

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

<b>In the Matter of the Complaint of</b>	)	
<b>Julian Harvatin,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. GC-2007-0167</b>
	)	
<b>Laclede Gas Company,</b>	)	
	)	
<b>Respondent.</b>	)	

**STAFF REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission by and through undersigned counsel and submits its Report in the above captioned complaint case.

1. On October 26, 2006, Julian Harvatin filed a formal complaint with the Commission against Laclede Gas Company (Laclede) challenging his bill for the time his meter and RE device had not been functioning properly.

2. Staff has reviewed the available information concerning the period of time the meter was not functioning properly, Laclede's calculation of the amount of gas Mr. Harvatin likely used, and Laclede's rates during this time.

3. Staff concludes that Laclede used a reasonable process as permitted by its tariffs and the Commission's rules to calculate the amount owed by Mr. Harvatin.

4. Staff recommends Mr. Harvatin's complaint be dismissed.

WHEREFORE Staff requests the Commission accept Staff's Report and order Staff's recommendation that Mr. Harvatin's complaint be dismissed.

Respectfully submitted,

/s/ Blane Baker

Blane Baker

Deputy General Counsel

Missouri Bar No. 58454

Attorney for the Staff of the  
Missouri Public Service Commission

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 4<sup>th</sup> day of December, 2006.

/s/ Blane Baker

## **REPORT OF THE STAFF**

TO: Missouri Public Service Commission Official Case File  
Case No. GC-2007-0167, Julian Harvatin vs. Laclede Gas  
Company

FROM: /s/Marilyn Doerhoff, Consumer Services Specialist II

DATE: November 28, 2006

/s/ Gay Fred / 11-29-06  
Consumer Service Department/Date

/s/ Blane Baker / 11-29-06  
General Counsel's Office/Date

### **COMPLAINT**

On October 26, 2006, Julian Harvatin filed a formal complaint with the Missouri Public Service Commission (Commission) against Laclede Gas Company. The complaint states "Excuse my penmanship. Date 10-23-06. I received my bill for approximately \$200 - \$300. I called L.G. in St. Louis and was told the meter was incorrect. A Lady Supervisor told me about the leak. I left L. Gas still knowing I was overbilled. I then decided to go or write a letter to Mo. Public Serv. Comm. in Jefferson City, May 26, 06. Jefferson City checked with L. Gas Co. and said that I was satisfied with their explanation, that was a lie by L. Gas. I have made a list of monthly billing from the time I moved into the bldg to the present. This is a 4-room house including kitchen."

On November 1, 2006, the Commission issued an Order Directing Staff to investigate and File a Report regarding Mr. Harvatin's formal complaint. Following are the findings of the Staff's investigation.

### **FINDINGS**

On April 17, 2006, Julian Harvatin filed an informal complaint with the Consumer Services Department by phone. Mr. Harvatin stated that he has had a three (3) room house for two (2) years and that his bills have not been over \$900 for one (1) year. He now has a new meter, and since has received a \$500+ bill for one (1) month.

The Staff's investigation has determined the following:

- In September 2002, gas service was established for the Harvatin's.
- On January 24, 2006, an Automated Meter Reading (AMR) device was installed, the physical read of the meter was x5570. The account had previously been billed to an index of x5115 from a Trace (RE) meter reading on January 17, 2006. It was at this time that Laclede's review revealed that the pre-existing meter and RE device setting had not been in sync. On February 9, 2006, a post card was mailed to Mr. Harvatin, which explained that their meter was due for a

systematic meter change. Mr. Harvatin later contacted Laclede and set up an appointment for February 27, 2006 to allow Laclede access to their meter.

- On February 27, 2006, a systematic meter change was completed. The pre-existing meter was removed with an index of x5736 and the new meter with AMR was installed at x2714.
- On March 21, 2006, a catch-up bill was rendered. The catch-up bill was the result of the company's review of the customer's last two readings, an in/out difference on the pre-existing meter and the previous RE device prior to the AMR installation in January 2006. However, Laclede states that the difference most likely resulted shortly after the customer service was initiated in September 2002. Therefore, an allowance was made for the period that exceeded twelve months from the date of the systematic meter change. The catch-up bill was for gas service from March 15, 2005 to March 15, 2006. A total of 1010 CCfs was actually used during this period but Laclede billed 745 CCfs and an allowance of 265 CCfs was given. The charge for service was \$1,080.93 and after credit for previous bills and payments made by Mr. Harvatin, the account balance was \$537.51.
- Missouri Public Service Commission Rule 4 CSR 240-13.025 Billing Adjustments (1) B provides that: "In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods or four (4) quarterly billing periods, calculated from the date of discovery, inquiry or actual notification of the utility, whichever was first."
- On April 28, 2006, Mr. Harvatin visited Laclede Business Office regarding the catch up bill. The bill was explained in detail, in addition to the allowance and the in/out difference on the meter.
- On June 30, 2006, a Laclede representative called Mr. Harvatin and discussed the information. He stated that he has all his paperwork and can prove that Laclede has taken him for over \$300. The representative tried to explain that his meter had never failed but that the RE device did and that the meter and RE device were independent of one another. He handed the phone to his wife as he was having problems hearing the representative. Mrs. Harvatin seemed to understand but expressed the hardship that the catch-up bill had placed on them.
- As of 11/28/06, Mr. Harvatin's account balance is zero.

## **STAFF CONCLUSION**

It appears from Staff's investigation in this case that Laclede has not violated Commission Rule 4 CSR 240-13.025 on Billing Adjustments. In fact as mentioned previously in this report Laclede did provide Mr. Harvatin an allowance of 265 CCfs on his account. Staff therefore recommends this complaint be dismissed.

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Julian Harvatin,

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Complainant,

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Case No. GC-2007-0167

Laclede Gas Company

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Respondent.

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**AFFIDAVIT OF MARILYN DOERHOFF**

STATE OF MISSOURI

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) ss

COUNTY OF COLE

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Marilyn Doerhoff, of lawful age, on her oath states: that she has knowledge of the matters set forth, in the Staff's Report; and that such matters are true to the best of her knowledge and belief.

  
Marilyn Doerhoff

Subscribed and sworn to me before this 30<sup>th</sup> day of November, 2006.

  
Notary Public

My commission expires 9-23-2008

