

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

VOOK, LLC)	
)	
v.)	Case No. GC-2009-0110
)	
Laclede Gas Company,)	
Respondent.)	

LACLEDE GAS COMPANY’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW Laclede Gas Company (“Laclede” or “Company”), pursuant to the Commission’s December 5, 2008 Order Directing Filing in the above captioned case, and files this Response, respectfully stating as follows:

1. On October 1, 2008, Laclede received notice from the Commission of a complaint filed by VOOK, LLC (“VOOK” or the “Customer”). Having received an advance copy from the Customer, on September 26, 2008, Laclede entered in the records of its account for the customer that collection activity (including disconnection) should be deferred due to the customer’s filing of the formal complaint.

2. At that time, VOOK was carrying a balance on its bill that included both disputed and undisputed charges. However, after paying all undisputed amounts in November 2008, VOOK’s balance consisted entirely of disputed amounts.

3. Laclede’s computer system requires a manual intervention each month to suppress disconnect notices to customers with complaints. Laclede successfully suppressed the disconnect notice in October for the bill issued on October 29, 2008. However, for the next bill, dated December 1, 2008, Laclede also suppressed the disconnect notice, but the suppression was entered one day too late, resulting in a disconnect notice issuing on the bill.

4. Upon receiving this notice in error, Mr. Cummiskey promptly sent an email to the Public Service Commission. Mr. Cummiskey did not first contact Laclede's customer service call center, nor did he attempt to contact the undersigned attorney, although he himself is an attorney, and he and I had engaged in email correspondence for approximately one month. However, Mr. Cummiskey did copy me on his December 4, 2008 email to the Commission.

5. Forty-one minutes after receiving the December 4 email I responded to Mr. Cummiskey, assuring him that the notice was sent in error and that Laclede had no intention of disconnecting his service for non-payment of a disputed amount. A true and correct copy of Mr. Cummiskey's email and my response is attached hereto.

6. As stated in my email, Laclede regrets its error and the inconvenience caused to the Customer, and now to the Commission. Laclede is taking affirmative steps to assure that it ceases inadvertently issuing disconnect notices in error.

WHEREFORE, Laclede respectfully requests that the Commission accept Laclede's response to the Order Directing Filing.

Respectfully submitted,

/s/ Rick Zucker

Rick Zucker
Assistant General Counsel
Laclede Gas Company
720 Olive Street, Room 1516
St. Louis, MO 63101
(314) 342-0533 Phone
(314) 421-1979 Fax
rzucker@lacledegas.com

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 8th day of December, 2008 by United States mail, hand-delivery, email, or facsimile.

/s/ Rick Zucker

From: Zucker, Rick
Sent: Thursday, December 04, 2008 5:38 PM
To: kurt@commishlaw.com; Marilyn.Doerhoff@psc.mo.gov; Gay.Fred@psc.mo.gov; Bob.Berlin@psc.mo.gov
Cc: Lair, John; Lynch, Gerry; Pendergast, Mike
Subject: RE: Case No. GC-2009-0110

Dear Mr. Cummiskey:

Thank you for copying me on your email to the Public Service Commission. I was not aware that you had received disconnect notices. Had I been aware, I would have had them stopped immediately.

Since you began your dispute several months ago, we have remarked your account to hold collection/disconnection, with the most recent remark entered in September when you filed your formal complaint.

So please be assured that your gas service will not be disconnected so long as you pay your bills for current service. But neither should you receive the telephone calls and notices that accompany our normal collection process. Unfortunately, our computer system requires repeated manual intervention to suppress these actions, so we must constantly remind ourselves to keep your collection activity turned off. But that is our problem, not yours.

We will review your account in the morning and suppress any collection activity that is not already suppressed. On behalf of Laclede, I apologize for the inconvenience caused to you. Should you have any issues of this nature in the future, please do not hesitate to contact me.

Sincerely,

Rick Zucker
Assistant General Counsel
Laclede Gas Company
720 Olive Street, Suite 1516
St. Louis, MO 63101
314-342-0533
314-421-1979 (Fax)
rzucker@lacledegas.com

From: kurt@commishlaw.com [mailto:kurt@commishlaw.com]
Sent: Thursday, December 04, 2008 4:57 PM
To: Deborah.Steck@psc.mo.gov; GenCounsel@psc.mo.gov; jan.dodson@psc.mo.gov; Kay.Finnell@psc.mo.gov; Kim.Happy@psc.mo.gov; kurt@commishlaw.com; Cline, Michael; Melissa.Anderson@psc.mo.gov; opcservice@ded.mo.gov; Zucker, Rick; sheryl.gregory@psc.mo.gov; Marilyn.Doerhoff@psc.mo.gov; Gay.Fred@psc.mo.gov; nikki.senn@psc.mo.gov; daniel.jordan@psc.mo.gov; leslie.myers@psc.mo.gov; Helen.Davis@psc.mo.gov; Lena.Mantle@psc.mo.gov; Carla.Schnieders@psc.mo.gov; Bob.Berlin@psc.mo.gov
Cc: kurt@commishlaw.com
Subject: Case No. GC-2009-0110

Dear Public Service Commission:

On three prior occasions I have brought to the Commission's attention that I have received disconnection telephone calls or mail notices in connection with the unpaid balance that is the subject of the above complaint. I am unsure what has been done

to ensure that such communications stop as I have never been told. Invoice for account number 553800-004-9 was received on December 3, 2008, which contained - at least - the fourth disconnection notice. The notice is titled "DISCONNECTION NOTICE" in approximate one inch, bold-outlined letters, and contains the following language:

Urgent: We are prepared to discontinue your gas service on or after the DISCONNECTION DATE printed on the enclosed bill unless we receive payment of the arrears amount.

. . .

We may report your payment performance to credit reporting agencies, to the extent permitted by law, in addition to other collection activities.

It should be noted that an invoice for a different VOOK LLC property and account received today contained no disconnection notice.

It should also be noted that receiving a disconnection notice from the utility against which a complaint is pending can be viewed as intimidating, and may also discourage individuals with complaints from pursuing such complaints.

As someone who has attempted to work through the process that exists to dispute unfair treatment, it is extremely frustrating that something cannot or will not be done to address a situation that has repeatedly been brought to the Public Service Commission's attention. At a minimum, it seems that it would be good practice to inform a complainant in the undersigned's situation what has been done to address the previous threats of disconnection.

If someone that can address this situation would be so kind as to address it, and inform the undersigned what was done to address the situation, it would be very much appreciated.

Sincerely,

Kurt Cummiskey
Kurt Cummiskey, Attorney at Law LLC
3801 Connecticut
St. Louis, MO 63116
314.664.2555 - office
314.762.0721 - facsimile