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A P P E A R A N C E S

KENNARD L. JONES, PRESIDING
SENIOR REGULATORY LAW JUDGE

For Missouri Public Service Commission:

WHITNEY PAYNE
KEVIN THOMPSON
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Columbia, Missouri 65205
(Via Telephone)

Also Present: Punal Patel

PROCEEDINGS

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JUDGE JONES: This is Case No. EC-2015-0347, Punal Patel versus Ameren Missouri. My name is Kennard Jones. I'm the regulatory law judge assigned to this case. I'll note for the record that Ms. Patel is present. And I'll take entrance of appearances beginning with Ameren.

MS. GIBONEY: For Ameren, Missouri, Sarah Giboney, Smith Lewis, 111 South Ninth Street, Columbia, Missouri 65201.

JUDGE JONES: And for the staff.

MS. GIBONEY: And I'm sorry, Judge. Also with -- is it Cathy Hart?

MS. HART: Yes.

MS. GIBONEY: Appearance for the company, nonlegal.

JUDGE JONES: Okay. Thank you. And for the staff of the commission.

MS. PAYNE: This is Whitney Payne and it is PO Box 360, Jefferson City, Missouri 65102.

MR. THOMPSON: Also here is Kevin Thompson.

JUDGE JONES: All right. Thank you. I will note that I didn't explain to Ms. Patel that

1 the role of the staff of the commission is neutral.
2 I don't know if you knew that. But they don't have
3 an interest in the matter and their purpose is just
4 to investigate and give a recommendation to staff
5 and file a report to the staff.

6 And it's my understanding your complaint
7 is primarily with the rule that Ameren has of being
8 able to go back a year and collect, because of
9 overbilling.

10 MS. PATEL: Yes.

11 JUDGE JONES: Okay. Well, let me ask you
12 this. If -- if Ameren overbilled you for the last
13 three years, do you think you should get a refund?

14 MS. PATEL: Yes.

15 JUDGE JONES: Okay. And what else -- what
16 else do you have complaints about?

17 MS. PATEL: I think that, you know, they
18 had said I would get up to 24 months to pay them
19 back, but they had already withdrew the money out of
20 my account. They also charged a late fee, which
21 they did refund, but they withdrew the entire amount
22 from my account. I think, personally speaking, I
23 just think that I didn't make an error. I paid all
24 of my bills on time. And now, I'm getting billed
25 \$750 and some change for an error that I didn't make

1 or create. And I don't think that that's fair or
2 ethical.

3 JUDGE JONES: Okay. Ms. Giboney.

4 MS. GIBONEY: Yes, Judge?

5 JUDGE JONES: I mean -- I mean, I'm not
6 trying to make any findings of fact right now. I'm
7 just trying to understand exactly what happened.
8 Did you-all withdrawal all of the balance from her
9 account?

10 MS. GIBONEY: Yes. And Judge, again, like
11 you said, you're not making any findings of fact,
12 but I'll represent to you that the Patel's account
13 is a little bit unusual, in that they had actually
14 requested that the company take their monthly bill
15 amount out five days before its actual due date. So
16 it's electronically -- so in normal circumstances,
17 it's electronically withdrawn five days before the
18 due date. And unfortunately, in this circumstance,
19 there was a hold placed on the usual withdrawal,
20 because of the complaint, but that order, so to
21 speak, to withdraw the amount five days early sort
22 of overrode that. So there was an intention to --
23 to suspend taking that amount out electronically and
24 unfortunately, it just -- it didn't work, because of
25 the, you know, five day early payment on this

1 particular account.

2 JUDGE JONES: Okay. How long ago was
3 that?

4 MS. GIBONEY: I'm sorry, Judge?

5 JUDGE JONES: How long ago was that?

6 MS. GIBONEY: When did that occur?

7 JUDGE JONES: Yes.

8 MS. GIBONEY: I believe the money was
9 withdrawn in July? Is that correct, Cathy?

10 JUDGE JONES: In July?

11 MS. HART: I think that's correct.

12 JUDGE JONES: Has the money been put back
13 into the account?

14 MS. HART: No.

15 JUDGE JONES: Well, why -- if -- if --
16 so -- but it sounds like what you're saying is you
17 guys made a mistake, because the computers took
18 over.

19 MS. GIBONEY: I think that's a fair way of
20 saying it. The entire amount was taken out, because
21 of sort of a glitch.

22 JUDGE JONES: Right.

23 MS. GIBONEY: In being able to suspend it
24 properly.

25 JUDGE JONES: Okay. So in the last three

1 months, why didn't you just put it back in?

2 MS. GIBONEY: Well, I guess the position
3 would be that Ms. Patel is not actually arguing that
4 she didn't owe for the service.

5 JUDGE JONES: Oh, yeah.

6 MS. GIBONEY: She just wants to not pay,
7 because of the company's mistake.

8 JUDGE JONES: Yeah.

9 MS. GIBONEY: So in a way, the amount is
10 not really in dispute.

11 JUDGE JONES: I understand. She -- well,
12 she just said that you-all -- that it was an
13 agreement that she had with you-all, to pay it over
14 24 months or -- was that right?

15 MS. PATEL: So they say that if they
16 back-charge you for 12 months, then you get double
17 the time to pay it back.

18 MS. GIBONEY: Yes. That's correct. And
19 Judge, another -- another thing, which would be
20 developed in the hearing is that the company did
21 offer, in a phone call, with Ms. Patel's husband to
22 offer a payment arrangement and he specifically
23 declined that payment arrangement. So he basically
24 said no, I do not want to pay this correct bill,
25 over any extended period of time. He rejected that

1 offer.

