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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 6th
day of January, 1999.

Tracey L. Salisbury and	)	
Julie A. Salisbury,	)	
	)	
Complainants,	)	
	)	
vs.	)	<u>Case No. GC-98-376</u>
	)	
Missouri Natural Gas Company,	)	
	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE

On March 3, 1998, Tracey L. Salisbury and Julie A. Salisbury, (Complainants) filed a Complaint against Missouri Natural Gas Company, a division of Laclede Gas Company (Respondent). Complainants alleged that their bill for gas service for the period December 17, 1996 to January 20, 1997 was unreasonably high. Complainants request a bill adjustment of \$208.95.

On April 10, Respondent filed an answer and motion to dismiss complaint. Respondent agrees that the bill in dispute is for \$143.03 and admits that it tested Complainants' meter at Complainants' request and found it to be accurate. Respondent denies that the bill is unreasonable. Respondent believes 4 CSR 240-13.025(1)(D) mandates dismissal. 4 CSR 240-13.025(1)(D) states: "Where, upon test, an error

in measurement is found to be within the limits prescribed by commission rules, no billing adjustment will be made." Respondent requests that the complaint be dismissed because it tested Complainants' meter and found it to be accurate.

Respondent argues that the Commission is without authority to grant the \$65.92 in damages that Complainants request as compensation for their time and trouble in pursuing this complaint. The Commission agrees. It is an administrative body created by statute and has only such powers as are expressly conferred by statute and reasonably incidental thereto. State ex rel. Harline v. Public Service Commission, 343 S.W.2d 177, 181(5) (Mo. App. 1960). The Commission does not have power to award damages. State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz, 596 S.W.2d 466 (Mo. App. 1980).

On June 10, the Commission directed its Staff to investigate the facts surrounding the complaint. On July 16, Staff filed its memorandum outlining the results of its investigation, stating that it believes the bill was correctly calculated, that it found no evidence to dispute the meter readings, and recommending no billing adjustment in this case.

Staff states that the billing month at issue was a cold winter month. Staff also states that, although the property was vacant during the period in dispute, it was being renovated. Staff believes that the gas usage is reflective of a winter month. Staff notes that, during the billing month at issue, electricity consumption was more than three times the average consumption for the last two years. Staff concludes that the

consumption of gas and electricity during the period in dispute indicates activity at the location.

The Commission determines that, since no party disputes the accuracy of the meter and since the Staff investigation reveals that the usage was not unusual, no billing adjustment should be made. The complaint will be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Tracey L. Salisbury and Julie A. Salisbury on March 3, 1998, is dismissed.
2. That this order shall become effective on January 20, 1999.
3. That this case may be closed on January 21, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Mills, Deputy Chief Regulatory Law Judge