

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

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|-------------------------------|---|-----------------------|
| Beverly Roberson, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. EC-2010-0258 |
| |) | |
| Empire District Electric Co., |) | |
| |) | |
| Respondent. |) | |

STAFF INVESTIGATION AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and respectfully states the following for its recommendation to the Missouri Public Service Commission (Commission),

1. On March 15, 2010, Beverly Roberson (Complainant) filed a *Complaint* with the Commission against Empire District Electric Company (Empire or Company) alleging the Company billed her an amount higher than her normal usage, and that when she inquired about her usage, the Company provided poor customer service. As relief, the Complainant requests for Empire to credit her account by the amount she asserts the Company overcharged.

On April 5, 2010, Empire filed its *Answer to Complaint and Request for Staff Investigation (Answer)*, asserting the accuracy of the Complainant's meter and that the usage is in line with the historical usage for the address. Empire's *Answer* also requested that the Commission direct its Staff to conduct an investigation, which the Commission subsequently granted in its April 6, 2010 *Order Directing Filing*.

2. The Staff has conducted an investigation of the *Complaint* through a review of the filed pleadings and attachments, the Complainant's account information with Empire, conversations with employees of Empire, and several unsuccessful attempts to discuss the issue

and request further information from the Complainant. The *Report of the Staff* is attached hereto as Appendix A.

3. From the Staff's investigation, two issues present themselves from the Complaint; First, is whether the Company violated 4 CSR 240-13.020 of the Commission's rules, and the adopted provisions within the Company's tariff, by sending the Complainant a bill that was not based on actual usage, i.e., meter failure or inaccuracy. Second, is whether the Company violated 4 CSR 240-13.040 and 240-13.045 of the Commission's rules, and the adopted provisions within the Company's tariff, by failing to provide qualified personnel to respond to inquires and timely address disputes.

4. Based on the information provided by the Complainant and Empire's account records, the Staff recommends that the Commission find no violation of the preceding Commission rules or the Company's tariff. Based upon the information received from Empire regarding the meter tests performed and the historical usage at the Complainant's address, and without further communication with the Complainant despite several attempts by the Staff, the Staff asserts Empire's billing to the Complainant was appropriate. Based on the same information, the Staff further asserts that the Company's attempts to resolve the dispute with the Complainant were reasonable.

5. Due to the Staff's findings and the Complainant's lack of participation in the formal *Complaint* review process, the Staff recommends that the Commission order the Complainant to show cause pursuant to 4 CSR 240-2.116 (4) as to why her *Complaint* should not be dismissed within ten (10) days of the Commission's order.

WHEREFORE, the Staff submits this investigation and recommendation for the Commission's information and consideration, and requests that the Commission issue an order directing the Complainant to show cause pursuant to 4 CSR 240-2.116 (4) as to why her *Complaint* should not be dismissed within ten (10) days of the Commission's order.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was service upon the attorneys/parties of record by electronic mail, first class mail postage prepaid, hand delivery or facsimile on this 6th day of May, 2010.

/s/ Jennifer Hernandez