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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of March, 1999.

John Reed,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-99-131</u>
)	
Missouri Public Service,)	
)	
Respondent.)	

ORDER REGARDING COMPLAINT

John Reed (Reed) filed a formal complaint with the Missouri Public Service Commission on October 1, 1998 against Missouri Public Service (MPS). Reed alleged that MPS billed him about \$1,200 in March of 1998 for electrical services from October of 1997 through early March of 1998. Reed further alleged that he did not use the electricity for which he was billed and that he had already paid for the electricity which he did use. Reed asked that the overbilling be corrected and that all late charges from the past due bills during the disputed period be removed.

On October 6, 1998, the Commission issued a Notice of Complaint to MPS by certified mail requiring MPS to answer by November 6, 1998. Pursuant to 4 CSR 240-2.070(9), if the respondent in a complaint case fails to file an answer within the time period allowed, the respondent

is in default and the allegations of the complaint are deemed admitted by the respondent. MPS filed an answer on November 12, 1998, more than thirty days after the Notice of Complaint was sent. On December 8, 1998, the Commission entered an order finding that MPS was in default so that the allegations in the complaint were deemed admitted by MPS.

MPS did not request leave to file a late answer, neither did MPS request that the order of default be set aside. In its late-filed answer, MPS stated that the amount in controversy is \$1,159.95 for actual charges for electrical use during the period in dispute. No party states the amount of late charges.

On February 22, 1999, a prehearing conference was held but the parties did not resolve any issues.

The relevant facts deemed admitted by MPS are these: Reed asked each month from October of 1997 until March of 1998 when he paid his bill at MPS' office whether it was for an actual or estimated meter reading. Reed was told each time by MPS employees that he was paying for actual usage, not estimated usage. Reed asked each month that his meter be read and not estimated. Sometime in early March of 1998, Reed received an electric bill from MPS for \$1,617.54. MPS told Reed that this was for actual usage from October of 1997 until March of 1998 and not an estimated usage. After Reed complained to MPS, it re-billed Reed at a lower rate which totaled \$1,159.95.

Since MPS has, by its default, admitted all the facts alleged by Reed, the Commission rules in favor of Reed.

IT IS THEREFORE ORDERED:

1. That Missouri Public Service be ordered to remove from John Reed's electrical bill the total amount of \$1,159.95 plus the late charges, if any, associated with that amount.

2. That this order shall become effective on March 16, 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)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Bill Hopkins, Senior Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION