

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

George Poole)	
)	
Complainant,)	
v.)	Case No. GC-2011-0405
)	
Laclede Gas Company,)	
Respondent.)	

**LACLEDE GAS COMPANY’S ANSWER TO COMPLAINT AND MOTION TO
DISMISS A PORTION OF THE COMPLAINT**

COMES NOW Laclede Gas Company (“Laclede” or “Company”), pursuant to the Commission’s June 24, 2011 Notice of Complaint in the above captioned case, and submits its Answer to the Complaint filed against Laclede by George Poole (“Mr. Poole” or the “Customer”). In support thereof, Laclede states as follows:

1. Mr. Poole currently lives at 3417A Roger, where he has an account with Laclede (the “Roger Account”). In May 2011, Laclede transferred \$342.55 to the Roger Account. This amount includes charges incurred at, among other places, 3851 Page from December 17, 2005 to June 20, 2006 under Laclede Account No. 396494-014 (the “Page Account”).

2. In his complaint, Mr. Poole claims to have never lived at 3851 Page, and avers that the fact that his name is on the Page Account is a case of identity theft. He further complains that Laclede never sent him a copy of the work orders for appliance service work done at 3851 Page and charged to the Page Account. Mr. Poole seeks relief from paying the funds transferred to the Roger Account, and he wants credit for heat grants he has had to obtain after 2006 to pay for, among other things, the debt on the Page Account.

MOTION TO DISMISS

3. Part of the debt on the Page Account is for utility service and part of it is for appliance service work that is not regulated by the Commission.¹ Of the \$342.55 transferred to the Roger Account, \$283.89 is for HVAC service work and \$58.66 is for utility gas service. Since HVAC service work is not regulated by the Commission, Laclede hereby moves to dismiss the part of the complaint that pertains to HVAC service work.

4. Notwithstanding Laclede's motion regarding service work, Laclede states that it has sent Mr. Poole copies of the work orders for HVAC service work at 3851 Page in late 2005 and early 2006. Mr. Poole has confirmed this by his July 19, 2011 filing in which he sent the copies of the work orders to the Commission. Laclede therefore has satisfied this portion of the complaint and requests that, if the Commission does not dismiss the portion of the Complaint regarding non-regulated HVAC service work, that the Commission find that this particular item of the complaint has been satisfied.

5. Finally, Laclede will work with the Customer to resolve the dispute regarding HVAC service work. Laclede confirms that failure to pay for HVAC service work does not jeopardize Mr. Poole's utility service under the Roger Account. In addition, Laclede's motion to dismiss does not apply to the portion of Mr. Poole's complaint that involves a dispute over his responsibility for utility charges under the Page Account.

¹ In fact, when Laclede performs such HVAC service work, Commission rules require a disclaimer stating that the services provided are not regulated by the Commission.

ANSWER

6. Laclede denies that Mr. Poole never lived at 3851 Page. Laclede avers that Mr. Poole either lived at 3851 Page, or is responsible for gas service provided to the Page Account between December 2005 and June 2006.

7. Laclede has provided to Mr. Poole, and has attached hereto as Attachment 1, a copy of an informal complaint filed at the Commission on March 30, 2006, in which Mr. Poole claims that Laclede has overcharged him for gas usage on the Page Account. The informal complaint includes Mr. Poole's cell phone number, which matches the number he identified on page 2 of his June 23, 2011 complaint in this case, and also includes the same mailing address, P.O. Box 775153, that Mr. Poole listed in his July 1 and July 19 filings herein. In addition, in connection with the March 30, 2006 informal complaint, Mr. Poole sent to the Commission Staff copies of two bills issued by Laclede on the Page Account, one in January 2006 and one in February 2006. The fact that he filed an informal complaint using his phone number and mailing address, and submitted copies of the bills sent to 3851 Page, contradicts his assertion that he never lived there.

8. In July 2007, Mr. Poole filled out an ID Theft Affidavit, a copy of which is attached hereto as Attachment 2. On page 1 of the affidavit, Questions 8 and 9 ask for the affiant's address when the identity theft took place, and when the affiant lived at that address. In reply, Mr. Poole states that his address was 3851 Page, and that he lived there for one month, from 2005 (presumably December) to January 2006. If this affidavit is to be believed, it can be inferred that Mr. Poole applied for gas service at 3851 Page in December 2005. If he in fact left 3851 Page one month later, Laclede was not notified. However, the 2007 affidavit leaves open the question that, if Mr. Poole left 3851 Page in

January 2006, why did he not disconnect gas service at that time, rather than file an informal complaint in March 2006 asserting that he was being overbilled?

9. In summary, Mr. Poole seeks to avoid responsibility for HVAC service work and utility gas service under the Page Account on the grounds that he did not live there, but was a victim of identity theft. Laclede requests that the portion of the complaint pertaining to service work be dismissed as not being regulated by the Commission. Regarding utility service, Laclede believes that the facts show that Mr. Poole either lived at 3851 Page between December 2005 and June 2006, or is otherwise responsible for gas service even if he did not live there for that entire period.

WHEREFORE, Laclede respectfully requests that the Commission dismiss the portion of the complaint pertaining to HVAC service work, accept Laclede's Answer and find that the Company has violated no laws, or rules, decisions or orders of the Commission in this case.

Respectfully submitted,

/s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Answer was served on the Complainant, the General Counsel of the Staff of the Missouri Public Service Commission, and the Office of Public Counsel on this 25th day of July, 2011 by United States mail, hand-delivery, email, or facsimile.

/s/ Gerry Lynch

RECEIVED 3

(office use only) New _____ Existing _____ Re-Open _____

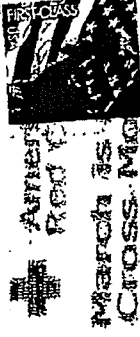
Records
Public Service Commission
Authorized with the Commission

ComplaintFormcdb2.doc (6/25/02)

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