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4 STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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PETER B. HOWARD
8 VS.
UNION ELECTRIC COMPANY, d/b/a AMERENUE
9
Case No. EC-2008-0329

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TRANSCRIPT OF PROCEEDINGS

13

HEARING

14

VOLUME 2

15

AUGUST 7, 2008

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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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Hearing

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August 7, 2008

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Jefferson City, Missouri

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Volume 2

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Peter B. Howard,

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Complainant,

)

Case No. EC-2008-0329

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v.

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Union Electric Company,

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d/b/a AmerenUE,

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Respondent.

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NANCY DIPPELL, Presiding,

DEPUTY CHIEF REGULATORY LAW JUDGE

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JEFF DAVIS, Chairman,

CONNIE MURRAY,

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ROBERT M. CLAYTON III,

TERRY JARRETT,

20

KEVIN GUNN,

COMMISSIONERS

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1 P R O C E E D I N G S

2 JUDGE DIPPELL: This is Case

3 No. EC-2008-0329, Peter B. Howard versus Union Electric
4 Company, doing business as AmerenUE.

5 My name is Nancy Dippell. I'm the
6 regulatory law judge assigned to this case, and we've come
7 here today for an evidentiary hearing.

8 I'm going to begin by asking all of the
9 parties to make an entry of appearance.

10 Mr. Howard is representing himself.

11 So, Mr. Howard, would you begin for us by
12 just giving us your name and address.

13 MR. HOWARD: Yes. My name is Peter B.
14 Howard, the Relator/Complainant. My address is
15 4453 Athlone -- that's A-t-h-l-o-n-e -- St. Louis,
16 Missouri 63115.

17 JUDGE DIPPELL: Thank you.

18 Staff.

19 MR. THOMPSON: Thank you, Judge.

20 Kevin Thompson for the Staff of the Missouri
21 Public Service Commission, P. O. Box 360, Jefferson City,
22 Missouri 65102.

23 JUDGE DIPPELL: Ms. Tatro.

24 MS. TATRO: Wendy Tatro, 1901 Chouteau
25 Avenue, St. Louis, Missouri 63103 on behalf of AmerenUE.

1 JUDGE DIPPELL: Thank you.

2 Okay. I'm going to just kind of run through
3 how the procedure is, because I'm assuming Mr. Howard
4 isn't as familiar with the procedures here at the Public
5 Service Commission as everyone else.

6 Basically we'll begin and let Mr. Howard put
7 his case on first since he's the Complainant.

8 And, Mr. Howard, I will go ahead and swear
9 you in as a witness, but given that you're representing
10 yourself, I'll let you make some brief statements of what
11 your evidence is instead of the usual manner, where we
12 would have an attorney questioning a witness.

13 So I'll just let you put your evidence on in
14 that way. And, again, I'll ask you to do so slowly so we
15 can hear you well and get it in the record.

16 Then we'll have -- we'll allow the other
17 parties to do cross-examination. And so that will be by
18 the Staff first and then by AmerenUE. Then we'll have
19 what we call questions from the bench, which is -- will
20 consist of if I have some questions for you, I will ask
21 questions, and if any of the commissioners have questions
22 for you, they will ask questions.

23 And then we have an opportunity -- we let
24 everyone ask what we call recross on questions from the
25 bench, and that is where if you have anything further to

1 add as sort of a clarifying or rebuttal from the questions
2 that were asked of you from myself or any of the
3 commissioners, then you can put that in the record, and
4 then we'll let the other parties do that as well.

5 Well, actually, I'll let the other parties
6 ask their questions first and then I'll let you do what we
7 call redirect, which will be your opportunity to give sort
8 of rebuttal to the cross-examination questions.

9 And then after that we'll have -- Staff has
10 a witness, and they will put their witness on, and we'll
11 do the same things in a little bit different order. We'll
12 have Ameren do cross and then we'll have you, Mr. Howard,
13 do your cross-examination of the witnesses and then
14 questions from the bench and then you can do further
15 cross-examination by Ameren and further cross-examination
16 by Mr. Howard and then we'll let Staff redirect.

17 And then we'll do the same thing with
18 AmerenUE. We'll let them put their witness on. We'll
19 have cross-examination from Staff and then cross-
20 examination from Mr. Howard and then questions from the
21 bench and then further cross-examination from Staff and
22 from Mr. Howard, and then we'll let AmerenUE do their
23 redirect.

24 Do you have any questions about that
25 procedure, Mr. Howard?

1 MR. HOWARD: No.

2 JUDGE DIPPELL: At the end I'll let --

3 MR. THOMPSON: Judge, if I could --

4 JUDGE DIPPELL: Yes.

5 MR. THOMPSON: -- the order of witnesses in
6 the lists that were filed suggests that Staff will go
7 last.

8 JUDGE DIPPELL: Okay. I apologize. I must
9 have put that in my --

10 MR. THOMPSON: Staff doesn't really have a
11 dog in this fight, so . . .

12 JUDGE DIPPELL: Your witness will be in the
13 position of clarifying any matters from Staff's point of
14 view --

15 MR. THOMPSON: That is correct.

16 JUDGE DIPPELL: -- answering any questions
17 that the Commission might have?

18 All right. We will let Staff's witness go
19 last. And then I will give you all each a chance to have
20 some closing arguments, if you want to make closing
21 arguments, and that way we won't have any briefs after the
22 filing of this. The case will close today unless we hold
23 the record open for some reason.

24 If you have any documents or anything that
25 you would like to offer as evidence, I will ask you to

1 bring that to my attention as you go along.

2 Okay. Mr. Howard, would you like to begin?

3 MR. HOWARD: Yes. Fine.

4 Yes. This is just a recantation of what
5 I've said earlier --

6 THE COURT REPORTER: Are we swearing the --

7 JUDGE DIPPELL: Oh, sorry. I'm sorry.

8 Mr. Howard, wait just a moment. I was going to swear you
9 in.

10 Can you raise your right hand.

11 MR. HOWARD: Yes.

12 (Witness sworn/affirmed.)

13 JUDGE DIPPELL: Thank you. Okay.

14 Now go ahead and try to speak slowly.

15 MR. HOWARD: Yes. As I was saying earlier,
16 at the earlier hearing, this is a recantation of what
17 transpired there basically.

18 AmerenUE sent me a letter on February
19 the 6th, 2008. In that letter the Company alleged that
20 the meter transmitting device at 4111 Maffitt stopped
21 transmitting correct readings.

22 Shortly -- the time of nontransmission
23 occurred, according to this letter, was shortly after
24 January 25th of 2007.

25 Subsequently sent me a meter adjustment, a

1 bill indicating the meter adjustment, and indicated that I
2 owed them a sum of \$1,070, something to that effect.

3 Whereupon I contacted Public Service
4 Commission, and you guys launched their own inquiry into
5 this matter. And subsequently, according to the -- your
6 agency's -- the Company's response to your inquiries, the
7 relative period of nontransmittal became July 22nd, 2006
8 or August 23rd, 2006, which is a stark contrast to the
9 letter they sent me indicating that the nontransmittal
10 started happening around January 27th -- January 25th of
11 2007. I felt that this impeached the credibility of the
12 Company concerning the nontransmittals.

13 Additionally, as I indicated to AmerenUE, as
14 well as to the Public Service Commission, this structure
15 at 4111 Maffitt has been uninhabited for at least ten
16 years, with the exception of two canines that I house over
17 there because I have nowhere else to put them. And they
18 tend to be primarily outdoor dwellers, and they don't
19 consume a lot of electricity.

20 I've contacted them many -- repeated times
21 for billing statements over the past six years regarding
22 the residence at 4111 Maffitt. Most of those -- all of
23 those have gone unheeded.

24 I've been put on hold or disconnected
25 through no part of my own in most of these attempts.

1 I've attempted to explain to the Company
2 that absent electrical theft by my neighbors of major
3 (inaudible) --

4 THE COURT REPORTER: I'm sorry. Could you
5 please repeat that? I didn't understand that.

6 MR. HOWARD: I've attempted to explain to
7 the Company that absent electrical theft by my neighbors
8 or major appliance usage, there is no justification for
9 sending inflated bills to this residence.

10 And I also indicated to my (inaudible) --
11 this is just a feeble attempt to --

12 THE COURT REPORTER: I'm sorry. If you can
13 repeat that again, please.

14 MR. HOWARD: You're talking about the
15 justification for sending inflated bills to the residence?

16 THE COURT REPORTER: I'm sorry. I'm not --
17 I'm the court reporter, and if you could please slow down.
18 I'm having a hard time understanding the words you're
19 saying.

20 JUDGE DIPPELL: It's difficult, Mr. Howard,
21 on the speaker phone to -- you know, the sound quality
22 isn't that great. So if you could slow down just a little
23 bit. You were --

24 MR. HOWARD: Fine. That's fine.

25 I have attempted to explain to the Company

1 that absent electrical theft by my neighbors or major
2 appliance usage at that residence, there is no
3 justification for sending such inflated bills regarding
4 that residence.

5 Furthermore, I've also expressed the
6 sentiment to the Company that I felt that this was a
7 feeble attempt to apportion their unforeseen expenses,
8 such as Johnson State Park, such as the cost of burying
9 lines and trimming trees, onto the unwary consumer.

10 The remedies I was seeking at the time, that
11 the electrical usage be downwardly adjusted to reflect
12 actual usage, usage of an unoccupied residence.

13 My average bill at the residence has been --
14 for the past six to ten years, I think it's \$26 to \$28 per
15 month. The Company sent me a bill not too long ago for
16 \$77.

17 I complained about that, and even though I
18 paid it, because according to the bylaws of the rules of
19 this engagement, we have to, you know, keep our bills
20 current pending the outcome of this investigation.

21 Again, if you check the records, you will
22 find that no other utility, including gas service, has
23 been used at this residence for over ten years. No one
24 lives there. There is no reason for them to come up with
25 such an inflated bill other than, you know, they're trying

1 to make me pay for something, you know, outside of the
2 actual usage of the electricity at this residence.

3 I sent bills highlighting -- including the
4 ones they sent -- highlighting the usage in the summer
5 months, which averages about 20 to \$29 a month. This is
6 the hottest part of the year.

7 That would also be indicative of the fact
8 that no one lives at that residence. The Company retorted
9 with an allegation that I used --

10 JUDGE DIPPELL: Are you still there,
11 Mr. Howard?

12 MR. HOWARD: Yes.

13 JUDGE DIPPELL: We're adjusting the
14 microphone so we can hear you a little better.

15 Sorry. Go ahead.

16 MR. HOWARD: The Respondent asserts that
17 it's made numerous attempts to change the Complainant's
18 meter at this residence. I aver the Company's meter
19 card --

20 THE COURT REPORTER: I'm sorry. Whoa. I'm
21 sorry. If you can repeat that, please. I what?

22 MR. HOWARD: Yes.

23 THE COURT REPORTER: I averted?

24 MR. HOWARD: I aver, a-v-e-r. I swear, I
25 assert, that the Company has sent meter cards to that

1 location but no such request for meter removal has been
2 made concerning the same.

3 The Company also asserts that the
4 Complainant did not establish -- myself did not establish
5 electrical service at this residence until June of 2005;
6 therefore, I'm not entitled to records dating back prior
7 to this relevant time period.

8 Although that allegation might bear some
9 credence, I also assert that I have kept the utility on at
10 that location since 1998 when my maternal uncle passed
11 away, who was the last user of record at that residence.

12 And, again, since that time I've housed my
13 animals at that location and maintained service to tend to
14 their rudimentary needs.

15 JUDGE DIPPELL: Mr. Howard, this is
16 Judge Dippell. I had the Company this week submit the
17 usage records for the last ten years. Were you able to
18 receive a copy of that?

19 MR. HOWARD: No, I didn't receive any mail.
20 She e-mailed me not too long ago. I haven't checked my
21 e-mails recently.

22 MS. TATRO: I did serve him that information
23 via e-mail. I thought it would get to him. I was afraid
24 if I mailed it yesterday, he wouldn't get it before this
25 hearing.

1 MR. HOWARD: Hello.

2 JUDGE DIPPELL: Yes. That was Ms. Tatro.

3 And she said that she did, in fact, e-mail it to you
4 because she was afraid that the regular mail wouldn't get
5 to you in time.

6 It's also been filed in our -- in our
7 electronic filing system, if you have access to that.

8 MR. HOWARD: No, I don't. I don't have the
9 website today.

10 JUDGE DIPPELL: Okay. Do you have a fax
11 machine where you are?

12 MR. HOWARD: Yes. As a matter of fact, this
13 telephone doubles as a fax machine, the one I'm talking to
14 you on now.

15 JUDGE DIPPELL: Okay. Okay. Would it be
16 possible for us to fax -- to disconnect and fax that to
17 you, so that we could -- so you could have an opportunity
18 to look at that before Ms. Hart begins to testify?

19 MR. HOWARD: Okay. I can call you -- after
20 I receive this fax, I call you at 866-630-9352?

21 JUDGE DIPPELL: Yes, that's the right
22 number.

23 MR. HOWARD: Okay. I'll hang up now.

24 JUDGE DIPPELL: Whoa. Wait just a moment.

25 Wait just a moment. Are you still there?

1 MR. HOWARD: Yes.

2 JUDGE DIPPELL: Let me make sure. I've got
3 your number as -- the last four digits are 4121?

4 MR. HOWARD: Right.

5 JUDGE DIPPELL: Okay.

6 MR. HOWARD: 534-4121, area code 314.

7 JUDGE DIPPELL: All right. Did you want to
8 go ahead first and -- why don't you go ahead and finish
9 your statements, and then we'll take a break after that
10 and I'll fax those to you at that time.

11 MR. HOWARD: I'm sorry. You want me to do
12 what now?

13 JUDGE DIPPELL: Why don't you go ahead and
14 finish your statements, and then we'll take a break and
15 I'll fax those papers to you.

16 MR. HOWARD: Okay. Well, I guess I'll do
17 that, I mean, even though now I'm in the dark as far as
18 what their statements say.

19 JUDGE DIPPELL: Okay.

20 MR. HOWARD: In No. 7 of their answers,
21 Respondent implies that the last reading received again at
22 that address was July 23rd, 2006. They enclosed again a
23 copy of the actual reading -- actual reading, of course,
24 and the payment of 29.11 for said reading.

25 Additionally, the billing statements

1 provided with payment of 28.56 for the previous month's
2 usage.

3 I believe if you take -- you were to take
4 the Company's actual calculations for actual usage
5 initiated by -- since 2005 (inaudible) --

6 THE COURT REPORTER: Whoa. I'm sorry. I'm
7 sorry. You lost me there.

8 JUDGE DIPPELL: It says 2005 what?

9 MR. HOWARD: These calculations
10 (inaudible) --

11 THE COURT REPORTER: (Gestures.)

12 JUDGE DIPPELL: Wait just a minute,
13 Mr. Howard. I'm sorry. We had an announcement over the
14 public address system here.

15 THE COURT REPORTER: Okay. In 2005, if you
16 could start again, and please speak slower.

17 MR. HOWARD: I'm saying that in 2005 there
18 were no allegations that the transmitting device was in
19 some way or another defective.

20 So assuming that those calculations are
21 right, I'm sure that the bill comes to average around 25,
22 you know, \$30 a month.

23 The fact of the matter is, I mean, for the
24 last ten years the meter -- the billing statements would
25 indicate that the average bill at that residence has been

1 around 20, \$25, and now for the Respondent to come up with
2 the theory that I owe them \$1,000 for nontransmission,
3 whatever -- in the year 2007, that year for whatever
4 reason is so different from the years prior to that, that
5 I don't think they can justify that.

6 And I want to see these numbers that they
7 have -- that you guys have in your possession, but you're
8 going to fax me, I guess, after I get through closing.

