

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

John McCullough,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2000-197</u>
)	
Associated Natural Gas Company,)	
a Division of Arkansas Western)	
Gas Company,)	
)	
Respondent.)	

MEDIATION REFERRAL ORDER

On August 30, 1999, John McCullough filed a complaint with the Missouri Public Service Commission against Associated Natural Gas Company, a division of Arkansas Western Gas Company (ANG), regarding a billing disagreement. The Commission issued a Notice of Complaint on September 1, providing 30 days for ANG to file an answer, or, in the alternative, to file a request for mediation. ANG did not file an answer within 30 days, and on October 12, the Commission issued an Order of Default. On October 14, ANG filed an Application for Rehearing and Motion to Set Aside Default Order. The Commission has not yet ruled on that Application and Motion.

On October 25, the Commission received a letter from Mr. McCullough, indicating that Mr. McCullough is willing to meet with a third party to discuss this matter. The Commission treated Mr. McCullough's letter as a request for mediation, and on October 27,

issued a notice directing ANG to accept or decline the offer to mediate. On November 1, ANG's attorney filed a letter with the Commission, indicating that ANG agrees to mediation of this dispute.

IT IS THEREFORE ORDERED:

1. That this matter is referred to mediation.
2. That initial designated contacts for the mediation and subsequent matters are as follows:

COMPLAINANT: John McCullough
508 Kansas Drive
Bismark, Missouri 63624
573/734-2983

RESPONDENT: Gary W. Duffy
Brydon, Swearengen & England, P.C.
Attorney for Associated Natural Gas
Company
312 East Capitol Avenue
P.O. Box 456
Jefferson City, Missouri 65102-3847
573/635-7166

MEDIATOR(S): Jim Levin, Director
Center for Dispute Resolution
University of Missouri School of Law
206 Hulston Hall
Columbia, Missouri 65211
573/882-1630
573/882-3343 (fax)

COMMISSION: Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

3. That the Commission's Records Manager shall mail this Order to each party. The Records Manager shall mail this Order and copies of the Complaint, Complainant's Request for Mediation and Respondent's written consent to mediation to the Mediator.

4. That the Complainant and Respondent shall each individually contact the Mediator within 15 days of the effective date of this Order to obtain instructions from the Mediator, to review the Complaint and to schedule a MEDIATION CONFERENCE. Any mediation conference shall be scheduled in the Commission's offices in Jefferson City, Missouri, or the offices of the Mediator in Columbia, Missouri, or a different location that is mutually agreed to by the Mediator and the parties.

5. That the process of mediation shall continue until the parties have reached a settlement, until any party is unwilling to proceed further, until the Mediator determines that further efforts would be of no avail, or until the Commission remands this matter from mediation.

6. That the unexcused absence and failure of any party to attend any mediation conference will end the mediation process and cause a mandatory procedural schedule to be set by the Commission. Attendance will only be recognized if the party or representative attending has full authority to negotiate.

7. That the mediation process is voluntary and any party may notify the Secretary of the Commission by letter when the mediation process has ended.

8. That the mediation process is informal and any party may communicate with the Mediator individually without the presence of other parties. Information disclosed to the Mediator, including any settlement offer, is confidential and privileged and will not be disclosed to the Commission.

9. Any proposed full or partial settlement agreement shall be in writing and shall be filed with the Secretary of the Commission for review and approval by the Commission. A settlement may be shielded from disclosure and filing with the Commission if the Commission is notified in writing that a settlement has been reached and the case is voluntarily dismissed.

10. This order shall become effective on November 12, 1999.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 2nd day of November, 1999.

Woodruff, Regulatory Law Judge

FILED

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

AUG 30 1999

Missouri Public
Service Commission

John McCullough)
(your name))

Complainant)

vs.)

ASSOCIATED NATURAL GAS)
A DIVISION OF ARKANSAS WESTERN)
GAS CO)

(company name))

MAIN ST New & Used)
371 S. MAIN ST TRUNTON MO 63650)
Respondent.)

