

August 10, 2004

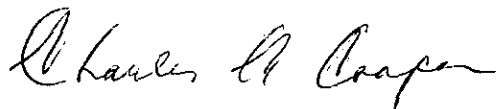
Dale H. Roberts, Chief Judge
P.O.Box 360
Jefferson City, MO 65102-0360

Dear Mr. Roberts,

Enclosed please find one original and eight copies of "Surrebuttal Testimony" for
Case No. GC-2004-0305.

Thank you in advance for your attention to this issue.

Sincerely,



Charles A. Cooper

to Data Center
RECEIVED
AUG 10 2004

Adjudication Division
Missouri Public Service Commission

FILED

AUG 10 2004

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Charles A. Cooper, Complainant,

v.

Missouri Gas Energy, Respondent.

Case No. GR-2004-0305

AFFIDAVIT OF CHARLES A. COOPER

FILED

AUG 10 2004

STATE OF MISSOURI)


) ss

COUNTY OF SALINE)

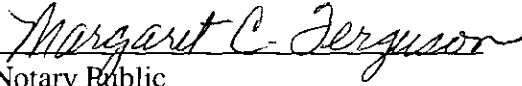
Missouri Public
Service Commission

Charles A. Cooper, of lawful age and being first duly sworn, deposes and states:

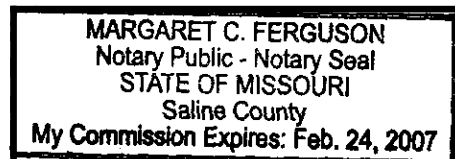
1. My name is Charles A. Cooper.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony consisting of pages 1 through 3.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.


Charles A. Cooper

Subscribed and sworn to me this 10 day of August 2004.


Notary Public

My commission expires Feb. 24, 2007.



**MISSOURI SERVICE COMMISSION
SURREBUTTAL TESTIMONY
OF
CHARLES A. COOPER, COMPLAINTANT
VS**

**MISSOURI GAS ENERGY
CASE NO.GC-2004-0305**

FILED

AUG 10 2004

**Missouri Public
Service Commission**

COPIES MAILED TO:

DALE HARDY ROBERTS, CHIEF JUDGE
SECRETARY OF THE COMMISSION
PO BOX 360
JEFFERSON CITY, MO 65102-0360

ROBERT FRANSON
MISSOURI PUBLIC SERVICE COMMISSION
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LAW OFFICES BRYDON, SWEARENGEN & ENGLAND
PO BOX 456
JEFFERSON CITY, MO 65102-0456

Exhibit No.:	
Issue(s):	Tariff issues
Witness:	Charles A. Cooper
Type of Exhibit:	Surrebuttal Testimony
Sponsoring Party:	Charles A. Cooper
Case Numbers:	GC-2004-0305
Date Testimony Prepared:	August 6, 2004

**MISSOURI PUBLIC SERVICE COMMISSION
SURREBUTTAL TESTIMONY**

OF

CHARLES A. COOPER, COMPLAINANT

VS

MISSOURI GAS ENERGY

CASE NO. GC-2004-0305

FILED

AUG 10 2004

**Missouri Public
Service Commission**

JEFFERSON CITY, MISSOURI

August 6, 2004

SURREBUTTAL TESTIMONY

OF

CHARLES A. COOPER

CHARLES A. COOPER V. MISSOURI GAS ENERGY

CASE NO. GC-2004-0305

1 Q. ARE YOU THE SAME CHARLES COOPER, PETITIONER INVOLVED IN
2 CASE NO.GC-2004-0305.

3 A. YES

4 Q. HAVE YOU READ MS.LAMBERTS QUESTIONS AND ANSWERS REGARDING THE
5 CHRONOLOGICAL SEQUENCE OF EVENTS RELATED TO THE EVENTS THAT
6 TOOK PLACE AT 6303 EVANSTON, RAYTOWN, MISSOURI?

7 A. YES

8 Q. DO YOU CONCUR WITH THE ANSWERS MS.LAMBERT GAVE TO THE
9 SEQUENCE OF EVENTS AS IT PERTAINED TO YOUR PERSONAL
10 INVOLVEMENT?

11 A. NO. ON ABOUT NOVEMBER 30 - DECEMBER 1, 2003, I REQUESTED GAS SERVICE TO
12 BE PLACED IN MY NAME AT THE ADDRESS OF 6303 EVANSTON, RAYTOWN,
13 MISSOURI AND WAS INFORMED BY THE CUSTOMER SERVICE PERSONNEL THAT I
14 WOULD HAVE TO PAY AN OUTSTANDING GAS BILL OF \$760.88 BEFORE I COULD
15 RECEIVE GAS SERVICE. I EXPLAINED TO A MS. SIMMONS THAT I HAD NOT BEEN A
16 PRIOR MGE CUSTOMER AT THIS ADDRESS, THEREFORE I DID NOT FEEL
17 RESPONSIBLE FOR A TENANTS GAS BILL. A COUPLE OF DAYS LATER I WAS
18 INFORMED BY A MGE EMPLOYEE, BY THE NAME OF DAVID ?, THAT I WOULD BE
19 REFUSED GAS SERVICE UNTIL THE OUTSTANDING GAS BILL WAS PAID.

1 Q. AFTER BEING REFUSED GAS SERVICE WHAT COURSE OF ACTION DID YOU
2 TAKE?

3 A. I CALLED THE MISSOURI PUBLIC SERVICE COMMISSION AND ASKED WHAT COURSE
4 OF ACTION COULD I TAKE AND WAS INFORMED THAT I WOULD HAVE TO SUBMIT
5 MY COMPLAINT IN WRITING, WHICH I DID THE WEEK OF JANUARY 27, 2004.

6 Q. DO YOU CONCUR WITH MGE'S TARIFF AUTHORITY TO ASSESS A
7 LANDLORD FOR GAS USED BY SOMEONE ELSE?

8 A. NO. AS THE LESSOR, I HAVE A THREE-YEAR LEASE WITH A TENANT, READY-SET-
9 GO, INC.

10 Q. DO YOU FIT THE CRITERIA OF A CUSTOMER ACCORDING TO THE TERMS
11 AND CONDITION OF THE TARIFF 3.02?

12 A. NO. I AM NOT PRESENTLY A CUSTOMER NOR HAVE I EVER BEEN A CUSTOMER AT
13 THIS LOCATION.

14 Q. DO YOU FEEL THAT YOU HAVE BENEFITED FROM THE GAS THAT HAS
15 BEEN PROPORTED USED AT 6303 EVANSTON, RAYTOWN, MISSOURI?

16 A. NO. SUPPOSEDLY THERE WAS NO GAS IN THE AREA OF THE BUILDING THE WHOLE
17 WINTER OF 2001-2002 AND NO PIPES FROZE. I WAS CONCERNED IN NOVEMBER OF
18 2003 FOR THE UP COMING WINTER MONTHS WITH NO GAS HEAT EVEN THOUGH I
19 PURCHASED TWO ELECTRIC HEATERS FOR THE PREMISES THEY WERE NEVER
20 USED. THE TEMPERTURE NEVER GOT BELOW 45 DEGREES. RESIDUAL HEAT FROM
21 THE REST OF THE BUILDING KEPT THE FACILITY CONSIDERABLY ABOVE
22 FREEZING.

1 Q. DID YOU PERSONALLY KNOW WHERE THE GAS METER WAS LOCATED PRIOR
2 TO THE ISSUE OF GAS USAGE AT 6303 EVANSTON, RAYTOWN,
3 MISSOURI?

4 A. NO

5 Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?

6 A. YES.