

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

David Apted,)	
)	
)	
v.)	Case No. GC-2017-0348
)	
Spire Missouri Inc.)	
f/k/a Laclede Gas Company,)	
Respondent.)	

POST-HEARING BRIEF OF DAVID APTE

COMES NOW David Apted, Complainant, submits this post hearing brief.

BACKGROUND

Complainant received 2 identical bills on 1/13/2017. The first was addressed to 1736 Nicholson Pl APT B (should've been addressed to 1736 Nicholson Pl APT A) and the second was addressed to 1910 Allen Ave APT 2E (an address Complainant had not occupied in several years). Those two bills were delivered to 1736 Nicholson Pl APT A at the same time.

Complainant's bill dated 2/10/2017 was also incorrectly addressed to 1736 Nicholson APT B, but more importantly, according to Laclede, apartment A and apartment C had the exact same usage during that month. Apartment A and apartment C both reportedly used 155 CCF or 161.05 therms. This resulted in the exact same bill in the amount of \$132.12 for both apartments. If anyone conducting a reasonable investigation entered apartment A, then apartment C, they would realize that given the different square footages, different ceiling heights, different floor plans and a different furnace, it would be near statistically impossible for the usage/bill to be identical.

Further evidence of billing error is revealed on Complainant's bill dated 6/13/2017. This bill shows all 3 apartments; A, B and C had the same usage during the previous month. Once again, anyone doing a thorough inspection of the house (focus on building) would find this to be improbable. Complainant understands there is a minimum monthly charge, but it still remains a mystery why apartment A (which Complainant was occupying and using gas service) was billed for 0 usage that month. At a minimum, the water heater in apartment A should have registered some kind of usage for the month. Again, any party conducting a thorough investigation would have noted this incongruity.

A quick google search will find evidence of other customers having problems with the AMR system. One of which is linked below. Where Laclede (Spire) has stated formally that anomalies do occur with this system.

<http://www.kmov.com/story/28443595/local-man-gets-3000-refund-after-6-years-of-overpaying-gas-bill>

There are several more incongruities worth mentioning. The first followed the meter replacement on February 17th, where in the next billing cycle Complainant's bills were correctly addressed to 1736 Nicholson Pl APT A (and have been addressed correctly since). The second, looks at the steep drop-off in usage after meter replacement on February 17th. The next bill dated 3/13/2017 saw a significant drop in usage when compared to the previous 2 months. That would make sense given the February to March change, but the problem with that argument is the amount the bills dropped after the meter replacement, which does not run parallel with the average daily temperature change from the month of February-March (According to Weather.gov, the average daily temperature only increased 2.2 degrees between the months of February and March). In contrast to only a minimal temperature increase, Complainant's usage in March for apartment A dropped by 27%, usage in apartment B dropped by over 400% and usage in apartment C dropped by over 300%. Finally, it's important to indicate that after the meter replacement on February 17th, all of the following bills (March-June) showed the highest usage coming from apartment A (which logically makes sense, but was the inverse of the previous 2 bills).

Complainant found it unlikely that the 2 unoccupied apartments had higher usage than the apartment Complainant was actually living in. Evidence of this vacancy can be found by reviewing previously submitted occupancy permit records. The occupancy records show that the building was inspected on February 21st 2017 and that apartments B and C were recorded as vacant. In addition, you can examine the records to prove that there was no occupancy permit issued for either apartment until 8/2/2017 for apartment C. Any statement regarding the temperature in which workers will do their labor, or when workers were entering/exiting specific apartment units is pure speculation.

CONCLUSION

Modern and wireless technology is a great triumph and has provided companies like Spire the opportunity to lower their overhead and increase profits (which Complainant supports). But defending technology as 100% accurate, 100% of the time, would appear to be a hill that only a company holding a monopoly on the market can defend. This entire case is about recognizing clear discrepancies, and demanding those discrepancies be explained and remedied.

Spire did not conduct mediation in good faith. Spire's attorney shook Complainant's hand and made a deal which was simply not followed through on. Complainant again rebuts the charge that there is an attempt being made to acquire free gas service. Complainant will happily provide copies of other utilities, mortgages, other debt payments and even years' worth of prior Laclede Gas Company bills as evidence of "carrying your weight". It is unfortunate that the Company (Spire), with such abundant resources, does not have a more streamlined process for consumer billing dispute resolution. Because that system is not structured internally, Complainant must use any and all legal systems or procedures, set in place by our government, to ensure customers are being treated fairly.

Finally, companies make mistakes, companies are just people, but its more important now than ever in our current culture to take responsibility for mistakes when they inevitably happen. Writing off errors as “coincidence” does not make for stronger and smarter companies, it’s a tactic that can only be used by monopolies, to simply steamroll consumers. Moreover, Complainant would consider it un-American to surrender hard earned resources to a monopoly, without complete and unequivocal confidence in billing accuracy. Complainant hopes the Commission finds the testimony, and previous evidence submitted, sufficient for a fair judgement in this case.

Thank You,

David Apted

A handwritten signature in black ink, appearing to read 'David Apted', with a stylized, cursive script.