Case No. GC-2000-197

COMPLAINT

Complainant resides at 508 KANSAS DR BISMARCK MO 63624

1. Respondent, Associated Gas
(company name)

of _____, is a public utility under the jurisdiction of

the Public Service Commission of the State of Missouri.

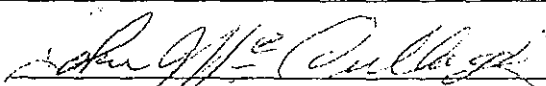
2. As the basis of this complaint, complainant states the following facts:

I received a bill for 13.70 from said co. Associated Gas after I had discontinued using gas for the winter for heating purposes. The only gas I use in this place is for heating. When I asked about this bill they said it was to help maintain the meters and the pipe lines and there over head costs. I can't see why we have to pay for gas that we are not using for them to pay there over head. The customers and residents use hot water tanks and stoves for cooking the food should be enough revenue to off set there costs of there over head as no one gives me money during our slow time to help cover my over head. They informed me if I disconnect the gas then I must pay 37.50 to reconnect plus 13.70 every month that I have the gas disconnected which I feel is wrong. I don't mind paying the 37.50 to reconnect but I don't see having to pay 13.70 for the months I don't use it, I pay my gas bill during the winter to heat my building which is extra large, sometimes as high as 196.00. I would appreciate any help that you could give me concerning this matter, as I feel this is not right to me or the public, as I am retired and do not have the money to obtain an attorney.

3. The complainant has taken the following steps to present this complaint to the respondent:

WHEREFORE, Complainant now requests the following relief:

Date


Signature of Complainant

508 KANSAS DR
BISMARCK MO 63624

DBA
MAIN ST NEW & USED
371 S. MAIN
FRONTON MO 63650

FILED²

OCT 25 1999

Missouri Public
Service Commission

GC-2000-197

To Whom it May Concern,
I will meet with a Third Party
or go to Court where ever and when
ever you wish to discuss this matter
concerning to The Associated Natural Gas
Division of ARKANSAS Western Gas Co.

I Have a letter from a attorney
Witch states that I shut off my own
Gas, that is untrue I only shut off
my furnace which is inside my Buildig.
I Have Never Had anything to do with
the gas except where I turned off my
furnace

Please Notifie Me of anything I
can do to Bring this Matter to a close

Thank you for your Consideration

371 S. Main St.
Fronton, MO 63650

JOHN MC CULLOUGH
Owner

MAIN ST. NEW & USED
FLEA MARKET

Across from the Dollar Store

Store
(573) 546-1404

Home
(573) 734-2983

John Mc Cullough
RECEIVED

OCT 25 1999

CUSTOMER SERVICES
PUBLIC SERVICE COMMISSION

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND
PROFESSIONAL CORPORATION

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BRIAN T. MCCARTNEY
DALE T. SMITH

OF COUNSEL
RICHARD T. CIOTONE

November 1, 1999

Mr. Dale Hardy Roberts
Executive Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: McCullough v. Associated Natural Gas Company, a
division of Arkansas Western Gas Company
Case No. GC-200-197

Dear Mr. Roberts:

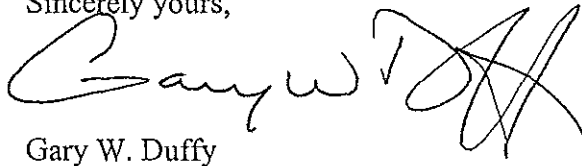
This letter is in response to the "Notice Directing Response to Mediation Request" issued by the Commission on October 27, 1999. The Notice indicates that ANG can agree to mediation in this matter by writing to the Commission's secretary within 15 days of the date of the order.

Without waiving any claims or defenses in its Application for Rehearing and Motion to Set Aside Default Order, ANG hereby agrees to mediation in the above-referenced case.

I have included an original and 14 copies of this letter.

If you have any questions about this, please give me a call.

Sincerely yours,


Gary W. Duffy

cc: Office of Public Counsel
John McCullough

FILED
NOV - 1 1999
Missouri Public
Service Commission

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION