

stated, disavows any and all knowledge of tampering. In short, Complainant denies tampering with the meter, questions whether the meter was tampered with, and (assuming the meter may have been damaged) ascribes that event to either Respondent's employee or, possibly, to someone else who then lived at the same address.

Respondent states that its investigation showed a "dramatic drop" in Complainant's usage from the previous year. Company states that a meter reading on February 7 was "identical" to one taken on January 22. Company also states that the green security seal of the meter had been cut, then pieced back together, that the inner seal of the meter had been removed and "a piece of glass had been jammed into the meter disk so that it could not spin." Company avers that "wear of the meter blades" indicated "frequent removal and replacement." Exhibit A, the Police Report, indicates that the meter had been tampered with. Company states that when the meter was tested, after the piece of glass was removed, the meter accurately recorded usage.

Company estimated its alleged losses using section 5.04 (i) of its currently approved electric tariff. Said losses were calculated using the difference between six months of Complainant's usage in the disputed period and the same 6 months of usage one year earlier, at a time of normal electric consumption. The Commission can find nothing amiss in the calculation itself: if Company is correct regarding the tampering, \$383.34 is the proper sum to rebill.

In paragraph (g) of its Answer, Company states Complainant agreed to pay the rebilled amount in three monthly installments beginning April, 1992, but failed to do so, leaving the entire balance unpaid.

Having considered this matter, and examined Exhibit A, the Commission is of the opinion that there are no substantial questions of fact likely to be resolved in a formal evidentiary hearing. The critical question is not who

tampered with Complainant's electric meter, but whether the meter was tampered with. Assuming the truth of all material facts alleged by both parties, it is obvious that a formal hearing is not likely to establish what has become (at least to Complainant) a sensitive question: who tampered with his electric meter? Company does not have to establish who tampered with the meter, only that it was tampered with. In the belief that such a showing has already been made, the Commission finds that no good purpose would be served by conducting a formal hearing, and that Company's rebill of \$383.34 is reasonable and complies with Company's tariff, cited above.

IT IS THEREFORE ORDERED:

1. That the formal Complaint filed by Complainant Ron McNeary against Respondent Missouri Public Service on May 12, 1992, is, on motion by Respondent, hereby dismissed.
2. That this order shall be effective on September 15, 1992.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
and Kincheloe, CC., Concur.
Perkins, C., Absent.