9 My main contention is that this is just a --
10 this is an attempt to pass on costs to the consumer.

11 Had someone resided at that residence they
12 might have a leg to stand on, but I know for a fact that
13 no one does reside there. And the utility usage, being
14 gas, electric and otherwise, would indicate the same. I
15 don't feel that that can adequately address these points.

16 And after -- you know, after -- they sent me
17 a letter saying that it stopped in July of 2007 -- or
18 January 2007. They sent you guys information that it
19 stopped August of 2006.

20 THE COURT REPORTER: I'm sorry. Whoa. If
21 you can slow down, please.

22 MR. HOWARD: I believe the Company has
23 impeached itself on numerous occasions up to this point.
24 I think their credibility suffers as a result thereof. I
25 feel that had the inverse been true, is that I had once or

1 another impeached myself, I think this inquiry would be
2 over with by now.

3 THE COURT REPORTER: Whoa.

4 JUDGE DIPPELL: Slow down, Mr. Howard.

5 THE COURT REPORTER: Mr. Howard.

6 Mr. Howard.

7 JUDGE DIPPELL: We can't hear you when you
8 get excited and start talking so quickly.

9 MR. HOWARD: I believe that the Company is
10 wrong in their estimation of my electric usage at this
11 residence, and I look forward to receiving your fax.

12 JUDGE DIPPELL: All right. Why don't we
13 take just a short break then and let me fax you this usage
14 information so that you can have that and have a few
15 minutes to look at it.

16 MR. HOWARD: Thank you.

17 JUDGE DIPPELL: Okay. Let's -- Mr. Howard
18 will disconnect and we'll go off the record.

19 (A RECESS WAS TAKEN.)

20 JUDGE DIPPELL: We're ready. We'll go back
21 on the record.

22 Okay. We took a break. We faxed Mr. Howard
23 the documents that the Company submitted earlier this
24 week, which were the usage records.

25 Mr. Howard, did you have anything else that

1 you wanted to add?

2 MR. HOWARD: Not as far as my opening
3 statement, no.

4 I'm just perusing these records right now,
5 see if I can make some sense of them.

6 JUDGE DIPPELL: All right. Well, I'll just
7 mention that you're still under oath then, and I will let
8 the other parties have their cross-examination of you, and
9 then I'll have some questions for you as well.

10 So let's go ahead and begin with Staff then.

11 CROSS-EXAMINATION

12 BY MR. THOMPSON:

13 Q. Good morning, Mr. Howard.

14 A. Good morning.

15 Q. My name is Kevin Thompson. I'm the General
16 Counsel of the Commission, and I'm representing the
17 Commission Staff in this matter.

18 A. Okay.

19 Q. And you have been responsible for the
20 electricity bills at this address since what date?

21 A. Probably around September, October of 1998.

22 Q. Okay. And to the best of your knowledge is
23 it true that no person has resided there since sometime in
24 1998?

25 A. That's correct.

1 Q. Would that have been October of '98?

2 A. October, November. It's been ten years ago.

3 Q. Okay.

4 A. But I know right after my uncle passed I

5 know it was pretty much unoccupied.

6 Q. Now, you indicated that you have your dogs

7 at that residence. Correct?

8 A. That's correct.

9 Q. And are they inside or outside?

10 A. They're outside.

11 Q. And --

12 A. But when it becomes bitingly cold, I'll put

13 them in the basement but that's because the basement is

14 underground, so it's warmer in the winter and it's cooler

15 in the summer.

16 Q. Okay. And you have maintained utilities

17 there just for your convenience. Is that correct?

18 A. That's correct.

19 Q. What is the thermostat set at, if you know?

20 A. I'm sorry. What is the thermostat set at?

21 Q. Your thermostat. In other words, what

22 temperature do you maintain at that residence?

23 A. See, I don't have any thermostat here. I

24 have a thermostat, but there has been no gas on here for

25 probably around ten years.

1 Q. Well, what -- okay. So the electric is only
2 for lighting?

3 A. Yes.

4 Q. And what lights do you have that are used
5 regularly?

6 A. There is a bathroom light I keep on to keep,
7 you know, possible prowlers away, and that's pretty much
8 it.

9 Q. Okay. One light?

10 A. A bathroom light.

11 Q. Okay. Do you know what size bulb you have
12 in that bathroom light?

13 A. It's -- I think it's 100 watts.

14 Q. 100 watts. Okay.

15 And as far as you know, that is the only
16 electricity used at that residence since 1998?

17 A. No, sir. No. There is also -- I keep a
18 refrigerator here as well.

19 Q. Okay. And anything else that to your
20 knowledge has been used that draws --

21 A. No.

22 Q. -- electricity?

23 A. No. I mean, all of the sockets are active.
24 I assume they all work. But, no --

25 Q. But as far as you know, nothing has been

1 plugged into them?

2 A. Right.

3 Q. Okay. I'm just trying to understand what
4 the usage pattern is at --

5 A. I come up here once a day to feed these
6 animals --

7 Q. Okay. And --

8 A. -- and that's normally when it's in use.

9 Q. Do you turn on a lot of lights when you come
10 over?

11 A. Yes.

12 Q. Okay.

13 A. It all depends. I come at, you know,
14 intermittent times. Sometimes I come during, you know,
15 the period when the sun is up, you know. If I come at
16 night, then, yeah, I turn the lights on in order to
17 facilitate, you know, me feeding the animals.

18 Q. Okay. Now, have you ever allowed anyone to
19 live there temporarily?

20 A. No.

21 Q. Okay. And you've mentioned the possibility
22 of electricity theft by your neighbors. Do you have any
23 reason to believe or to suspect that that has occurred?

24 A. No. And the Company confirmed, you know, my
25 assertions that, no, they don't believe electricity is

1 being stolen from that residence per a communication they
2 sent me one day in the mail.

3 Q. Okay. Now, I also understand you have some
4 issues with the meter. Is that correct?

5 A. Yes. They sent me a bill -- was it last --
6 the month prior to last, for \$77, and I think it was just
7 to try to bolster their case in this particular hearing.
8 But I paid it anyway. But I contested, you know, that
9 amount because I know it's outrageous. Nobody used \$77
10 worth of electricity here.

11 Q. What do you think the bill should be for
12 that residence for a month?

13 A. Probably around \$20 a month.

14 MR. THOMPSON: About \$20. Okay.

15 I have no further questions. Thank you,
16 Mr. Howard.

17 MR. HOWARD: Uh-huh.

18 JUDGE DIPPELL: Thank you.

19 Amerenue.

20 MS. TATRO: AmerenUE has no questions.

21 Thank you, Your Honor.

22 JUDGE DIPPELL: Okay. I have just a few
23 more questions for you, Mr. Howard.

24 QUESTIONS

25 BY JUDGE DIPPELL:

1 Q. Okay. When did you actually convert the
2 account into your name?

3 A. Oh, according to the Company's records,
4 2005.

5 Q. And had it stayed in your uncle's name
6 before it?

7 A. Yes, uh-huh.

8 Q. Okay. How is the home heated?

9 A. It's not heated.

10 Q. It's not heated.

11 What do you do in the wintertime to keep the
12 plumbing from freezing up?

13 A. I turn -- I let the water drip.

14 Q. Do you ever -- so you never turn on the heat
15 in the house?

16 A. The heat -- there is no heat -- the heat --
17 the gas has been turned off for over ten years, like I
18 indicated to someone earlier.

19 Q. Okay. And you don't have heat --

20 A. There is no heat to turn on here.

21 Q. And you don't have any space heaters that
22 you take over --

23 A. No.

24 Q. -- or anything like that?

25 Do you have -- well, you said that the dogs

1 stay outside most of the time?

2 A. Yes, unless it's, like I said, bitingly
3 cold, maybe like 13 or 14 below zero or something, you
4 know, and the water freezes up. You know, I have to bring
5 them inside so they can be hydrated, and I bring their
6 water in along with them and put them in the basement.

7 Q. And it stays warm enough in the basement --

8 A. Yes.

9 Q. -- without heat?

10 It's underground, I take it?

11 A. Uh-huh.

12 Q. Do you have any kind of access for the dogs
13 when you put them in the basement? Do you --

14 A. Do I have any access for them?

15 Q. Do you let them -- do you go over and let
16 them out, or do they have a doggy door or anything?

17 A. No. No. They don't have a doggy door. No.
18 I have to let them out.

19 Q. Are you aware of any broken doors or windows
20 at the house?

21 A. No. No, there are no broken doors or
22 windows at that residence, no.

23 Q. Does the house have a lawn?

24 A. No.

25 Q. So you don't have to mow or trim the grass?

1 A. Oh, I thought you said does it have an
2 alarm.
3 Q. Yeah, a lawn. I'm sorry.
4 A. You mean, like --
5 Q. A yard.
6 A. -- there is grass. I thought you meant
7 a-l-a-r-m.
8 You're saying a lawn, like l-a-w-n. Right?
9 Q. Right.
10 A. Yeah. It has a lawn, yes.
11 Q. And what kind of equipment do you use or do
12 you --
13 A. A gas-powered mower.
14 Q. Do you ever use an electric trimmer?
15 A. No.
16 JUDGE DIPPELL: Okay. I think you've
17 answered most of the other questions that I had already.
18 So I appreciate your testimony.
19 I believe then at this time -- are there any
20 further cross-examination questions based on my questions
21 from Staff?
22 MR. THOMPSON: None from Staff. Thank you,
23 Judge.
24 JUDGE DIPPELL: Anything from Ameren?
25 MS. TATRO: No. Thank you, Your Honor.

1 JUDGE DIPPELL: All right. Then would
2 Ameren -- or, Mr. Howard, did you have any additional
3 witnesses or any--

4 MR. HOWARD: No witnesses. I just would
5 like to say I'm just perusing these faxes that I just
6 received --

7 JUDGE DIPPELL: All right.

8 MR. HOWARD: -- looking at these numbers,
9 trying to make sense of them. But, no, I have nothing
10 further at this time.

11 JUDGE DIPPELL: Then I'll go ahead and let
12 AmerenUE put their witness on.

13 MS. TATRO: AmerenUE calls Cathy Hart to the
14 stand.

15 JUDGE DIPPELL: Thank you.

16 And, Ms. Hart, I'll just have you just stay
17 seated there, and that way we can leave the microphone up
18 here on the speaker phone for Mr. Howard.

19 MS. HART: Okay.

20 JUDGE DIPPELL: Could you please raise your
21 right hand.

22 (Witness sworn/affirmed.)

23 JUDGE DIPPELL: Go ahead. And I will ask
24 you, though, to speak right into the mike, and if that
25 doesn't work out very well, I'll have Ms. Tatro come over

1 here to the podium to ask you questions.

2 MS. TATRO: I can do that.

3 JUDGE DIPPELL: It might be easier than you
4 guys swinging the microphone back and forth.

5 THE COURT REPORTER: Cathy, if you could
6 spell your full name, please.

7 MS. HART: My last name?

8 THE COURT REPORTER: Full name. Cathy.

9 MS. HART: Cathy is C-a-t-h-y. Last name,
10 Hart, H-a-r-t.

11 THE COURT REPORTER: Thank you.

12 JUDGE DIPPELL: Go ahead.

13 DIRECT EXAMINATION

14 BY MS. TATRO:

15 Q. Ms. Hart, can you tell the Judge in what
16 capacity you work at AmerenUE?

17 A. I work in the customer contact center here
18 in Jefferson City.

19 Q. And what's your title?

20 A. My title is customer service supervisor.

21 Q. And how long have you held that position?

22 A. I've held that position since 2001, January
23 of 2001.

24 Q. And prior to that position did you work for
25 AmerenUE?

1 A. I have worked for Ameren a total of
2 24 years, and I've basically been in the customer service
3 business throughout that entire time, either in the
4 district office or here in Jefferson City.

5 Q. So you consider yourself familiar with
6 AmerenUE's billing system?

7 A. Yes, I do.

8 Q. And you've investigated billing issues
9 before for the Company?

10 A. Yes.

11 Q. Okay. I think I'd like to start by asking
12 you to give the Judge a narrative of what has happened in
13 this dispute, starting with when the meter failed to
14 transmit readings.

15 A. Okay.

16 The automated meter reading, the AMR device,
17 on the meter stopped working sometime between July 23rd of
18 '06 and August 23rd of '06. The meter did continue to
19 register usage but the transmitting device had stopped.
20 The readings failed to transmit properly. The last good
21 reading that Ameren received was on July 23rd of '06.

22 On August the 23rd of '06 we had a
23 technician attempt to retrieve a reading, but we were
24 unable to do that because the gate was locked and there
25 was a dog in the yard.

1 At that -- then Ameren mailed letters. We
2 mailed letters to contact -- to schedule a meter -- a
3 meter change on several occasions, those being October the
4 12th of '06, January 12th of '07, July 16th of '07,
5 October 12 of '07, November the 9th of '07 and lastly
6 December the 14th of '07.

7 MS. TATRO: I'm going to stop you there for
8 just a moment, Ms. Hart.

9 And I have two exhibits that I'd like to --
10 do you want to have her mark them?

11 JUDGE DIPPELL: Yeah. Go ahead and we'll
12 mark those as Exhibits 1 and 2.

13 Have these been provided to Mr. Howard?

14 MS. TATRO: I e-mailed them along with that
15 filing.

16 JUDGE DIPPELL: Okay. Are they documents
17 that he has previously seen?

18 MS. TATRO: They are the letters that she's
19 talking about that we sent out to him.

20 JUDGE DIPPELL: Okay. What are the dates on
21 the letters?

22 MS. TATRO: The dates she just cited.

23 JUDGE DIPPELL: Okay.

24 Mr. Howard, do you have copies of those
25 documents?

1 MR. HOWARD: I -- I have -- I have copies
2 somewhere in my possession.

3 Yes. I think they're all dated June 5th,
4 2008, aren't they? They have the same date on top of
5 them, 2008, June 5th, or something like that.

6 JUDGE DIPPELL: Yes, that's the letter she's
7 talking about.

8 MR. HOWARD: We don't have the individual
9 documents dated the days that they supposedly sent me the
10 documents, indicating that they required a meter change at
11 that address.

12 JUDGE DIPPELL: Okay. I just wanted to make
13 sure that we were all going to be looking at the same
14 documents.

15 (EXHIBITS 1 AND 2 WERE MARKED FOR
16 IDENTIFICATION BY THE COURT REPORTER.)

17 BY MS. TATRO:

18 Q. All right. Ms. Hart, you have in front of
19 you two letters that I have marked Exhibits 1 and 2. Are
20 you familiar with these letters?

21 A. Yes, I am.

22 Q. And as Mr. Howard has noted, they both have
23 a date of June 5th, 2008 at the top?

24 A. Yes.

25 Q. Yet you're purporting they were sent at

1 another date. Can you explain that?

2 A. Well, these are -- these letters were mailed
3 out after our attempts to change the meter on -- and I can
4 give you those dates again if you'd like.

5 Q. Let me ask the question for you in a
6 different way.

7 Does AmerenUE retain copies of every single
8 letter it mails out to customers?

9 A. Yes.

10 Q. Where this is a form letter that is
11 generated?

12 A. Well, this is a form letter, but we do --

13 Q. Okay. So on June 5th you generated the
14 letter?

15 A. Right.

16 Q. That would be the same letter as what was
17 mailed out?

18 A. Yes.

19 Q. Okay. And what do these letters request?

20 A. These letters request electric meter
21 requires changing, slash, reading, so whichever the case
22 may be, in our case we requested a meter change. So these
23 are form letters.

24 Q. And do you know if Mr. Howard ever responded
25 to those letters?

1 A. No, he did not respond to those letters. We
2 mailed the letters requesting to have a meter change, and
3 if you'd like, I can go over those dates.

4 Q. Have you already put them in the record?

5 A. Well, these are different dates than the
6 ones that I gave you for the letters.

7 The letters are sent out after we have
8 actually made the contact to try to change the meter. So
9 we would have actually gone to the home, tried to change
10 the meter, and after that was a failed attempt, then we
11 mailed the letter, and they're going to have different --
12 these are different dates here.

13 Q. Okay.

14 A. We attempted to change the meter on October
15 the 23rd, July 5th, September 13th -- I'm sorry. Let me
16 back up here. October 23rd of '06, July 5th of '07,
17 September 13th of '07, October 11th of '07 and again
18 December 5th of '07. And that's when we were not able to
19 get in because of the locked gate and the dog in the yard.

20 Q. So when you say we attempted, you mean
21 someone went to the residence in an attempt to make the
22 repairs --

23 A. Yes.

24 Q. -- we're talking about?

25 A. We made a trip out there each of those days

1 to change the meter.

2 Q. And they were unable to access the meter?

3 A. That's correct.

4 Q. Okay. Please continue.

5 A. Okay. Then on January the 28th of '08 we
6 mailed a letter informing that the service would be
7 disconnected because we had never gained access.

8 And on January the 29th of '08 we mailed an
9 estimated bill for \$12.35. That reflected a reading of
10 78849 on January the 28th of '08.

11 Mr. Howard then contacted us on January the
12 29th of '08 and scheduled the meter change for February
13 the 1st of '08.

14 The meter was changed on February 1st. When
15 the meter was changed, we had a reading of 97252 that was
16 obtained from the actual meter. That was a difference of
17 18,403 kilowatt hours that we had underbilled Mr. Howard.
18 This reading indicates that the previous estimates were
19 too low.

20 On February the 11th we sent a corrected
21 bill for \$1,075.70, and that reflected the charges of
22 1,238.08 for service from January the 28th of '07 to
23 January the 28th of '08.

24 A credit of 162.78 was taken off for
25 payments that he had made for the time period January 28th

1 of '07 to January the 8th of '08.

2 We compared the adjustment to the most
3 recent 12 months of actual bills from this location, and
4 we found a difference of \$534.83. And at that point we
5 agreed to credit the account for that 534.84.

6 Q. Okay. Now I have a couple questions about
7 what you just said.

8 You indicated that the meter was eventually
9 changed out. Why was the meter changed if it was still
10 functioning and only the transmitter wasn't working?

11 A. That is exactly why we changed it.

12 Any time that the meter -- the transmitter
13 is not working, we will change it so that it will continue
14 to send those readings. Although the meter was
15 functioning properly, we want the entire piece to be
16 proper, not just the meter itself.

17 Q. So AmerenUE's policy is to replace the
18 entire meter if a transmitter stops working?

19 A. That's correct.

20 Q. So any usage that occurred after that meter
21 change is being metered by a new meter?

22 A. It is --

23 Q. Okay.

24 A. -- yes.

25 Q. Now, in Mr. Howard's testimony he referred

1 to a letter dated February 6, 2008. Do you have that
2 letter in front of you?

3 MS. TATRO: If I may approach.

4 JUDGE DIPPELL: Yes.

5 THE WITNESS: Yes, I see it.

6 BY MS. TATRO:

7 Q. And within that letter it mentions a date of
8 January 25th of '07 as the date that the meter stopped
9 transmitting, but can you explain why that is different
10 than what you just testified to?

11 A. Yes. This is a form letter, and generally
12 what we will do is send out -- because we're only going to
13 try to recoup charges for a year, for the 12 previous
14 months, then we would put one year from that date on this
15 letter. And that's why this is actually an incorrect date
16 of 1-25 of 07.

17 We actually went back further because we
18 wanted to look at the actual usages at this location
19 compared to the estimates, and that's where we determined
20 the \$534 credit that we were able to give Mr. Howard.

21 Q. So when you went back further to examine the
22 record, that was because there was an informal complaint
23 pending at the Commission and you were trying to figure
24 out what was going on?

25 A. Yes, that's correct.

1 Q. But for purposes of this letter, is that
2 another form letter?

3 A. This is another form letter, yes.

4 Q. Okay.

5 A. Uh-huh.

6 Q. Okay. Then let's talk a little bit about
7 what I have labeled as Exhibit 1 to the answer.

8 Do you have a copy of that in front of you?

9 A. I do.

10 Q. All right. Let's look for a moment at
11 February 24th, 2008, March 24th, 2008 and April 22nd,
12 2008. That's the last three readings that would be in
13 that table. Do you see that?

14 A. I do.

15 JUDGE DIPPELL: Let me interrupt just one
16 moment.

17 Mr. Howard, do you have a copy of the answer
18 there with that Exhibit 1 attached to it?

19 MR. HOWARD: Yes, I believe so.

20 JUDGE DIPPELL: Okay. I just wanted to be
21 sure you could follow.

22 MR. HOWARD: It's on the last page, is it
23 not?

24 JUDGE DIPPELL: Yes.

25 MR. HOWARD: Yes, I have a copy.

1 JUDGE DIPPELL: Okay. And I believe that
2 this information was labeled as highly confidential
3 because it contained Mr. Howard's customer information.
4 Is that correct?

5 MS. TATRO: Yeah. I'll ask my witness to
6 not specifically say any information that's highly
7 confidential. I think we can do this without getting --

8 JUDGE DIPPELL: Is the only thing that is
9 highly confidential is the customer number and his name
10 and address?

11 MS. TATRO: Um, probably, although typically
12 I usually even treat usage numbers as confidential.
13 Just -- the Commission's regulations say customer specific
14 information, and in all caution maybe some customers don't
15 want other people to know what they're using.

16 JUDGE DIPPELL: Right.

17 MS. TATRO: But I think we can do this
18 without even getting into the exact numbers.

19 JUDGE DIPPELL: Okay. Because I may want to
20 talk about some numbers specifically later.

21 Mr. Howard, would you have a problem if we
22 keep the usage information as public information? Do you
23 have any objection to us doing that, or would you like us
24 to keep that confidential?

25 MR. HOWARD: What purpose -- I mean, is it

1 normally kept confidential?

2 JUDGE DIPPELL: Well, Ms. Tatro is saying
3 that typically they keep all of their customer
4 information, including the usage, confidential, and if it
5 is not maintained as confidential at our agency, what that
6 means is that anybody that would look online at the case
7 transcript or something would be able to see it there.

8 MR. HOWARD: So any future billing
9 statements coming to that residence as far as
10 1111 Maffitt. Right?

11 JUDGE DIPPELL: No, not any future. I'm
12 just talking about the specific usage information that's
13 in these documents.

14 MR. HOWARD: No, I have no problem one way
15 or the other.

16 JUDGE DIPPELL: Okay. Thank you. Well,
17 then we won't treat the usage information itself as highly
18 confidential.

19 MS. TATRO: I would ask that the account
20 number be kept confidential obviously.

21 JUDGE DIPPELL: We'll keep the account
22 number and so forth as confidential.

23 MS. TATRO: Okay. Well, great. Then that
24 will make this a little bit easier.

25 BY MS. TATRO:

1 Q. On February 24, 2008 it shows the kilowatts
2 used as 1688. Do you see that?

3 A. I do.

4 Q. Now, in your experience is that consistent
5 with one light bulb being on all of the time and other
6 lights being used infrequently?

7 A. No. That is much greater -- that's much
8 greater usage than one light bulb.

9 Q. And to be clear, that much greater usage
10 than one light bulb occurred after a new meter was put on
11 the premise. Correct?

12 A. That's correct.

13 Q. And has there been any reason to believe
14 that the new meter is malfunctioning?

15 A. No. There is no -- nothing that shows that
16 it's malfunctioning. And if you look at the readings
17 actually from December 20th of '05 through March 22nd of
18 '06, those -- those kilowatt numbers are comparable to the
19 brand new meter that's in.

20 Q. So they're comparable numbers and they're
21 being transmitted from two different meters. Right?

22 A. That's correct.

23 Q. What would cause -- if no one lives there,
24 in your experience what could cause that kind of usage?

25 A. If I were looking back at just a summary of

1 kilowatt usage for the year, when I ran across the higher
2 numbers like this, it would indicate that there is some
3 type of heat there, whether that would be space heating or
4 something to generate -- because if you looked -- I'll go
5 back to 12-20 of '05, beginning -- it jumped from 11-- on
6 11-20 of '05 from 879 to 12-20 of '05 to 2300.

7 So that would tell me that there is some
8 type of heating going on in that residence. It did go
9 through March 22nd of '06 and dropped back off numberwise
10 down to 994 kilowatts in April of '06.

11 Again, if we look at the new meter
12 registering on February 24th of '08, 1688 kilowatts of --
13 still yet in April, April 22nd, they were at 1300
14 kilowatts. So that is comparable to heating being used at
15 that residence.

16 Q. And if you know the answer to this question,
17 do you know if Mr. Howard contacted AmerenUE back in 2005
18 to dispute those bills?

19 A. I did not see anywhere where he even
20 contacted us in '05, no.

21 Q. And those would have been noted in the
22 information you reviewed for this hearing?

23 A. Yes, it would, in our contacts.

24 Q. AmerenUE normally keeps track of that
25 information?

1 A. Yes, we do.

2 Q. The call taker would have put the notes into
3 the computer system?

4 A. The call taker, the date, who they spoke to
5 and what the conversation was in regards to, yes.

6 Q. And you went through those notes --

7 A. Yes, I do.

8 Q. -- in preparation?

9 A. Uh-huh.

10 Q. Let's talk a little bit about the bill --
11 the amount of the bill for the -- to make up for the
12 underestimation.

13 A. Okay.

14 Q. I think originally you said it was just over
15 a thousand dollars?

16 A. Yes.

17 Q. And explain to me why that has been
18 adjusted?

19 A. We adjusted it not because we didn't have
20 the actual readings for -- in order to bill Mr. Howard.
21 We adjusted it to try to work with him.

22 I mean, he had asked us -- we had gone to
23 the residence several times. We had sent letters. But we
24 still felt, because he protested this and had gone through
25 an informal complaint with the PSC, we felt like we wanted

1 to try to work with him, and we did.

2 We looked at the corrected bills. I'll call
3 them corrected because we had not really got the actual
4 final reading until we changed the meter. We looked at
5 that time period compared to the '05 and '06 time period,
6 and there was a \$534 difference. We decided to give that,
7 to take that off of the bill. So it wasn't due to an
8 estimate. It was just due to the fact that we were trying
9 to work with Mr. Howard because he was unhappy with the
10 bill.

11 That left an amount for him to owe of that
12 entire bill of 528.12. So we actually credited more than
13 what we billed for that time period.

14 Q. So at this point in time you believe
15 Mr. Howard owes AmerenUE \$528.12 for service during that
16 last year when the meter wasn't transmitting?

17 A. Yes, during that period of time, uh-huh.

18 MS. TATRO: Okay. I have no further
19 questions.

20 JUDGE DIPPELL: Okay. Are there any
21 cross-examination questions?

22 MS. TATRO: Did I move to admit those
23 exhibits? I'm not sure if I did.

24 JUDGE DIPPELL: No, you didn't.

25 MS. TATRO: I so move.

1 JUDGE DIPPELL: Mr. Howard, would you have
2 any objection to Exhibits No. 1 and 2, which were those
3 copies of those letters?

4 MR. HOWARD: Yes, I do, because of the best
5 evidence rule. I mean, she hasn't really given us an
6 adequate explanation as to why she doesn't have the
7 original letters, the original dates they were sent to me
8 regarding the change of the meter.

9 She has letters dated June 5th of 2008, and
10 scribbled at the bottom of these letters are dates that
11 the Company alleged that I was -- I was in receipt of
12 these letters.

13 But, I mean, it seems like the best evidence
14 rule requires that they would provide the actual letters
15 in a formal hearing such as this.

16 Absent, you know, a satisfactory explanation
17 as to why the formal letters are not forthcoming, they're
18 not available, I have to object to these letters being
19 admitted as evidence that I was in receipt of these
20 letters the dates that they allege that I was.

21 JUDGE DIPPELL: Ms. Tatro.

22 MS. TATRO: Well, they're form letters that
23 are routinely generated that aren't kept. Ms. Hart has
24 testified that the records indicate what dates they were
25 sent. She's testified this was the letter that was sent.

1 And I don't think that we are alleging he
2 did or didn't receive them. We're only alleging that it
3 is a representative of what was actually mailed.

4 JUDGE DIPPELL: Okay. Mr. Thompson, did you
5 have anything to add?

6 MR. THOMPSON: Nothing, Judge. Thank you.

7 JUDGE DIPPELL: I'm going to go ahead and
8 allow them to come in on that basis, that they are to show
9 what the Company sent, not necessarily that Mr. Howard
10 received them, and as to the weight that they'll be
11 granted, the other will all come into consideration as to
12 their -- the weight that the evidence is given when the
13 Commission is considering them.

14 So I will admit Exhibit Nos. 1 and 2 into
15 the record.

16 (EXHIBIT NOS. 1 AND 2 WERE RECEIVED INTO
17 EVIDENCE.)

18 JUDGE DIPPELL: Did you have anything
19 further, Ms. Tatro?

20 MS. TATRO: I did not.

21 I think I'll stay here while she's crossed
22 in case I have an objection, so I don't have to rip the
23 mike away from my own witness.

24 JUDGE DIPPELL: That's fine.

25 Okay. Then let's go ahead with

1 cross-examination.

2 Is there anything from Staff?

3 MR. THOMPSON: Yes. Thank you, Judge.

4 CROSS-EXAMINATION

5 BY MR. THOMPSON:

6 Q. Ms. Hart, based on the information in your
7 possession, is it your belief that when you were finally
8 able to read the meter in February of '08, that, in fact,
9 the usage, the actual usage, was 18,403 kilowatts more
10 than had been estimated?

11 A. Yes, it was.

12 Q. Do you have any reason to doubt that that
13 figure reflects the actual amount used?

14 A. No. We have no doubt that it did.

15 Q. And the original bill that you generated,
16 did that reflect the actual price under your Commission-
17 approved tariffs for that additional usage?

18 A. Yes, it did.

19 JUDGE DIPPELL: Mr. Thompson, speak a little
20 bit more into the microphone, if you don't mind.

21 MR. THOMPSON: Sorry, Judge. Certainly I
22 will.

23 BY MR. THOMPSON:

24 Q. How did you calculate the adjustment that
25 you offered to Mr. Howard?

1 A. We looked back at -- at the time that the
2 service actually came into Mr. Howard's name, which was
3 back in June of '05, and we took 12 months of actual
4 service used. There were no estimates there, no problems
5 with the device transmitting.

6 We figured up that amount moneywise, and
7 then we compared it to all of the time that we had to
8 estimate the bill. And we found that the new bill that we
9 had sent Mr. Howard was over the amount of the -- when he
10 first moved in, it was over that amount by \$534.

11 So we actually just wrote that off. We
12 credited that amount because we were actually going to
13 make it to what the regular bills were, you know.

14 We had monthly readings back then, as we did
15 this time, but we weren't able to tell exactly which
16 months -- you know, what usage was used exactly what
17 months during this latter period until we changed that
18 meter.

19 So we felt like, in order to work with
20 Mr. Howard, we would go ahead and write off the \$534.

21 MR. THOMPSON: Thank you. No further
22 questions from Staff.

23 JUDGE DIPPELL: Thank you.

24 Mr. Howard, did you have questions for
25 Ms. Hart?

1 MR. HOWARD: Yes.

2 CROSS-EXAMINATION

3 BY MR. HOWARD:

4 Q. Ms. Hart, you're saying that you've been
5 trying to work with me; that's why you credited me for
6 530 dollars?

7 A. Yes.

8 Q. I have the readings from January -- say
9 July 21st, 2005. The kilowatts used was 265. The same
10 time period, July 25th, 2007, kilowatts used was 1584.
11 That's at least six, seven times more than it was in 2005.

12 Can you provide us with a satisfactory
13 explanation as to that variance and why it's such a large
14 amount of difference?

15 MS. TATRO: Your Honor, can you ask him --
16 I'm not sure where that second number he cites comes from.

17 MR. HOWARD: The reading -- this is an
18 exhibit sent by you guys, the original exhibits. It's
19 giving those reading dates, from July 21st, 2005 through
20 June 20th in one column of 2006, and the second column is
21 January 25th of 2007 to June 25th of 2007.

22 JUDGE DIPPELL: Is that the documents that I
23 faxed to you or some other documents?

24 MR. HOWARD: That's another document --
25 that's one of the original documents that you guys sent to

1 me earlier. And I think I have scribbled on the top of
2 this document average monthly average for the past six
3 years.

4 This was included in my Complaint, I
5 believe.

6 JUDGE DIPPELL: Okay.

7 MS. TATRO: Let me see if I can find it.

8 May I approach the witness and help her find
9 that?

10 JUDGE DIPPELL: Yes.

11 MR. HOWARD: Well, you probably have the
12 same information as far as that you guys just faxed to me
13 actually.

14 JUDGE DIPPELL: I'm sorry, Mr. Howard. Tell
15 me the date again.

16 MR. HOWARD: The reading date at the very
17 top here is July 25th, 2005, kilowatts used, 265.

18 JUDGE DIPPELL: Okay. I'm seeing --

19 THE WITNESS: Okay.

20 MR. HOWARD: Right in front of that is
21 August 21st, 2005, 264 kilowatts used.

22 THE WITNESS: Right.

23 MR. HOWARD: Are we all on the same page?

24 THE WITNESS: I do see that one.

25 What was your last -- what was the last

1 reading?

2 BY MR. HOWARD:

3 Q. The last reading in this column is June 20th
4 of 2006, 359 kilowatts used.

5 A. Yes, I have that.

6 Q. Okay. And there is another column on the
7 right-hand side, the comparisons -- these are comparison
8 dates between 2005 to 2007.

9 A. Correct.

10 Q. Okay. Now, your name is Cathy Hart, is it?

11 A. Yes, is it.

12 Q. You're responsible -- so I take it you would
13 have privy to have knowledge then. Right?

14 This would be something that you would know
15 and not necessarily Wendy Tatro, her being the General
16 Counsel? This would be --

17 A. I do have this in front of me.

18 Q. You would be the expert on it. Right?

19 A. Right. These are the actual readings, and
20 we have some actual readings and then the corrected
21 readings for that time period.

22 Q. Okay. This is Cathy Hart talking now.
23 Right?

24 A. Yes, it is.

25 Q. Okay. Now, could you explain to me, Cathy,

1 the variance between this -- let's use the first four if
2 you want to, July 21st, 2005, 265 kilowatts used;
3 August 21st, 2005, 264; September 20th, 2005, 271;
4 October 19th, 2005, 273.

5 And we go to the right-hand column, the same
6 dates relatively speaking, yet July 25th, 2007 you have
7 1584; August 23rd, 2007 you have 1530; September 24th,
8 2007 you have 1689; October 23rd, 2007 you have 1530.

9 Do you see those figures?

10 A. I do see those, yes.

11 Q. Could you explain to this agency and to
12 myself why there is such a wide variance as far as
13 kilowatts used between those two years?

14 A. Well, I'm not sure how you would have used
15 them per month. These are the corrected bills.

16 What we did was to take the last good
17 reading in July of '06 --

18 A. Okay.

19 Q. -- and then we didn't take another
20 reading -- we were unable to, until we were able to change
21 that meter on 2-1 of '08.

22 Q. Okay. You said the last good reading was
23 July of '06. Right?

24 A. It was.

25 Q. So these are prior to July of '06. So

1 these, I would think presumptively, these are good
2 readings then, right, the numbers I just pointed out to
3 you as far as 2005?

4 A. Those are corrected readings.

5 So we have put -- we have taken the entire
6 amount, which we know to be a good amount, and we split
7 those up between these bills, because these are corrected
8 bills.

9 There is no way that we would have known the
10 exact amount that you used each and every month, but we do
11 know the total that you used. So we took those and just
12 split those out among these months. That's why they're
13 called corrected.

14 We do know that you used a total of
15 18,000 additional kilowatts from the time -- the last good
16 reading that we took until 2-1 of '08.

17 So, no, I can't -- I can't say that these
18 are the exact amounts that you used, but we do know that
19 the total kilowatts are correct.

20 Q. How did you know -- just the plain language
21 of what you're saying. I'm trying to stay with that.

22 You're saying that sometime in 2007 the
23 meter stopped transmitting properly. Is that correct?

24 A. Actual --

25 Q. You said August of 2006, the last good

1 reading you received was sometime in August of 2006.

2 Right?

3 So July of 2006 -- I'm sorry.

4 So I'm saying all of these readings prior to
5 that --

6 MS. TATRO: Your Honor, she's trying to
7 answer his questions. He's not giving her enough time.
8 She's having to look back in her notes. So if he can just
9 slow down a little bit, I would appreciate it.

10 MR. HOWARD: Yes, yes, no problem.

11 JUDGE DIPPELL: Okay. Ms. Hart is looking
12 at the date that the last good meter reading was.

13 THE WITNESS: The last good reading that we
14 had was on July 23rd of '06. We were not able then to get
15 another good reading until 2-1 of '08.

16 So for all those months -- we do know that
17 when we took that meter out of there, when we changed it
18 and we read it, we do know that you used an additional --
19 it was over 18,000 kilowatts of service.

20 We do not know, though, which -- you know,
21 how much you used during the month of 9-20 -- to the
22 billing for 9-22 of '06 or 10-23 of '06.

23 So when you see those -- those amounts that
24 say corrected, that -- those -- we took the amount that
25 you used, the total, and we split that up among the number

1 of months that we had there.

2 There is no way without us getting in there
3 that we would have known exactly what you used per month,
4 but we know as a total how much you did use from start to
5 finish.

6 Q. So sometime around July 2006, that's when
7 the meter -- the meter reading device stopped
8 transmitting --

9 A. That's correct.

10 Q. -- properly. Correct?

11 A. That's correct.

12 Q. And you're saying that you have to apportion
13 costs according to -- just guesstimating from 2005 to
14 2007, that this is probably what I've used?

15 But you also have evidence of all of the
16 bills prior to this time period that we're talking about.
17 We're just using this time period because this is
18 officially when I had the meter transmitted over to my
19 name.

20 So if we could say 2002, what was the
21 average reading then at that residence, do you know?

22 A. In 2002?

23 Q. Yes.

24 A. I don't have that in front of me.

25 Q. I thought the Commission received evidence

1 up to the last ten years. I was given some kind of
2 communication to that effect.

3 You don't have that information in front of
4 you?

5 A. I don't. Do you want me to try to find that
6 in here?

7 Q. Okay. What about 2004, do you have that
8 information in front of you?

9 A. I don't. I can try to locate that in here.

10 Q. I mean, could you do it right now as this
11 hearing is going on or would it take time or what?

12 MS. TATRO: Would you like me to give her a
13 copy of that?

14 JUDGE DIPPELL: I was going to say, I have a
15 copy here of that information. Can you give those to
16 Ms. Hart?

17 MS. TATRO: Sure.

18 JUDGE DIPPELL: Ms. Hart, when you have a
19 chance to look at that, and can you tell us if you can
20 answer the question based on that?

21 THE WITNESS: Okay. Just a moment.

22 Okay. Mr. Howard, then you were asking me
23 about 2002?

24 BY MR. HOWARD:

25 Q. Yes.

1 A. I'm sorry. What was your question again?

2 A. What was the average monthly kilowatts used
3 in 2002? Can you read off some figures to me?

4 A. Sure.

5 Q. Let's take the hottest part of the year.
6 Let's say from June to August, and the average billing
7 cycle in that period of time.

8 JUDGE DIPPELL: She's trying to locate it,
9 Mr. Howard.

10 MR. HOWARD: Sure.

11 THE WITNESS: Okay. Let's see.

12 May 27th of '02 to June 25th of '02,
13 374 kilowatts. And that's all I have in front of me is
14 just kilowatt usage. The July 25th bill was 380. The
15 August 25th bill was 442 kilowatts and September's was
16 409.

17 BY MR. HOWARD:

18 Q. Those numbers appear to be high. I don't
19 have those in front of me either. But it seems to be more
20 in harmony with the readings that I read off in 2005 than
21 they are with your readings of 2007. None of them,
22 either, reached the 1,000 plateau.

23 How do you explain that variance?

24 This is when the meter was functioning
25 properly. Correct?

1 A. Yes. Those were actual Company readings.

2 In 2002, is that what you're referring to?

3 Q. Yeah. Do you have -- now you have that
4 information in front of you, what about 2003, the same
5 time period, do you have those readings in front of you?

6 A. Yes. Let me get them here.

7 Okay. In June of '08 it was 303 kilowatts,
8 July was 397, August 363 and September was 343.

9 Q. Okay. That's still in stark contrast to the
10 2007 meter readings which you guys allege that I consumed.

11 You have 1584 in July, 1530 in August, 1689
12 in September and 1530 in October. It just gets higher and
13 higher actually.

14 So we're saying that in this time period
15 from July 2006 until you guys are actually able to get a
16 reading on this meter, that this time period, for whatever
17 reason, I would presume maximum amount of electricity,
18 that people tend to be creatures of habit, that for
19 whatever reason it wasn't consumed in the past.

20 At this particular time -- from July 2006
21 until February of 2008, you're saying that I consumed
22 electricity quadruple of whatever I've used in the past.
23 How do you explain the variance?

24 A. I'm not sure what you used the service for,
25 but we do have the kilowatt amounts that you used. So I

1 don't really know what you used those for.

2 Q. We can go back here. Your assertions, you
3 know, in your form letters, the ones that you couldn't
4 provide the actual letters but a copy dated June the 5th
5 and then you scribbled in some information at the bottom
6 as to when I received these letters.

7 So this pretty much is only circumstantial
8 evidence that we have to go by as far as your credibility
9 and my consumption of electricity at this particular time
10 period. Is that correct?

11 A. Whatever we have monthly, the monthly bills
12 for the actual time, yes, I mean, it is what it is.

13 I don't think I really understand what
14 you've asking additional.

15 Q. No. I guess in plain language, there seems
16 to have been a substantial increase of electricity used
17 just in this particular time period. In all of the years
18 prior -- because the bills are consistent.

19 In this particular time period, you know,
20 haphazardly, you know, after the Taum Sauk and all these
21 other things came down the pike, that all of a sudden I've
22 used electricity there in direct disproportion to what
23 I've ever used before at that residence.

24 And I'm just trying to see whether or not
25 you can offer a credible explanation as to what would

1 cause that jump of usage like that, I mean, other than
2 just taking your word for this that these are the actual
3 readings after you guys got a chance to look into this
4 matter.

5 A. Well, if I look -- if you want to look
6 back at -- I think the -- if you look back at the bills of
7 12-20 of '05, you're looking at over 2300 kilowatts used,
8 January over 2200, February over 2100 and March, 1675.

9 Q. I have that information in front of me.

10 A. Right.

11 Q. Okay.

12 A. Right. What I'm trying -- the point I'm
13 trying to make here is that that was -- those readings
14 were actual readings. And since we have changed the
15 meter, if you want to compare the bills, the new one that
16 we have -- the new meter that we put in also is running,
17 you know, February of '08, 1688; March, 1772 kilowatts;
18 April, 1315 kilowatts.

19 So you're actually looking at a comparable
20 amount of usage there with two different meters. So, you
21 know, there again, I don't really know what you used that
22 for, but I do know that you used it according to what
23 readings that we have.

24 Q. One simple question -- I think we kind of
25 overlooked this fact.

1 These bills or these charges, they don't
2 reflect my payment history. I can see that here.

3 So in the event -- there has been plenty of
4 times I've been delinquent. I have taken two months to
5 pay a bill, sometimes three months.

6 So in the event that I do wait two or three
7 months to pay a bill, that's rolled over, is it not, the
8 kilowatts used, isn't that rolled over and compounded into
9 the next month's kilowatts --

10 A. Not that --

11 Q. -- something like that?

12 A. Not the kilowatts. The amounts are. If --

13 Q. That would explain these, because I never
14 received a bill for \$100 period. So there had to be an
15 accumulation of bills that I didn't pay in a previous
16 month.

17 And I think perhaps the kilowatts --

18 THE COURT REPORTER: If you could please
19 slow down. Thank you.

20 THE WITNESS: We don't ever accumulate the
21 kilowatts. The payments, the money amount, yes, we do.
22 Because if you have an amount that's brought forward or
23 unpaid, then we're going to add that on to the next month.

24 We do not --

25 BY MR. HOWARD:

1 Q. That happens quite frequently with me, yeah.
2 I'm sure that would explain a lot of these bills for \$110
3 here and \$300 here. You know, I know I've never received
4 a bill for a single month for that amount. So it has to
5 be a rollover effect, where I didn't pay the bill the
6 previous month.

7 A. Okay. And that -- that would show that.

8 Q. But you can't ascertain that information
9 just from the documents we have in front of us though.

10 A. About your payment history on this account?

11 Q. Yes. The payment credits. And some of them
12 you show some payment credits in this particular -- and
13 this is HC Schedule 1. You start to show some credit
14 payment history here.

15 But, I mean, there seems to be a point that
16 we kind of overlooked here, when we were trying to crunch
17 these numbers.

18 MS. TATRO: Your Honor, just to make sure
19 we're all clear, the numbers Ms. Hart has been talking
20 about I believe is kilowatts, not dollars.

21 JUDGE DIPPELL: I understand that.

22 And, Mr. Howard --

23 MR. HOWARD: She was reading off -- if you
24 don't mind me interrupting you.

25 She was reading off numbers as well after --

1 you know, the 110 price she quoted, as well as a couple
2 other prices she quoted.

3 So I thought she was coalescing the numbers
4 with the kilowatts, so that's why I wanted to make that
5 distinction, you know, that in the event that a bill is
6 delinquent or whatever, you know, that's not reflected in
7 these records that we're trying to crunch and make sense
8 of.

9 JUDGE DIPPELL: Okay. I think it's clear
10 that Ms. Hart has been referring to the kilowatt hours,
11 and she has answered your question that --

12 MR. HOWARD: They're not rolled over?

13 JUDGE DIPPELL: -- that she doesn't roll
14 over -- they don't roll over the kilowatt hours, but the
15 bill amount might be.

16 However, I'm not certain -- Ms. Hart, maybe
17 you could just clarify: Are the bill amounts on this --
18 this was an attachment to Mr. Howard's Complaint.

19 Do you know if these bill amounts only
20 reflect -- actually reflect the actual amount that was
21 sent to him or is this bill amount for this amount of
22 kilowatt hours?

23 THE WITNESS: Okay. Are you speaking about
24 the '05, the '05 paper --

25 JUDGE DIPPELL: Yes, the '05 paper.

1 THE WITNESS: -- where it will have actual
2 at the top and then corrected over to the right-hand side?

3 JUDGE DIPPELL: Yes.

4 THE WITNESS: The actual were the actual
5 bills that were sent. The actual kilowatt amounts charged
6 and the amount of money that was billed also, yes --

7 JUDGE DIPPELL: Okay.

8 THE WITNESS: -- just under the actual site.

9 JUDGE DIPPELL: So what we're interested in
10 here is in the kilowatts because the bill amount might
11 include past due amounts. Correct?

12 THE WITNESS: Right. I think I did allude
13 to the credit that we gave and money amounts, because we
14 didn't figure that up --

15 JUDGE DIPPELL: Right.

16 THE WITNESS: -- as far as the kilowatt.

17 But I guess the point I'd like to make here,
18 too, to Mr. Howard, is that he was asking about these
19 amounts.

20 In the 18,000 -- actually it was over 18,000
21 kilowatts that we billed for that entire time period. We
22 gave a credit of \$534, which probably -- it looks like
23 that's about half, actually a little bit more than half.

24 So if you look at that in kilowatt hours,
25 that's going to -- that's going to cut that kilowatt hours

1 in half. So really we didn't -- we ended up not billing
2 Mr. Howard for a full 18,000. We billed for a little over
3 9,000. So basically that's kind of what that bottom line
4 comes to.

5 JUDGE DIPPELL: Okay. Thank you.

6 Mr. Howard, go ahead.

7 MR. HOWARD: Yes.

8 BY MR. HOWARD:

9 Q. And, again, just this isolated time period,
10 for whatever reason it's in stark contrast to the prior
11 years as far as kilowatts used?

12 For whatever reason, this time period of
13 July of 2006 until present, for whatever reason my
14 kilowatts used has more than quadrupled. It's just pretty
15 much off the chart compared to previous years.

16 And I'm saying that you can't give us a
17 credible explanation as to that variance. Can you explain
18 to us why there would be such a variance?

19 For whatever reason, this particular year,
20 how you can consume so much more electricity than all of
21 the prior -- years prior?

22 And assuming that people are creatures of
23 habit, like I said earlier. What would explain the
24 variance?

25 I mean, could you maybe give us your theory

1 as to what would -- why would there be such an increase in
2 kilowatts used for this particular time period, July of
3 2006 until February of 2008?

4 MS. TATRO: Your Honor, I think he's asked
5 this question multiple times, and she's tried to explain
6 it to the best of her ability. I'm not sure if additional
7 repetition is going to gain any additional information.

8 JUDGE DIPPELL: Okay. Mr. Howard, I think
9 that Ms. Hart has answered that she just knows the usage
10 amounts. She doesn't know what you would have been using
11 that amount for.

12 MR. HOWARD: Okay. No further questions.

13 JUDGE DIPPELL: You don't have anything
14 additional?

15 MR. HOWARD: No.

16 JUDGE DIPPELL: All right. Let me go ahead
17 then, and I have a few questions for you, and then we have
18 a couple of the Commissioners here who might have some
19 questions for you as well, Ms. Hart.

20 THE WITNESS: Okay.

21 QUESTIONS

22 BY JUDGE DIPPELL:

23 Q. Well, I think I'm going to begin by, I think
24 the Commission would like to have this usage history
25 admitted into the record.

1 JUDGE DIPPELL: That would be the documents
2 that I faxed to you today, Mr. Howard.

3 BY JUDGE DIPPELL:

4 Q. Ms. Hart, are you familiar with those
5 documents?

6 MR. HOWARD: I'm sorry. Am I familiar with
7 what now?

8 JUDGE DIPPELL: Those were the documents I
9 faxed to you earlier, Mr. Howard.

10 MR. HOWARD: Yes, I've had a chance to look
11 them over.

12 JUDGE DIPPELL: And I was going to ask
13 Ms. Hart if she's familiar with those billing -- usage
14 history documents.

15 THE WITNESS: With those that --

16 BY JUDGE DIPPELL:

17 Q. Yes.

18 A. Yes, I am.

19 Q. And is that the kind of thing that you
20 usually work with when you're investigating customer
21 issues?

22 A. Yes, it is. I'll use those to go back.

23 One is an activity statement, and it tells
24 each month the amount of kilowatts, the amount of the
25 bill, the timeframe of that bill. And, yes, it is.

1 That's one of those that I use.

2 JUDGE DIPPELL: Okay. Would Mr. Howard or
3 Ms. Tatro, would either of you have an objection to the
4 Commission admitting those usage history documents into
5 the record?

6 MR. HOWARD: The only objection I have, it
7 doesn't really reflect -- the documents you faxed to me
8 don't reflect a payment history, so, therefore, it's
9 pretty much a guessing game as to exactly what these
10 numbers mean, because there is no -- in the payment credit
11 category there is no information -- there is no entries
12 there. So I would object to the fact that they're
13 incomplete.

14 Therefore, you know, again, back to the
15 incomplete situation, where you really can't ascertain
16 what's going on here. You just have numbers thrown out,
17 that you don't see the payment history or the
18 counterbalance of them, so you just pretty much have to go
19 by what the charges and the debits are.

20 Yes. So absent that, that's the only
21 objection I have, a standing objection to the fact that
22 it's an incomplete document.

23 JUDGE DIPPELL: Well, I agree that they
24 don't show the billing history or the payment history, but
25 what they are showing is the usage history, which I think

1 that the Commission --

2 MR. HOWARD: Right. But then again it's
3 another -- the best evidence argument, that, you know, it
4 seems like the best evidence would be the charges and the
5 payment history. You know, for whatever reason it's been
6 omitted, I don't know, but that's what makes the document
7 incomplete.

8 So under the best evidence rule I would
9 object.

10 JUDGE DIPPELL: All right. Well, you've
11 used these numbers when you were questioning Ms. Hart, so
12 I thought it would help to keep the record clear for the
13 Commission if they had --

14 MR. HOWARD: All right.

15 JUDGE DIPPELL: -- had the documents
16 themselves.

17 But I don't want to -- I don't want to offer
18 them if it's going to -- if you have an objection.

19 MR. HOWARD: They're just incomplete, yes.
20 Under the best evidence rule I would object to them being
21 admitted, as well as the form letter that has all of the
22 information, that you've already allowed that to go in.

23 JUDGE DIPPELL: Well, perhaps then the
24 record will have enough of that information. Ms. Hart has
25 already testified as to what those numbers were.

1 I'm just trying to make sure that we have a
2 complete record for the Commission to look at because
3 those documents that were in the Complaints and so forth,
4 those aren't actually in evidence.

5 Only the information that we take into the
6 record here today is the evidence that the Commission is
7 going to be able to look for.

8 And the Commission is actually only
9 interested in what kilowatts were used, and then the
10 calculations can be made according to the tariff charges,
11 the rates. The payment history is not a concern to the
12 Commission because of the fact that the charges should be
13 so much per kilowatt hour.

14 MR. HOWARD: In regards to Mrs. Hart's
15 assertion that the kilowatts are not rolled over, there is
16 no other inquiry we can make concerning the same. Right?
17 We just have to take her word for that, that the kilowatts
18 are not rolled over and there has been a delinquency of
19 payment?

20 JUDGE DIPPELL: Well, yes, I mean, it would
21 be -- it would come down to Ms. Hart's word on that and
22 the credibility that the Commission alleges -- or gives to
23 that allegation.

24 MR. HOWARD: Okay.

25 JUDGE DIPPELL: I think in order to get the

1 record clear, I'm going to go ahead and admit these two
2 over Mr. Howard's objection about the incompleteness
3 because they do show the usage history.

4 And I'm going to mark those as Exhibit
5 Nos. 3 and 4, and I will get a copy to the court reporter.

6 (EXHIBIT NOS. 3 AND 4 WERE MARKED FOR
7 IDENTIFICATION AND WERE RECEIVED INTO EVIDENCE.)

8 MR. THOMPSON: Which one is which, Your
9 Honor?

10 JUDGE DIPPELL: No. 3 will be the most
11 recent information, the landscape-oriented item that says
12 account activity statement, and Exhibit 4 will be the
13 other document with the additional years on there.

14 BY JUDGE DIPPELL:

15 Q. Okay. Ms. Hart, let me ask you a couple
16 other questions then. Do you have those exhibits in front
17 of you?

18 A. Which ones were 3 and 4? I'm sorry.

19 Q. Those -- the activity statement -- the
20 account activity statement is 3 and --

21 A. Okay.

22 Q. -- the one that has the usage history for
23 prior years is 4.

24 A. Yes. I do have both of those.

25 Q. Can you look at the column that is for

1 October of 2005 -- October 19th, 2005 to November 20th of
2 2005.

3 MR. THOMPSON: Which exhibit, Your Honor?

4 JUDGE DIPPELL: On the Exhibit No. 3, the
5 account activity statement. It says billing period,
6 10-19-05.

7 BY JUDGE DIPPELL:

8 Q. Do you see that, Ms. Hart?

9 A. I'm looking.

10 Q. Can you find it?

11 The one I'm looking at says 10-20 of '05.
12 Am I on the wrong one?

13 MS. TATRO: Go down one.

14 BY JUDGE DIPPELL:

15 Q. One down.

16 What's the usage amount for that month
17 there?

18 A. Oh, okay. I see. 9 -- are you looking at
19 9-20 to 10-19?

20 Q. No. The next one.

21 A. 10-19 to 11-20.

22 Q. Yes.

23 A. Am I off here?

24 That's it.

25 I'm sorry. The usage amount was

1 879 kilowatts.

2 Q. Okay. And then the next month, the period
3 11-20 to 12-20 of '05, what was the usage amount there?

4 A. 2335 kilowatts.

5 Q. Okay. And was that what you were talking
6 about earlier when you said the only possible explanation
7 you could have would be some kind of heating was that jump
8 in usage?

9 A. That would be my first inclination, that
10 there had been some kind of heat turned on.

11 And Mr. Howard had stated they had gas, but
12 it takes fans to run that. So I would say that that's the
13 point, that some type of heating, whether it be space
14 heating or whatever, in the home would have come on. I
15 don't know.

16 Q. Okay. Is that amount of usage consistent
17 with someone heating? Are you familiar with how much
18 usage an average home uses?

19 A. I don't really know average home. It really
20 depends on what kind of furnace that they have, and, like
21 he said, he had had gas, so maybe it was just fans. It's
22 hard to say.

23 Q. You're not familiar with it. I don't want
24 you to speculate about it.

25 A. I really don't, without knowing a lot of

1 additional information, no.

2 Q. Okay. Does the -- let's see.

3 Also on that document -- I was actually
4 looking at a couple different documents when I was making
5 my notes, apparently, because now I can't find them.

6 One of the documents showed the usage and
7 had an E next to the usage in the usage column?

8 Oh, yes. It's further in that one.

9 Can you just explain what the E means?

10 A. An E is estimate.

11 Q. Okay. So if the transmitter -- if you have
12 a good reading as late as July of '06 -- is that correct,
13 July of '06 was the date that we established?

14 A. July 23rd of '06 was the last reading, yes.

15 Q. Why does the account activity statement
16 indicate that the estimates go back to March of '06?

17 A. I really can't answer that question because
18 I have -- we have select -- you'll see at the top of one
19 of these, select meter reading history, and those --
20 that's the average daily use, and that's -- that is what
21 we go by.

22 The account activity statement is -- it's to
23 keep information here, and that is usually what we send to
24 the customer to explain the bills, but I don't know why
25 that has an E by it, because I show that as good readings.

1 Q. Okay. Maybe I was looking at the dates
2 wrong because --

3 A. I show them as actual Company's, so . . .

4 Q. Okay. I think I was looking at the dates
5 wrong there. I think it was going forward on me instead
6 of backwards.

7 Okay. And then on one of these -- oh, on
8 the next one, on Exhibit No. 4, it uses the terms "actual
9 special Company reading." Do you know what that means?

10 A. Actual special Company readings is a reading
11 that we would have sent out to get or we would have taken
12 special.

13 It may have -- it could have been off of a
14 daily -- it could have been out of the normal billing
15 cycle.

16 So if it was -- would say special, even if
17 it was a day off from the normal time that we would have
18 actually read that meter. It doesn't mean anything
19 different other than it could have been pulled from a
20 different time period, you know, within a day or two.

21 Q. What does it mean when it says estimate
22 forced?

23 A. That just means it's an estimate. At that
24 point we didn't have a reading, and so the system forced
25 an estimate to go into the billing cycle.

14 So we can look back and see, and each one of
15 our calls are -- they're all recorded. So, you know,
16 those are all -- that's what we call our contacts. It's
17 just information about each -- each call that came in at
18 that particular residence.

20 Mr. Howard, I have a couple of the
21 Commissioners join us, so I'm going to give them an
22 opportunity to ask them some questions of the witness
23 also.

25 COMMISSIONER CLAYTON: I've been out. I

1 want to make sure I'm -- I just have a couple.

2 QUESTIONS OF MR. HOWARD

3 BY COMMISSIONER CLAYTON:

4 Q. Mr. Howard?

5 A. Yes, I'm here.

6 Q. My name is Robert Clayton. I'm one of the
7 five members of the Commission. And I just want to ask
8 you a handful of questions. Some of them may be
9 repetitive --

10 A. No problem.

11 Q. -- because I've been in and out of the
12 hearing room, and I apologize for that. So I'd ask that
13 you just be patient with me for a few minutes here.

14 First of all, can you give me the date on
15 which you took over this property or at least placed the
16 Ameren electric bill in your name?

17 A. It was 2005. I believe the exact date,
18 according to the Company's records, is May of 2005.

19 Q. May of '05. Okay.

20 And you have no reason to disagree with that
21 May of '05 date?

22 A. That's the official date that I put the
23 service in my name, yes.

24 Q. Okay. And was anyone residing or living --
25 let me put it this way: Was any person residing at these

1 premises in May of '05?

2 A. No.

3 Q. Okay. Has anyone resided -- any person
4 resided at this location since May of '05?

5 A. No. Prior to that even.

6 Q. Even prior to that no one was residing
7 there?

8 A. No.

9 Q. May I ask why there is electric service at
10 the residence if no one is living there?

11 A. It's just for the fact that when I come over
12 here sometimes late at night to feed these animals, I have
13 a hard time, you know, meandering myself through the
14 house. So it's good to have electricity going, just so I
15 can, you know, see where everything is and I can attend to
16 their needs.

17 Q. What kind of animals do you keep there?
18 What kind of livestock do you have?

19 A. They're -- I have two Nakitas.

20 Q. And -- a Nakita?

21 A. Yes.

22 Q. What is a Nakita?

23 A. It's a dog.

24 Q. It's a dog?

25 A. Yes. I have two of them.

1 Q. Is that a big dog or a little dog?
2 A. A big dog.
3 Q. I'm not familiar with a Nakita.
4 But how big of a dog is that?
5 A. They weigh about 130.
6 Q. 130 pounds?
7 A. Yes.
8 Q. All right. And do the dogs live inside or
9 do they live outside?
10 A. They primarily live outside.
11 Q. I mean, do they have a door to get in the
12 house?
13 A. No. They're not allowed to, you know,
14 ingress and egress through the house.
15 Q. They do not. Correct?
16 A. I'm sorry?
17 Q. They can't get in the house --
18 A. No.
19 Q. -- without a key?
20 A. Without my assistance, no.
21 Q. And they don't have a key to get in?
22 A. No, not that I'm aware of.
23 Q. All right. Just checking.
24 Okay. Do you have gas service at the
25 residence?

1 A. Do I have what?

2 Q. Gas service, natural gas service.

3 A. No. There has been no gas here for at least

4 ten years.

5 Q. Okay. So is the house heated by

6 electricity?

7 A. No, it's not.

8 Q. So the house is not heated?

9 A. No.

10 Q. Okay.

11 JUDGE DIPPELL: Hello. Did someone join us

12 on this?

13 MR. GARY: Hello.

14 JUDGE DIPPELL: Did someone join us?

15 MR. GARY: This is John Gary (phonetic sp.),

16 Gibson Recovery Center.

17 JUDGE DIPPELL: I think maybe you have a

18 wrong number. This conference call is in use by the

19 Public Service Commission.

20 MR. GARY: Okay. I'm sorry. This is the

21 number they sent me. Sorry.

22 JUDGE DIPPELL: Okay. Are you able to

23 contact the State operator? They can probably clarify --

24 or whatever agency that you were --

25 MR. GARY: Okay. I apologize. Thank you.

1 JUDGE DIPPELL: Okay. No problem.

2 Sorry about that.

3 COMMISSIONER CLAYTON: Mr. Howard, are you
4 still there?

5 MR. HOWARD: I'm still here.

6 COMMISSIONER CLAYTON: Okay. We should have
7 invited that gentleman if he wanted to stay on, being a
8 public hearing. He may have enjoyed listening in on how
9 we do business, but maybe not.

10 BY COMMISSIONER CLAYTON:

11 Q. Mr. Howard, can you identify or clarify for
12 me which months you believe are out of line with the usage
13 you believe at the residence?

14 A. Yes. Actually from 2000-- this whole 2007
15 year fiasco, as well as some parts of 2006.

16 It appears, according to their records, that
17 I guess I must be a heat freak. In the summertime I don't
18 need electricity or anything for air conditioning, but in
19 the wintertime I guess I heat my house through electric
20 heaters. So I guess -- I guess I must be a heat freak of
21 some kind.

22 The hottest part of the year my bills are
23 \$29 a month. But for whatever the reason, the coldest
24 part of the year I need electricity -- I mean, I need heat
25 then. I don't need elec-- I don't need cooling in the

1 summertime, so -- according to their theory. I mean,
2 that's the only theory that I can extrapolate from their
3 evidence.

4 Q. I understand, Mr. Howard.

5 Let me ask the question again because I'm
6 not sure if that answers my question.

7 What months are you claiming are not
8 accurate?

9 A. The whole year of 2007 and 2006, August of
10 2006 --

11 Q. Okay. Hold on. Slow down, because I'm
12 going to write this down.

13 Do you dispute anything in 2005?

14 A. No. I just think it's inaccurate that, you
15 know, in 2005 pretty much -- you know, sometimes I went
16 without paying a bill that month and it doubled over and I
17 think the kilowatts did as well.

18 Q. I understand. I'm just trying to simplify
19 this.

20 So we don't have any dispute on the months
21 of 2005?

22 A. We don't have a dispute on 1998 up until
23 2005, until June of -- well, 20-- 2005, yeah, I have a
24 problem with that, 2335. 1-23--

25 Q. Okay. All right. Hold on. Hold on,

1 Mr. Howard. Now I'm -- I'm asking the questions here.

2 A. No. You asked me. I'm trying to -- now
3 that I look at this bill I realize I do have a dispute
4 about it.

5 Q. Okay. Then what months in the year 2005 do
6 you believe are inaccurate?

7 A. Okay. November 20th, 2005, 879 kilowatts
8 used.

9 Q. Okay. Hang on.
10 November of 2005?

11 A. Uh-huh.

12 Q. Okay.

13 A. December of 2005, 2335 kilowatts used;
14 January 2006, 2252 kilowatts used.

15 Q. Okay.

16 A. February 2006, 2139 kilowatts used.

17 Q. Okay.

18 A. March 22nd, 2006, 1675 kilowatts used. And
19 April 2006, 994 kilowatts used.

20 Q. Okay. Anything else in 2006?

21 A. 2006, not that I can see. I only have -- I
22 only have to June 20th of 2006 is the last entry here.

23 COMMISSIONER CLAYTON: Judge, what is the
24 exhibit --

25 MR. HOWARD: Just faxed me something. Let

1 me see what you have on this fax.

2 COMMISSIONER CLAYTON: Judge, what is the
3 exhibit that has --

4 MR. HOWARD: Yes, I have some more things
5 here.

6 JUDGE DIPPELL: Hang on just a minute,
7 Mr. Howard.

8 COMMISSIONER CLAYTON: What is the exhibit
9 that has this usage?

10 I'm looking at the Staff report that has
11 part of it, but it doesn't have all of it.

12 JUDGE DIPPELL: Right. Exhibit No. 3 is
13 that document without the items blanked out, and
14 Exhibit No. 4 --

15 COMMISSIONER CLAYTON: Wait a minute.
16 Be patient with me, Mr. Howard.

17 MR. HOWARD: Sure. No problem.

18 JUDGE DIPPELL: It's not on there,
19 Commissioner.

20 MR. THOMPSON: Commissioner, if I may,
21 Mr. Howard is looking at this document which is attached
22 to his Complaint which has not been received as an
23 exhibit.

24 The purpose of this document is to show the
25 calculation that Ameren made in order to create an

1 adjustment, and I think it should be received as an
2 exhibit.

3 JUDGE DIPPELL: You're probably correct,
4 Mr. Thompson, in that we have been discussing this
5 document that Mr. Howard attached to his Complaint. And
6 it was also -- oh, no. It was a different one.

7 Mr. Howard, would you have any objection to
8 the Commission admitting as Exhibit No. 5 that document
9 that we've been discussing that was attached to your
10 Complaint that had the actual and the corrected --

11 MR. HOWARD: The one I just read from.
12 Correct?

13 JUDGE DIPPELL: Right.

14 MR. HOWARD: Well, I just expressed my
15 objection to those particular months I have -- you know, I
16 have a dilemma with that, but other than that -- you know,
17 I dispute the accuracy of this evidence, but I have no
18 objection to you admitting it into consideration.

19 JUDGE DIPPELL: Right. And that's the whole
20 crux of the issue here is the dispute over the
21 information.

22 So would there be any other objection to the
23 Commission admitting that?

24 MR. THOMPSON: No objection at all.

25 I would just offer a comment, Judge, that if

1 you subtract the total in the corrected column and if you
2 subtract it from that, the total in the actual column on
3 the left, the number you get is \$534.83, which is the
4 amount of the adjustment that Ameren applied to this
5 account.

6 JUDGE DIPPELL: Right.

7 MS. TATRO: AmerenUE doesn't have an
8 objection to the admission as long as it's admitted for
9 the purpose that it was created and that is to demonstrate
10 how it was adjusted during the informal complaint process,
11 how the bill was adjusted.

12 JUDGE DIPPELL: All right. I will admit
13 Exhibit No. 5 then, and, again, I'll get the court
14 reporter a copy of that.

15 (EXHIBIT NO. 5 WAS MARKED FOR IDENTIFICATION
16 AND RECEIVED INTO THE RECORD.)

17 COMMISSIONER CLAYTON: That's this right
18 here?

19 JUDGE DIPPELL: Yes.

20 COMMISSIONER CLAYTON: Okay. Let me write
21 this down, Mr. Howard.

22 Okay. Well, let me rephrase my question so
23 we don't go through.

24 BY COMMISSIONER CLAYTON:

25 Q. Do you agree that the adjustment that Ameren

1 has given you takes care of the errors in billing for --
2 is it the year 2007 or 2006?

3 COMMISSIONER CLAYTON: Is that right,
4 Mr. Thompson, that difference, that \$500 figure that has
5 been credited to the bill, that's the difference between
6 the corrected and the actual?

7 MR. THOMPSON: It's my understanding that --
8 pardon me. It's my understanding that an actual reading
9 was obtained in February of 2008, that a bill was
10 generated at that time because the actual reading was some
11 18,000 kilowatts higher than Ameren had estimated and
12 Ameren, therefore, billed for the previous 12 months,
13 which is as far back --

14 COMMISSIONER CLAYTON: Is your mike on, so
15 he can hear you?

16 MR. THOMPSON: -- was as far back as they
17 were permitted to go. They then created the adjustment by
18 comparing that 12-month period to the previous -- to a
19 previous 12-month period, the same 12 months but from 2005
20 into 2006, generating that \$538 adjustment that we spoke
21 of.

22 As for his concerns with the readings in
23 2005, there has been nothing done to correct that or
24 adjust that.

25 COMMISSIONER CLAYTON: Okay.

1 BY COMMISSIONER CLAYTON:

2 Q. Mr. Howard, what is the total amount you're
3 requesting to be adjusted in this case?

4 A. I'm requesting that I be credited for an
5 additional \$535 at least.

6 This period that they picked out, they
7 didn't pick it out, you know, arbitrarily, because I
8 assume they picked it out because it was more favorable to
9 the adjustments they wanted to make.

10 It shows usage, kilowatt usage, from
11 November of 2005 to March of 2006. It's completely
12 disproportionate to what was used prior to the time period
13 in any other year.

14 MS. TATRO: I'm going to have to object.

15 MR. HOWARD: Well, I have to assume --

16 MS. TATRO: I think multiple times that my
17 witness, Ms. Hart, has stated that that is how the
18 adjustments were made and that it does not, and we are not
19 claiming, that it represents actual usage, because all we
20 know is there was the 18,000 number.

21 But when she went back to compare to
22 previous years where we did have actual, she made some
23 adjustment because she didn't think that it was
24 consistent. So it's not really accurate for him to phrase
25 it in the way that he's continually phrasing it.

1 JUDGE DIPPELL: Okay. Well, he's answering
2 the Commissioner's question, and the record is going to
3 reflect what Ms. Hart testified to. So I'm going to
4 overrule your objection.

5 Go ahead, Mr. Howard.

6 MR. HOWARD: Right.

7 As I was stating, yes, I feel that this
8 period -- time period they picked out was probably more
9 favorable to their calculations. I felt if they picked
10 out an earlier time period, it would have been grossly
11 disproportionate to what they were assuming now that was
12 used in 2007 when the meter stopped transmitting properly.

13 I think they probably got the best numbers
14 that they could in order to make the adjustment that they
15 wanted to make that is favorable to their -- you know,
16 their side.

17 Yes, I have an objection to these actual
18 versus corrected readings because I think this is picked
19 arbitrarily, was picked for the express purpose of trying
20 to bolster their case.

21 And I feel if they picked any other year, it
22 would have been grossly disproportionate to what the
23 corrected reading is. And I think they know that, because
24 I think this is why they picked the time period that they
25 picked.

1 So, yes, a standing objection. I have no
2 further comment regarding that matter.

3 BY COMMISSIONER CLAYTON:

4 Q. Okay. Mr. Howard, when was the new meter
5 put in?

6 A. Oh, I think it was put in sometime in March
7 of 2008 -- February of 2008, if I'm not mistaken.

8 Q. So have the 2008 readings been accurate or
9 are you satisfied --

10 A. No. They sent me a bill for \$77 in March,
11 and I know due to the bylaws of the agency, I had to pay
12 it, you know, to keep current while this process is
13 ongoing, so I paid it.

14 But every bill since then has been around
15 \$35 a month to \$30 a month. But that wasn't -- the only
16 one that stood out there was that \$77 a month for the
17 month of February, I believe.

18 Q. Okay. So you're dissatisfied in 2008 as
19 well?

20 A. Yes.

21 Q. Okay.

22 A. I felt that they were going to start, you
23 know, sending me \$77 bills in order to justify, you know,
24 prior usage, but every bill since then has been around \$35
25 a month, which, you know, still I think that's kind of

1 liberal, but it's close to the ballpark than what they're
2 asserting.

3 COMMISSIONER CLAYTON: What is this exhibit
4 right here? 4?

5 BY COMMISSIONER CLAYTON:

6 Q. I'm trying to find where that \$77 bill is.
7 Was that in March?

8 A. Yes, it's this year. It was -- well, this
9 process was pending.

10 Q. I'm looking at --

11 A. Maybe it was 79. I don't know.

12 COMMISSIONER CLAYTON: Does he have a copy
13 of Exhibit 4?

14 BY COMMISSIONER CLAYTON:

15 Q. I'm looking at Exhibit 4, Mr. Howard.

16 A. 23-- 2007--79-- no, that's not right either.
17 That's -- that's 2008. Let me see.

18 MR. THOMPSON: If I could --

19 JUDGE DIPPELL: Mr. Thompson.

20 MR. THOMPSON: -- Exhibit 4 shows usage in
21 terms of kilowatt hours but it doesn't show bill amounts.

22 JUDGE DIPPELL: Right.

23 THE WITNESS: 2008.

24 BY COMMISSIONER CLAYTON:

25 Q. How about -- Mr. Howard, can you find

1 Exhibit 4?

2 A. Exhibit 4.

3 Q. Hello.

4 A. Yes, I'm here.

5 Q. Do you have Exhibit 4?

6 A. It's not marked Exhibit 4, no.

7 Q. But do you have Exhibit 4? Do you know what
8 Exhibit 4 looks like?

9 A. No. Could you give me a brief description?

10 Q. Yeah. It says -- it's about a half-page
11 spreadsheet.

12 JUDGE DIPPELL: That's the one I faxed to
13 you earlier, Mr. Howard.

14 BY COMMISSIONER CLAYTON:

15 Q. It says something meter reading history for
16 Meter No. 918, 12593.

17 A. Okay. I do have that.

18 Q. You do have that?

19 A. Yes.

20 Q. It has total kilowatt hour usage?

21 A. Uh-huh.

22 Q. And looking at these figures, where you've
23 got the February and March usage, which is -- it looks
24 like it's about four times or three times -- well, four
25 times as high as the April, May and June readings.

1 A. Okay.

2 Q. Are you saying --

3 A. You're on Page 1. Right?

4 Q. Yes.

5 A. Okay. What reading -- what reading, actual

6 reading?

7 Q. I'm looking at TOT KWH Usage. It's the --

8 A. Yeah, I'm looking at that same column.

9 Q. Nine columns over.

10 A. Yeah. 369, 362, 382.

11 Q. Yeah, yeah. So you got -- it looks like

12 you've got zero usage right there. That's where the new

13 meter was put in. And then you have this new meter that I

14 think the record says it had been tested at that point.

15 And then you've got February usage for a

16 partial month and then you have February to March, March

17 to April, April to May, May to June, June to July.

18 Now, are you saying that those readings are

19 not accurate?

20 A. I see where the zero is. That's the zero.

21 211, zero, zero, zero.

22 Q. Yes. And work your way up. Just look at

23 those. You have 1688, 1772, 1315.

24 A. Right.

25 Q. Are those wrong? Are you saying those are

1 wrong?

2 A. April of '08.

3 Yes. Yeah, I believe those are wrong. I
4 contest those.

5 Q. And why do you say they're wrong? Just
6 because they don't look right?

7 A. They're quadruple the amount of kilowatts
8 used in prior months.

9 Q. Yeah. What's that all about?

10 A. A good question. That's what we're trying
11 to get to the bottom of. I don't know what it's all about
12 myself.

13 Q. Well, this is the problem, and I think this
14 is what we're left with here, is we have a meter that is
15 showing these readings.

16 A. Uh-huh.

17 Q. And I think there was something maybe in the
18 Staff report that the meter was tested at some point, or
19 the new meter was tested. Is that correct?

20 A. Okay. We have --

21 COMMISSIONER CLAYTON: Hang on, Mr. Howard.
22 Hang on. Let me ask Staff this real quick.

23 JUDGE DIPPELL: We haven't sworn Staff's
24 witness in yet.

25 COMMISSIONER CLAYTON: Oh. You-all haven't

1 gotten to the Staff witness.

2 Just tell me, has it been tested or not, the
3 new meter?

4 MR. HOWARD: Okay. I see where we're going.

5 COMMISSIONER CLAYTON: What did you say,
6 Mr. Howard?

7 MR. HOWARD: I'm reading this downward.
8 This is actually going upward. So the point of zero going
9 up, that's when the meter -- the new meter was installed,
10 1688, 1772, 1315, yeah.

11 MR. THOMPSON: The meter that was
12 installed -- the meter that was installed in February of
13 2008, the meter that is there now, had been tested in
14 November of 2007. It had tested basically at 100 percent,
15 within tolerance.

16 COMMISSIONER CLAYTON: Okay. I saw where a
17 meter was tested, and I wanted to make sure that that was
18 correct.

19 BY COMMISSIONER CLAYTON:

20 Q. So, Mr. Howard, this is kind of where we
21 are: At least looking in 2008, we have this meter that's
22 been tested, it's given us these readings and then I hear
23 your comments saying, well, that doesn't make any sense
24 because I'm not doing anything different --

25 A. Right.

1 Q. -- between the winter and the summer months,
2 yet we have a -- you know, a 400 -- or a four times
3 difference in usage.

4 A. Right.

5 Q. And you're saying to Ameren, why is that the
6 case? And Ameren is saying, well, we don't know but this
7 is what the meter says. Right?

8 A. Right. I guess that's pretty much where we
9 are.

10 Q. That's where we are. So we have to make a
11 decision on this.

12 And do you have any reason, do you have any
13 idea why the usage would be --

14 A. No, sir, I can't. It's inexplicable.

15 Q. Do you have --

16 A. What I can do is refer back to the prior
17 years for the same time period in the wintertime, and you
18 can see that those numbers are closely more resembling of
19 the numbers -- these numbers over the years than these
20 numbers here.

21 This particular time period that they picked
22 out, the time period just pointed out to me, this
23 wintertime period, for whatever reason I used more
24 electricity in this wintertime period than any
25 other -- whatever reason. You know, my dogs were colder

1 in this time period than they were in any prior time
2 period in any other years.

3 So for whatever reason these numbers are
4 completely off the chart from prior time periods, the same
5 exact time periods from prior years. That's inexplicable
6 to me. I can't explain that.

7 That's why I'm trying to have them, you
8 know, maybe explain it to me to a satisfactory extent, and
9 so far I haven't received one.

10 Q. How big is this house, Mr. Howard?

11 A. I'm sorry?

12 Q. How big is it? How many square feet would
13 you say the house is?

14 A. You asked me how many square feet?

15 Q. Yeah, or how many bedrooms, you know. Just
16 give me a general idea. Is it a big house, a small house?

17 A. It's a -- it's a modest-size house. It's a
18 two-- two-story.

19 Q. A two-story house.

20 Do you leave a light on?

21 A. Yes. Occasionally I leave the bathroom
22 light on, yes.

23 Q. Is it a compact fluorescent bulb or is it
24 a --

25 A. It's a 100-watt bulb, I believe.

1 COMMISSIONER CLAYTON: Okay. Can I ask the
2 Ameren witness?

3 QUESTIONS OF MS. HART

4 BY COMMISSIONER CLAYTON:

5 Q. What would be -- what would be total
6 kilowatt hour usage of one light bulb being on for a
7 month? Do you have any idea? Do you have a rule of
8 thumb?

9 MR. HOWARD: Are you talking to me?

10 COMMISSIONER CLAYTON: No. No. I'm talking
11 to the Ameren witness. Hang on just a second.

12 MS. HART: A light bulb would not -- a light
13 bulb would not use hardly any. I don't know right
14 offhand, but I'm -- if you had -- I'm saying since. It's
15 going to use very little, under -- probably -- I'm going
16 to say under \$2. You're talking not a lot.

17 BY COMMISSIONER CLAYTON:

18 Q. I'm talking kilowatt hours.

19 A. Kilowatt hours.

20 Q. Do you have a rule of thumb for how much
21 electricity an uninhabited house would consume through
22 drain of appliances or lights being left on or anything
23 like that?

24 A. We don't really have a rule of thumb. I'm
25 just -- just in past history, looking at things like that,

1 if everybody is shut off, you know, or if there is --
2 let's say there is just a refrigerator running.

3 Q. Yeah.

4 A. Generally you're going to look at -- you
5 know, I'm thinking dollarwise, but that's minimal as well.
6 You know, I really don't. I don't have any figures. It's
7 very low.

8 COMMISSIONER CLAYTON: Mr. Howard, I'm going
9 to go through some of these exhibits here, and I may come
10 back and ask you some more questions, but I'm going to
11 pass you to Commissioner Gunn at this point. Okay?

12 MR. HOWARD: Sure.

13 COMMISSIONER CLAYTON: All right. Thank
14 you.

15 COMMISSIONER GUNN: Mr. Howard, I'm
16 actually -- I'm another Commissioner on the Commission.
17 I'm actually going to ask the Ameren witness some
18 questions right now, and I may come back to you.

19 QUESTIONS OF CATHY HART

20 BY COMMISSIONER GUNN:

21 Q. In looking at Exhibit 4, we've got basically
22 from all of 2007 you have exactly the same average daily
23 use as you do -- and almost the exact same number of total
24 kilowatt hours. But that's during the time that the meter
25 was not functioning properly. Correct?

1 A. Correct.

2 Q. When you get -- when you see that kind of
3 consistency in a bill, where the average daily use is
4 exactly the same, does that raise any red flags?

5 There is nothing in the system that flags
6 that that says that maybe something might be --

7 A. Are you referring to the corrected bills
8 that we had sent out on the corrected column?

9 Q. No. I'm referring to Exhibit 4, page 2, the
10 second page. You have -- starting in -- on June 25th of
11 '07 to February 23 of '07, you've got 29 days billed,
12 average daily use 52, for a bill -- or total kilowatt
13 usage of 1530.

14 Okay. Do you see where I am on that?

15 A. I'm not sure that I see. Okay.

16 Q. One, two, three, four -- it's five columns
17 from the bottom.

18 A. Yeah.

19 Q. Okay? And then if you go to the next month,
20 you have 31 days, same exact average daily use for a
21 billing, you know, for two extra days. That takes it from
22 1530 to 1636. Okay?

23 A. Right.

24 Q. Then if you go to the next month, same exact
25 daily use, total kilowatt usage exactly the same or

1 similar --

2 A. Right.

3 Q. -- around the same?

4 And actually you get some of the same
5 numbers repeating themselves. For example, the total
6 kilowatt usage of 1530 repeats itself --

7 A. Right.

8 Q. -- right?

9 Several times?

10 A. Yes.

11 Q. Does that -- does the system -- or do you
12 have anything that captures that to make that
13 determination that there is somehow a malfunction in the
14 system?

15 A. Whenever -- whenever these -- the readings
16 are normally transmitted, the system will kick out a card
17 or a notice to let us know that we're not pulling in
18 readings as we should at that particular point, and that's
19 when we'll send someone out to try to get a reading.
20 That's what we did previously.

21 So when the system generated a notice to us
22 to say we're not getting these readings as we need to,
23 that's when we sent the letters, and we made -- I think it
24 was, like, six trips out to try to change the meter out.
25 We realized there was a problem.

1 What you're looking at, some of the things
2 here, when we sent the bills -- when we actually billed
3 for this time, we took the full amount, which was the
4 18,000 -- it was actually over 18,000 kilowatts, and we
5 split that up between all of these '07 bills.

6 Q. Right.

7 A. So -- but -- you know, that's one reason why
8 it looks like this on this.

9 Q. So this -- this is -- the exhibit I have on
10 Exhibit 4 is correct?

11 A. Yeah. It has -- when it says estimate
12 forced, it was an estimate forced, but then right behind
13 that it says actual special Company. That's when we went
14 back and actually corrected it.

15 Only correcting it because we split the
16 18,000 kilowatts throughout those amount of months.

17 Q. Right. I get that.

18 So let's pick -- let's pick a month in 2006
19 that we -- from this exhibit, that we believe that the
20 meter reading was accurate. Let's pick -- do we believe
21 that from 4-20-06 to 5-21-06, that's an accurate -- that's
22 an accurate rating?

23 A. Yes, it is. It's actual Company, uh-huh.

24 Q. Okay. So that's 545 total kilowatt hours
25 used?

1 A. Yes.

2 Q. Okay. So if we take that comparable in '08,
3 which we believe that the meter is correct --

4 A. Yes.

5 Q. -- that same time period, from 4-22 to 5-21,
6 you actually -- in a way you actually have a reduction in
7 the kilowatt hours used?

8 If you take the 2006 number, which was 545,
9 and then you take the 2008 usage you have 382. Is that
10 correct?

11 A. Let me find the '08 paper here.

12 Q. It's the first page. I'm sorry.

13 A. That's all right. I kind of have them
14 shuffled around here.

15 Q. Okay.

16 A. So -- you know, April 20 -- are you
17 saying -- I'm sorry. Did you say March 24 to April 22nd
18 or did you say --

19 Q. April 22nd to --

20 A. May 21st?

21 Q. -- May 21st.

22 A. Okay. Yes. That was 382.

23 Q. Okay. So that's 200 kilowatts less?

24 A. Yes.

25 Q. And we believe that's -- we believe

1 that's -- we believe those are accurate --

2 A. Yes.

3 Q. -- accurate readings?

4 A. Uh-huh.

5 Q. Okay. So in 2006 we see this bell curve
6 that is going on, and that's kind of the curve that you
7 used to take the total -- to make the adjustment in 200 --
8 for 2007?

9 A. We did, right.

10 Q. But those numbers are still substantially
11 higher than what the numbers were in 2006, or appear to be
12 in 2008, but you have credited back -- because those
13 numbers seem to be substantially higher, you've credited
14 that back?

15 A. That's correct.

16 Q. So we're talking about -- so you've already
17 made a substantial adjustment to those -- to those numbers
18 to make them more in line with the actual meter reading?

19 A. We have done that. And it would have been
20 around 9,000 kilowatts. That's -- of the 18 -- because we
21 billed -- it was a little over \$1,000, and I don't have it
22 right in front of me, 1,075 or something, but we gave 534
23 credit and then we billed 528.

24 So we actually gave -- if you put that in
25 kilowatt usage, we would have credited a little more than

1 9,000 kilowatts.

2 Q. And that is closer to the historical usage
3 in '05 and '06 than what the inaccurate meter reading was
4 in 2007?

5 A. That's correct.

6 Q. Okay.

7 A. Uh-huh.

8 Q. If you credited back the other \$538, or
9 whatever it is, what would Mr. Howard be paying for 2007?
10 Is the \$1,000 the total amount of the bill for the year or
11 is it just over and above?

12 A. He would have paid -- he did pay \$162 in
13 estimated costs for that year. So if we credited the full
14 18,000 kilowatts, he would pay \$162 for a year.

15 Q. Okay.

16 A. Uh-huh.

17 Q. All right. So with Mr. Howard -- one of the
18 things that Mr. Howard brought up was that the only way
19 you would be able to see that sort of increase is --
20 obviously we had a defective meter, so that's potentially
21 part of the problem. Or meaning that it wasn't reading
22 right.

23 A. It actually wasn't defective. We had the
24 readings, but they just weren't transmitting.

25 Q. But there would be the potential of theft or

1 anything like that?

2 A. Right.

3 Q. And so did you do any sort of investigation
4 to determine whether there was anybody sneaking over and
5 plugging into his outlets, anybody running lamps off of
6 anything, any sort of fraud going on? Did you do any sort
7 of investigation with that?

8 A. We didn't -- we looked at the account, but
9 basically as far as doing a full investigation, not that
10 I'm aware of.

11 Q. Okay.

12 A. He said he received a letter, but I'm not
13 sure what letter that was.

14 COMMISSIONER GUNN: Mr. Howard, are you
15 there?

16 MR. HOWARD: Yeah, I'm here.

17 QUESTIONS OF MR. HOWARD

18 BY COMMISSIONER GUNN:

19 Q. So do you understand that if they credit
20 back the \$538 that you're asking for in addition, that for
21 the entire year of 2007 you would only be paying \$116
22 (sic) for all of your electricity for the entire year?

23 A. Yes. You know, if you remember what she
24 said, she said I paid -- they credited me for \$162, or
25 something like that, for the whole year of 2007.

1 Q. Right.

2 A. Divided by 12 months, that comes out to
3 about \$13 a bill.

4 Q. Right.

5 A. I received numerous bills for that amount of
6 money. So that would be completely out of character for
7 me to receive a bill for \$13 a month.

8 Q. Well, under your -- okay. Let's take your
9 figures as accurate, Mr. Howard, that \$162 divided over
10 12 months is about \$13 a year.

11 A. Something like that, yeah.

12 Q. On the sheet attached to your Complaint --

13 A. Okay.

14 Q. -- shows that in June of 2005 the billing
15 amount was 28.65.

16 A. July.

17 Q. July -- I'm sorry -- was 28.65?

18 A. Uh-huh.

19 Q. And that's not -- that is not in dispute.
20 Right?

21 A. No. I've seen the bill go up, you know, \$10
22 here, \$10 there, whatever. But, you know, as long as it's
23 within a reasonable ballpark, I'll just pay it, you know,
24 and allow it to go.

25 Q. So if we add that \$600 in -- or let me go

1 back.

2 So the August 21, 2005, it's a bill of

3 28.56. Right?

4 A. Uh-huh.

5 Q. And that's accurate?

6 A. August, yes. September 29, yes.

7 Q. September 20th is \$29 and that's accurate?

8 A. October is 22.97.

9 Q. And that's accurate. Correct?

10 A. Is that fact?

11 Q. Are those accurate?

12 A. Those -- yeah, those are reasonable

13 calculations. I've paid bills, you know, at that price,

14 yes. That would be something I would pay without

15 disputing, yes.

16 Q. So --

17 A. The 54, the next entry, I have to assume

18 that it's as a result of me not paying the October 19th

19 bill.

20 Q. Sure.

21 A. It's just a doubling of that bill --

22 Q. Sure.

23 A. -- 54.81.

24 Q. Right.

25 A. And the next month is probably a doubling or

1 tripling of that bill, which is 110.32.

2 But according to the kilowatts used, it's
3 the actual kilowatts used in that time period. I know
4 that's inaccurate.

5 Q. So if you were to get credit back for this
6 \$538, you would essentially be having your electric bills
7 from previous years?

8 A. Yes. I'm still owing -- I think the bill
9 is, like, 700 something. So I still owe them 200 and
10 something still. But, I mean, you know, it will be more
11 than -- reasonably more than 500 or \$1,000, for that
12 matter, for electricity that I know wasn't generated at
13 this residence.

14 MR. HOWARD: I had a question for her. Is
15 she still here?

16 JUDGE DIPPELL: Just a moment.

17 COMMISSIONER GUNN: It's still my turn,
18 Mr. Howard.

19 QUESTIONS OF MS. HART

20 BY COMMISSIONER GUNN:

21 Q. Since you've already been credited back the
22 500, the total amount that -- if we don't decide to credit
23 you back the other 500 and change, the total amount would
24 be somewhere around \$700 for the year. Is that accurate,
25 Ms. Hart?

1 MR. HOWARD: 730. I don't have the bill in
2 front of me, but I think it's something like 730.

3 MS. HART: I think 500 -- the difference is
4 going to be about \$528.

5 BY COMMISSIONER GUNN:

6 Q. Let's take the amount that he's already
7 paid, plus the credit for 2007. What would -- if we took
8 the amount that you have already credited back to him and
9 subtract that out of the amount but we add the amount that
10 he's already paid. Okay?

11 A. He's paid the 162.

12 Q. Okay. So he's paid 162.

13 And then there's the amount that we're
14 seeing is in dispute is 528 and change. Right?

15 A. Right.

16 Q. I'm doing some quick calculations in my
17 head, not my head but . . .

18 A. 690.

19 Q. Equals 69. And if we divide that by 12, we
20 get approximately \$57.50 a month. Right?

21 A. Correct.

22 Q. Okay. That's averaged over the entire
23 year --

24 A. The entire time.

25 Q. -- twelve months?

1 A. Right.

2 MR. HOWARD: That's twice what I normally
3 paid in previous years.

4 BY COMMISSIONER GUNN:

5 Q. Do you have the amount of money that was
6 billed, Ms. Hart, for 04 -- the 20-- 04-22-08 to 5-21-08
7 for the 382 kilowatt hours? Do we know how much that was?

8 MS. TATRO: I'm sorry to interrupt. I just
9 have a question.

10 We've been talking about kilowatt hours but
11 we haven't put dollars in the record because I don't
12 know -- we treat that as confidential but maybe it's at
13 issue and maybe it's not. I just raise that for your
14 consideration.

15 COMMISSIONER GUNN: I'm just trying to
16 understand.

17 MS. TATRO: I don't know if we need to go in
18 camera.

19 JUDGE DIPPELL: We don't have any dollar
20 amounts except for this one, and it was at issue as to
21 whether or not --

22 BY COMMISSIONER GUNN:

23 Q. Let me ask the question the other way then.
24 Maybe we can get to it this way and maybe we can't.

25 How many kilowatts do we think it would take

1 to get to about \$60? You can average. You can -- a
2 month. So we can still talk in kilowatt hours.

3 COMMISSIONER GUNN: Is that okay?

4 MS. TATRO: Well, Mr. Howard earlier said
5 that was fine. When -- we had this discussion before you-
6 all came in the room, and he said he didn't have an
7 objection to talking about kilowatts.

8 COMMISSIONER GUNN: So --

9 MS. TATRO: It's his privacy. If he wants
10 to waive the dollar discussion, I don't care.

11 COMMISSIONER GUNN: I can talk
12 hypothetically.

13 BY COMMISSIONER GUNN:

14 Q. For a hypothetical customer, that \$60 a
15 month, what would the kilowatt hours be approximately?

16 A. It's about -- if you take just 7 cents per
17 kilowatt -- and I'm rounding -- 7 cents per kilowatt. So
18 I think it's about 85.

19 I think it's about 85.

20 MS. HART: Is that what anybody else
21 gets?

22 JUDGE DIPPELL: Can you just explain,
23 Ms. Hart, how you make the calculation?

24 MS. HART: Well, if you take \$60 -- I just
25 took \$60 and divided by 7.

1 JUDGE DIPPELL: And you said -- what was
2 cost?
3 MS. HART: 7 cents per kilowatt.
4 JUDGE DIPPELL: 7 cents per kilowatt.
5 MS. HART: So I'd say about 85 kilowatts.
6 Is that right? 85 times 7.
7 COMMISSIONER GUNN: I get 857. If you
8 divide .07 --
9 MS. HART: It's 850 then. I didn't --
10 COMMISSIONER GUNN: Yeah, so 850.
11 MS. HART: Okay. So about 850.
12 JUDGE DIPPELL: Didn't know there was going
13 to be a math test, did you?
14 MS. HART: No, I didn't.
15 COMMISSIONER GUNN: Yeah, I apologize.
16 MS. HART: I get hung up myself.
17 COMMISSIONER GUNN: It's not my strong suit
18 either.
19 MS. HART: About 850.
20 COMMISSIONER GUNN: I apologize for not know
21 this. Has there been a rate increase between '05 and '08?
22 MS. TATRO: Yes. There was one in the 2007
23 case, ER-2007-00.
24 JUDGE DIPPELL: And when did that take
25 effect?

1 MS. TATRO: I think June of last year.

2 MS. HART: It was June 12th, I believe.

3 I may be using the old. I just was using
4 just a general --

5 COMMISSIONER GUNN: Which is fine for this
6 purposes. I'm just trying to get a general idea and
7 trying to compare apples to apples and figure out -- and
8 figure out usage and credits, to try to figure out, you
9 know, what a typical kilowatt hour usage is compared to
10 historical records, as I think Mr. Howard is asking us to
11 do, and trying to determine what the actual disparity is
12 between the two.

13 And if you can take out 2007 for whatever
14 reason, we can't rely on those measures for whatever
15 reason, but we can rely on '08 and '06. And it does seem
16 to be an increase from '0-- in kilowatt hour -- well, I'm
17 not asking a question here so I should stop.

18 But that's all of the questions that I have.

19 JUDGE DIPPELL: Okay. Commissioner Clayton,
20 did you have more questions?

21 Okay. Mr. Howard, since we've been asking
22 you additional questions, I did have one more question for
23 you. This is Judge Dippell.

24 QUESTIONS OF MR. HOWARD

25 BY JUDGE DIPPELL:

1 me, and Exhibit 1, highly confidential.

2 Ms. Hart, can you hear me?

3 A. I can.

4 Q. For the month of -- the corrected reading
5 for the month of July 25th, 2007 was 1584 kilowatts used,
6 right, that was corrected?

7 According to Exhibit 1, the estimate, the
8 reading date, 7-25-2007, was 142 kilowatts used.

9 A. Okay.

10 Q. So that was your estimate for -- as far as
11 142 in Exhibit 1, but then the corrected reading is
12 1584. Could you explain that disparity?

13 A. Okay. Let me locate where you're at.

14 What were the dates again? July of '07.

15 Q. July of 2007. That's on Exhibit 4 -- I
16 believe we've been referring to it as Exhibit 4, my
17 estimate. And Exhibit 1 was the last page of the
18 Company's answer, the last page of AmerenUE's answer, the
19 last page, Exhibit 1, highly confidential.

20 A. Okay.

21 Q. Now, you see the reading dates -- this goes
22 to the corrected reading first, July 25th, 2007. It shows
23 kilowatts used 1584. And then the reading for July 25th,
24 2007, the answer for the Company is 142 kilowatts used.

25 That's a difference of over 1,400 kilowatts.

1 Can you explain the variance?

2 A. Okay. What has happened here is that the
3 estimate -- you see where it says the estimate line?

4 Q. I would assume it's historical estimate.
5 Right? That's what I would normally use in that time
6 period?

7 A. I would say, yes, it probably is historical.

8 Q. And this corrected estimated here, that's
9 the actual estimate that you got -- actual reading you
10 guys got from the defective meter, right, of 1,584?

11 A. No, not really -- not the actual.

12 What we did for that year was to take the
13 18,000 kilowatt amount, and we divided it -- if you want
14 to call that historically -- among each one of those
15 months. So that's kind of where we came up with that.

16 Q. Okay.

17 A. We just actually put a figure to the month.

18 Q. One of the commissioners was alluding to
19 earlier: You don't have a system of checks or balances or
20 that wouldn't pretty much cause a red flag to stick up and
21 say, oh, this is a great disparity? I mean, you guys
22 don't have a system in check that would correct something
23 like that or detect something like that?

24 A. Well, we did. We actually did. Because
25 when the system was not able to get a read, then we will

1 send someone out to actually do the reading, and that's
2 when we had the problem getting into your property to
3 read.

4 So, yes, it does -- the system will kick
5 us out a notification, which it did, and that's what
6 really -- we generated the letters on that, as well as
7 sent people to the home to get the readings.

8 MR. HOWARD: Okay. No further questions.

9 JUDGE DIPPELL: Thank you.

10 Ms. Tatro, did you have any additional -- or
11 maybe I should ask Staff -- have any additional recross
12 questions based on questions from the Commission to either
13 Mr. Howard or Ms. Hart?

14 MR. THOMPSON: None. Thank you.

15 JUDGE DIPPELL: Ms. Tatro, do you have any
16 additional questions for Mr. Howard based on any of the
17 questions?

18 MS. TATRO: I do not.

19 JUDGE DIPPELL: Did you have any redirect
20 for Ms. Hart?

21 MS. TATRO: Did Exhibit 4 get entered into
22 the record?

23 JUDGE DIPPELL: It did.

24 MS. TATRO: I don't have any further
25 questions.

1 JUDGE DIPPELL: Okay. I don't believe I
2 have any additional questions either. So with that I
3 think we'll conclude Ms. Hart's testimony.

4 Does Staff want to put on a witness or do we
5 have --

6 MR. THOMPSON: I am not inclined to call
7 Ms. Doerhoff unless for some reason the Commission has
8 questions of her.

9 JUDGE DIPPELL: Okay. The Commission
10 doesn't have any questions for Ms. Doerhoff.

11 Mr. Howard, did you have any questions that
12 you wanted to ask Ms. Doerhoff from Staff?

13 At this point Staff's report really isn't in
14 evidence.

15 MR. HOWARD: Right. I don't see any
16 questions coming to Ms. Doerhoff.

17 JUDGE DIPPELL: Okay. I think we'll just
18 leave it at that then, and Staff, we'll just keep them out
19 of this. I think we've gotten both sides on the record
20 pretty well.

21 MS. TATRO: Was AmerenUE's Answer admitted
22 into the record?

23 JUDGE DIPPELL: AmerenUE's Answer is not
24 part of the record.

25 MS. TATRO: May we make it so?

1 JUDGE DIPPELL: Are you wanting the entire
2 Answer or --

3 MS. TATRO: Sure.

4 JUDGE DIPPELL: -- or just that last
5 exhibit?

6 MS. TATRO: Well, the exhibit is probably --
7 we referenced it a couple times in talking with Ms. Hart,
8 so I would move that into the record.

9 JUDGE DIPPELL: Okay.

10 Mr. Howard, would you have any objection to
11 that Exhibit 1 that was marked highly confidential that
12 was attached to the Company's Answer?

13 We've been discussing that, and it would
14 probably help to clarify the record to have that in there
15 as well. Would you have any objection to having that come
16 in?

17 MR. HOWARD: No.

18 JUDGE DIPPELL: Then I will admit that. I
19 will redact the customer number from that before it's put
20 into the record, and then we won't have to mark it as HC.

21 So I will mark that as Exhibit No. 6 and
22 receive it into the record, and I will get copies of that
23 to the court reporter.

24 (EXHIBIT NO. 6 WAS MARKED FOR IDENTIFICATION
25 AND RECEIVED INTO EVIDENCE.)

1 JUDGE DIPPELL: Well, then, I think we can
2 just go ahead with closing arguments, if anybody wants to
3 have anything final to say.

4 I'll begin with you, Mr. Thompson. Do you
5 have anything?

6 MR. THOMPSON: Staff really has nothing to
7 say at this point.

8 I don't believe that the Complainant has
9 cast doubt on the readings of the new meter, and I don't
10 believe the Complainant has cast doubt on the readings
11 obtained from the previous meter up to July of 2006 and
12 for periods prior to that.

13 It appears to Staff that there is something
14 in the house that is temperature sensitive, and there is
15 apparently more power being used in cold months than in
16 warm months. That wouldn't be a light bulb. Perhaps it's
17 the hot water heater. I have no idea. But that seems to
18 be the pattern that the usage readings reflect.

19 Staff has nothing further. Thank you,
20 Judge.

21 JUDGE DIPPELL: Thank you.

22 Ms. Tatro.

23 MS. TATRO: Thank you.

24 I remind the Commission that -- I mean, the
25 reason this dispute has happened is that AmerenUE was

1 unable to access the meter back when it originally
2 identified the problem, which was shortly after it quit
3 transmitting.

4 When we finally were able to access the
5 meter, found a reading that was 18,000 kilowatts off and
6 sent out a bill. As that was disputed, the Company went
7 back to compare to previous usage and made a 50 percent,
8 approximately, adjustment to the bill to bring it more in
9 line, even though UE has no evidence that the meter was
10 actually wrong.

11 And, in fact, when you go through Exhibit 4
12 and you look at the months prior -- the years prior to
13 2006 where we know this problem occurred, but you look in
14 January of 2006, December of 2005, November of 2005, you
15 all see a large jump in usage.

16 So when you take that calculation, that is
17 the kind of information that you would use to make the
18 adjustment to come up with what was fair.

19 We believe that Mr. Howard has the burden to
20 prove that something went wrong and what it was that went
21 wrong. We don't believe that burden has been met.

22 Additionally, I think that is bolstered by
23 the fact that the new meter that went into place in
24 February of '08 has continued that trend. You'll see the
25 February, March and April bills are higher than what he's

1 been claiming that he's been using.

2 So I don't know what the source of that
3 usage is. I don't believe that it's AmerenUE's burden to
4 prove what the usage of that source is -- source of that
5 usage is, but clearly his usage varies, and it always goes
6 up when it's cold.

7 And I think that the amount we're asking for
8 is a fair amount and accurately reflects a similar trend.
9 So I would ask the Commission to find that AmerenUE
10 appropriately has billed him that additional \$528.

11 JUDGE DIPPELL: Thank you.

12 Mr. Howard, did you have a closing argument?

13 MR. HOWARD: Yes.

14 I believe the burden of proof by the
15 preponderance of the evidence relies on the Complainant
16 because I am the one complaining. However, I disagree
17 with what Ms. Tatro is saying. I believe that actually
18 electric use goes down in the wintertime because most
19 people have gas usage. Electric usage normally goes up in
20 the summertime when people use air conditioning. So I
21 believe the inverse is true as far as Ms. Tatro's argument
22 is concerned.

23 As far as the Commission, yes, I believe
24 that I have proven historically that -- according to
25 Exhibit 1 and Exhibit 4, their estimates are based on

1 historical usage, and I think that that is A stark
2 contrast to what they're alleging that I used in the year
3 of 2007, for whatever reason this meter was defective this
4 year.

5 So based upon their estimated usage for
6 previous years they come up with these figures that we
7 have on Exhibit 1, marked on the back of their Answer.

8 I believe that that shows in itself
9 sufficient evidence to show that there is a disparity here
10 that is worth looking into and that -- because the ten
11 years prior, that the usage is pretty much consistent, to
12 whatever reason in 2007 everything went awry.

13 Again, there has been no gas usage at this
14 residence for the last ten years. I think these are
15 matters to be taken into consideration assuming whether or
16 not somebody actually lives there.

17 I think, you know, just looking at the
18 circumstantial evidence that surrounds this case would be
19 enough that would give people enough reason to doubt that
20 the use that the Company is claiming that I used in 2007
21 is correct.

22 I think I have proven by pre-- preponderance
23 of evidence is not a -- beyond a reasonable doubt
24 standard, but preponderance of the evidence based on the
25 circumstantial evidence I submitted to this agency, I

1 believe that I have proven by a preponderance of the
2 evidence that my bill should be adjusted by another \$528
3 to reflect the actual usage at this residence.

4 That's all I have to say.

5 JUDGE DIPPELL: Thank you. Thank you very
6 much.

7 With that, then, we will conclude this
8 hearing.

9 And I appreciate everyone's patience with
10 the technical side of things and the phone conference and
11 so forth. And I appreciate very much, Mr. Howard, your
12 participation.

13 I did not to say, you referenced a couple of
14 times the Commission's rule with regard to current bills,
15 and I did want to say that I believe that the rule would
16 not prohibit you from disputing any other future bills.

17 I'm not wanting to invite disputes if there
18 is not one there, but I did want to make sure that you are
19 clear that you can always dispute another bill even though
20 you've got a past bill going on.

21 It's that past amount that is in dispute,
22 the amount you're not supposed to have to charge. If you
23 have a new dispute, then, you know, you don't have to pay
24 that new dispute if you have a complaint going on. I
25 believe that's the way the rule states. So I just wanted

1 to clarify that and make sure you understood that.

2 MR. HOWARD: Yes.

3 JUDGE DIPPELL: If there is nothing else,
4 then, we'll go ahead and go off the record.

5 Thank you.

6 WHEREUPON, the Hearing was concluded.

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I N D E X

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EXHIBIT INSTRUCTIONS:

Returned to the Public Service Commission.

1	EXHIBITS INDEX		
2		MARKED	REC'D
3	Exhibit No. 1		
4	Letter dated June 05, 2008		
5	to Peter B. Howard from		
6	System Meter Division, with		
7	handwriting on the bottom	44:15	58:16
8	Exhibit No. 2		
9	Letter dated June 05, 2008		
10	to Peter B. Howard from		
11	System Meter Division, with		
12	handwriting on the bottom	44:15	58:16
13	Exhibit No. 3		
14	Ameren Account Activity		
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16	Exhibit No. 4		
17	Select Meter Reading for		
18	Meter 91812593	83:6	83:6
19	Exhibit No. 5		
20	Document Attached to Complaint,		
21	Actual/Corrected Readings	98:15	98:15
22	Exhibit No. 6		
23	Exhibit 1, Highly Confidential	132:24	132:24
24			
25			

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CERTIFICATE OF REPORTER

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5

I, Patricia A. Stewart, RMR, RPR, CCR, a

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Certified Court Reporter in the State of Missouri, do

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nor financially or otherwise interested in the outcome of

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the action.

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Patricia A. Stewart

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CCR No. 401

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