

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

Lynne P. Shewmaker,)	
)	
Complainants,)	
v.)	Case No. GC-2006-0549
)	
Laclede Gas Company,)	
Respondent.)	

**REVISED LIST OF ISSUES AND WITNESSES,
ORDER OF CROSS-EXAMINATION,
STATEMENT OF POSITIONS ON THE ISSUES**

COMES NOW Laclede Gas Company (“Laclede” or “Company”), pursuant to the Commission’s Procedural Schedule in the above captioned case, and submits this Revised List of Issues and Witnesses, Order of Cross-Examination, and Statement of Positions on the issues, and in support thereof, states as follows:

1. On June 25, 2007, Laclede, Staff and Complainant each submitted their list of issues. Since June 25, agreements have been made that reconcile some of the differences among the competing issues lists. Laclede’s view of this reconciliation is set forth below.

List of Issues

1. Since June 2005, have the meter readings from the meters installed at the Shewmaker home, including the automated meter reading (AMR) modules attached to those meters, resulted in Ms. Shewmaker being overcharged for her gas usage?

A. If so, what should the amount of charges be for gas service rendered since the AMR installation in June 2005?

B. Should Laclede be required to remove late fees charged to Complainant's account since June 2005?

2A. Should the Commission require Laclede to remove the AMR module from its meter inside the Shewmaker home, and permit the Complainant to send in self-reads of the meter in lieu thereof?

2B. Should the Commission require Laclede to also remove the existing meter inside the Shewmaker home, and permit the Complainant to have it privately tested to prove accuracy and return it to the Shewmaker home, such testing to be at Laclede's cost.

STATEMENT OF POSITIONS

Laclede has previously provided statements of position on all of the issues, except

2B. The previous statements are set forth below, along with laclede's response to Issue 2B.

Issue 1: No, Ms. Shewmaker is now being charged correctly for her gas usage. Prior to installing an AMR module, the customer appears to have been charged for only half of her actual usage. Several facts support this conclusion. First, since an AMR module replaced the Trace device in June 2005, there have been consistent readings from two different meters and two different AMR modules. Second, the first meter was tested, and proved to be registering accurately. Third, the readings from the AMR-equipped meters are more consistent with the readings obtained prior to the installation of the Trace device. Fourth, the readings from the AMR-equipped meters indicate less usage than the pre-Trace device readings, consistent with the customer's testimony that she has made efforts over the past two years to conserve energy usage. Fifth, the customer's usage dropped by almost exactly half upon installation of the Trace device in 1997. Sixth, the Trace device registered exactly half of the usage registered on the meter itself, which was likely due to the loss of one of the two magnets that register usage in a Trace device.

Issue 1A: The bills issued by Laclede over the past two years represent an accurate charge for gas service used by the customer.

- Issue 1B:** All but \$1.81 of late charges assessed by Laclede to Ms. Shewmaker since June 2005 resulted from her payment of half the bills during the winter of 2005-06, when she first protested the increased usage. Under the circumstances, these payments represented a good faith effort by the customer to pay the undisputed portion of her bills. Therefore, Laclede would agree to credit the customer in the amount of \$222.23 in late charges.
- Issue 2A:** No. The Company's tariff provides that meters are the property of the Company, and the Company may install on its meter a remote reading attachment, the readings from which shall constitute actual meter readings. Moreover, the Missouri Supreme Court has confirmed that utility customers are not entitled to dictate the methods by which the utility must render its service. *State ex. Rel City of St. Joseph v. PSC*, 30 S. W. 2d 8, 14 (Mo. banc 1930).
- Issue 2B:** No. Laclede's tariffs address this issue and provide for testing of meters by the Company. Commission rules (10.030(22)) require the Company to maintain its meter provers within strict standards. However, Commission rules (10.030(21)) also provide for the Commission to test a meter, with the customer paying for the test fee and shipping costs, unless the meter is more than 2% fast.

Order of Witnesses

Lynne Shewmaker, Complainant

Sherman Shewmaker¹

John R. Chickey, Laclede

Carol Gay Fred, Staff

James Gray, Staff

Order of Cross

Public Counsel, Staff, Company

Public Counsel, Staff, Company

Staff, Public Counsel, Complainant

Company, Public Counsel, Complainant

Company, Public Counsel, Complainant

WHEREFORE, Laclede respectfully requests that the Commission accept the List of Issues and Witnesses, Order of Cross-Examination, and Statement of Positions in this case.

¹ This witness was proposed by Ms. Shewmaker. However, Mr. Shewmaker filed neither direct nor surrebuttal testimony and Laclede objects to his inclusion on the witness list at this late date.

Respectfully submitted,

/s/ Rick Zucker

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading 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 28th day of June, 2007, by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker