may voluntarily dismiss [a] . . . complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered . . .”).

2. In light of Ms. Light’s dismissal, MGE did not present the four witnesses it had available to testify (one in person (Michael Noack) and three by telephone (Tim Shanks, Richard Bosley and Isadore Reyes), nor did it seek to cross-examine Ms. Light.

3. On June 10, 2008, the Commission issued its Order Dismissing Complaint With Prejudice, wherein it purported to dismiss the complaint Ms. Light had previously dismissed voluntarily. Thereafter, on June 12, 2008, was filed a Concurring Opinion of Commissioners Robert M. Clayton III and Kevin D. Gunn (Concurring Opinion).

4. MGE is concerned that the Concurring Opinion appears to make factual findings solely based upon Ms. Light's statement. While MGE understands that Ms. Light was frustrated and respects her opinion and will consider her thoughts, the Concurring Opinion seems to have been rendered without a review of the prior pleadings or an opportunity for response.

5. The ultimate relief provided to Ms. Light – reassignment of meters to billing addresses and bill credits associated with that reassignment – was provided prior to the date Ms. Light lodged her informal complaint with the Commission (May 2007) and before Mr. Light's formal complaint was filed (August 2007). *See* Ms. Light's Complaint Case Response (November 27, 2007); and Staff Report Concerning Complaint (October 26, 2007). Also prior to the filing of the complaint, MGE reimbursed Ms. Light for the cost associated with hiring a plumber to confirm the meter assignments, something it had no obligation to do under its tariffs. *Id.* MGE took these actions in an effort to respond to Ms. Light's complaints prior to any formal filing with the Commission.

6. Additionally, MGE performed a leak survey at the premises, tested Ms. Light's old meter (which was found to comply with the Commission's reliability standards) and installed a new meter at Ms. Light's residence. MGE Answer; and Staff Report Concerning Complaint.

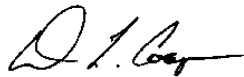
7. As it turns out, the service problem referenced by the Concurring Opinion was resolved prior to the filing of the complaint. No further problems were found after the reassignments and adjustments.

8. The question MGE was unable to answer for Ms. Light, and continues to be unable to answer, is why Ms. Light uses more gas than one of her neighbors. While MGE took steps to check for leaks or other safety concerns, there are many variables that effect individual gas use that are difficult to measure. *See* Staff Report Concerning Complaint. MGE takes its

customer service obligations very seriously and believes that it lived up to those service obligations.

WHEREFORE, MGE requests that the Commission consider this Response to Concurring Opinion.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI GAS ENERGY,
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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 U.S. Mail, postage prepaid, on June 20, 2008, to the following:

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