

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Vandora R. Henry,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. EC-2006-0412
	)	
Kansas City Power & Light Company,	)	
and Missouri Gas Energy, a Division	)	
of Southern Union Company,	)	
	)	
Respondents.	)	

MISSOURI GAS ENERGY'S ANSWER TO COMPLAINT

COMES NOW Missouri Gas Energy, a Division of Southern Union Company ("MGE" or Respondent"), by and through counsel, and pursuant to 4 CSR 240-2.070, respectfully states as follows to the Missouri Public Service Commission ("Commission") as its answer and affirmative defenses to the Complaint filed by Vandora R. Henry ("Complainant").

1. Correspondence, communications, orders, and decisions regarding this matter should be addressed to:

Brian T. McCartney
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SUMMARY OF THE COMPLAINT

2. Complainant Vandora Henry states that she and her daughter Nikia Henry reside at 3811 E. 71st Street, Kansas City, Missouri, 64132. Complainant states that Nikia asked a cousin, LaShunda Johnson, to have the water turned on at 3811 E. 71st Street and pay the deposit. Complainant states that MGE disconnected service after receiving information that the water service at 3811 E. 71st Street was listed in LaShunda Johnson's name. Complainant states that she spoke with representatives from MGE and informed them that she would be "taking over responsibility of the lease and all utility bills" and making arrangements to pay all of her children's bills. However, Complainant states that LaShunda Johnson "did not live and [has] not lived at the address of 3811 E. 71st Street with my daughter nor I during this entire time." Complainant states that she should not be held responsible for any bills of Ms. Johnson because they "never shared a household or address."

ANSWER

3. MGE admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.

4. MGE's records and investigation into this matter show the following facts:

A. Vandora Henry has a past due bill for gas service at 9826 Locust Street from MGE in the amount of \$759.25.

B. Nikia Henry has a past due bill for gas service at 3811 E. 71st Street from MGE in the amount of \$332.38.

C. Takia Henry has a past due bill for gas service at 8240 Wayne Avenue from MGE in the amount of \$805.45.

D. Nikia Henry and Takia Henry are children of Vandora Henry.

E. The total amount of these past due billings to Vandora Henry and her children for gas service from MGE is \$1,897.08.

F. Vandora Henry's complaint states that she will make arrangements to pay all of her children's bills.

G. LaShunda Johnson has a past due bill for gas service at 10217 E. 42nd Street from MGE in the amount of \$930.89.

H. The water service at Vandora Henry's present address – 3811 E. 71st Street – is in LaShunda Johnson's name.

5. Section 3.07 at Tariff Sheet No. R-21 of MGE's General Terms and Conditions states as follows:

3.07 DISCONTINUANCE OF SERVICE: Company shall have the right to discontinue gas service to a customer and remove its facilities, or any portion thereof, from customer's premises upon default by customer of any provision of the service agreement. In addition to any other legal remedies, Company reserves the right to refuse to reconnect gas service to any customer until such default shall have been remedied by customer. Any one or more of the following may be considered as a default:

(A) **Non-payment of an undisputed delinquent charge.** . . .

(emphasis added).

6. Section 3.07 at Tariff Sheet No. R-22 of MGE's General Terms and Conditions states as follows:

. . . In the event of discontinuance or termination of service at a separate residential metering point, residence or location in accordance with these General Terms and Conditions for Gas Service, Company may transfer any unpaid balance to any other residential service account of customer and may discontinue service twenty-one (21) days after rendition of the combined bill, for nonpayment, in accordance with this rule.

7. Section 3.07 at Tariff Sheet No. R-23 provides that MGE may disconnect service for the failure to pay the bill of another customer if “the customer whose service is sought to be discontinued received substantial benefit and use of the service.”

8. Section 3.07 at Tariff Sheet No. R-23 provides that MGE may disconnect service for the failure of a previous owner or occupant of the premises to pay an undisputed bill if “the previous occupant remains an occupant or user.”

9. MGE believes that it has acted in accordance with the language of its tariffs and that the past due charges owed by the residents at 3811 E. 71st Street may be required to be paid before gas service is restored to that address.

10. Except as expressly admitted in this answer, MGE denies each and every other allegation contained in the Complaint.

11. Further answering, and for its first affirmative defense, MGE states that the Complaint fails to state a claim upon which relief can be granted.

12. Further answering, MGE will restore gas service as soon as the past due bills owed by Vandora Henry and her children in the amount of \$1,897.08 are paid, and MGE will not hold Ms. Henry responsible for the additional amount of \$930.89 owed by LaShunda Johnson even though the water service at 3811 E. 71st Street is in Ms. Johnson’s name.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent MGE respectfully requests that the Commission dismiss the Complaint and grant such other relief as is reasonable in the circumstances.

RESPECTFULLY SUBMITTED,

/s/ Brian T. McCartney

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Certificate of Service

I hereby certify that on the 26th day of May, 2006, a true and correct copy of the above and foregoing was sent by U.S. Mail, postage prepaid, or electronic mail to the following parties:

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