2 MS. PATEL: Right. What I was told was,
3 in terms of like refunding that money is you can go
4 to the hearing and whatever comes of it, if there is
5 a refund, they do it, at that time. So after they
6 drew that money, they weren't going to, you know,
7 give it back and spread it out over 24 months. We
8 were just told to wait for the hearing and then, at
9 that time, whatever the decision was, if it was that
10 I had to pay the money in full now, then they
11 already have it. If there was anything else, then
12 at that time, they'd refund me.

13 MS. GIBONEY: And Ms. Patel, could I ask
14 you --

15 MS. PATEL: Sure.

16 MS. GIBONEY: When you said I was told,
17 could you explain that?

18 MS. PATEL: Right. And that's when we
19 called Ameren, because they had taken the money out
20 and they had charged a late fee. So I think my
21 husband called, at that time. And what he was told
22 was we've taken the money now, because of the 4th of
23 July weekend and a computer error, whatever the
24 logistics was.

25 Now, you can continue to argue this and

1 that's per my discussion with the public
2 commissioner, as well, whatever comes up with the
3 hearing, at that time, if they feel that, you know,
4 it was taken unjustly, then they can refund that to
5 you. If not, then essentially, I've already paid
6 it.

7 JUDGE JONES: Okay. Mr. Thompson, it
8 sounded like you were about to say something.

9 MR. THOMPSON: Yeah. I just wanted to
10 advise Ms. Giboney that staff is going to file a
11 complaint against Ameren for its violation of the
12 commission rules, by taking the amount in dispute
13 and we are going to seek penalties for every day,
14 until that money is returned.

15 MS. GIBONEY: Kevin, are you -- is that
16 not something -- are you saying you're bringing that
17 because of this complaint?

18 MR. THOMPSON: No. That's not connected
19 to this complaint. That was just from the staff.

20 JUDGE JONES: Okay. Well, as you all
21 know, this is an opportunity for the parties to get
22 together and try to -- try to settle the complaint.
23 If you can't, then to discuss the procedure for
24 heading towards the evidence hearing. And this
25 sounds like a good point for me to allow -- forward

1 you-all the opportunity to talk about the case, off
2 the record, and to see if you can reach an
3 agreement. Does anyone have anything they would
4 like to add, while we're on the record? Ms. Patel?

5 MS. PATEL: No.

6 JUDGE JONES: Ms. Giboney?

7 MS. HART: No, thank you, Judge.

8 JUDGE JONES: Mr. Thompson?

9 MR. THOMPSON: No, thank you, Judge.

10 JUDGE JONES: Okay. Well, with that,
11 then, we'll go off the record and I will leave
12 you-all to have further discussion. Thank you.

13 (Conference concluded at 10:08 a.m.)

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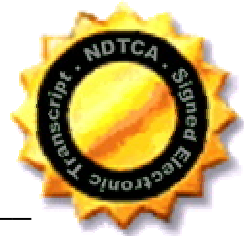
CERTIFICATE OF REPORTER

STATE OF MISSOURI)
)
CITY OF ST. LOUIS) ss.

I, Sheila Field, do hereby certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 27th day of September, 2015.

Sheila Field



Sheila Field, CCR

<p style="text-align: center;">A</p> <p>a.m 10:13 able 4:8 6:23 account 4:20,22 5:9,12 6:1,13 action 11:6 actual 5:15 add 10:4 advise 9:10 ago 6:2,5 agreement 7:13 10:3 allow 9:25 Ameren 1:6 2:9 3:4,8,9 4:7,12 8:19 9:11 amount 4:21 5:15,21,23 6:20 7:9 9:12 Appearance 3:16 appearances 3:8 argue 8:25 arguing 7:3 arrangement 7:22,23 assigned 3:6</p> <hr/> <p style="text-align: center;">B</p> <p>back 4:8,19 6:12 7:1,17 8:7 back-charge 7:16 balance 5:8 basically 7:23 beginning 3:8 believe 6:8 bill 5:14 7:24 billed 4:24 bills 4:24 bit 5:13 blood 11:7 Box 2:7 3:21 bringing 9:16</p>	<p>Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>C 1:3 2:1 call 7:21 called 8:19,21 case 3:3,6 10:1 Cathy 3:14 6:9 cause 1:15 CCR 11:15 certain 1:15 CERTIFICATE 11:1 Certified 1:15 certify 11:5 change 4:25 charged 4:20 8:20 circumstance 5:18 circumstances 5:16 City 1:13 2:8 3:21 11:3 collect 4:8 Columbia 2:12 3:11 comes 8:4 9:2 commission 1:2 1:16 2:4,6 3:19 4:1 9:12 commissioner 9:2 company 3:16 5:14 7:20 company's 7:7 Complainant 1:4 complaint 4:6 5:20 9:11,17 9:19,22 complaints 4:16 computer 8:23 computers 6:17</p>	<p>concluded 10:13 Conference 1:11 10:13 connected 9:18 continue 8:25 correct 6:9,11 7:18,24 Court 1:15 create 5:1</p> <hr/> <p style="text-align: center;">D</p> <p>date 5:15,18 day 1:12 5:25 9:13 11:10 days 5:15,17,21 decision 8:9 declined 7:23 developed 7:20 discuss 9:23 discussion 9:1 10:12 dispute 7:10 9:12 double 7:16 drew 8:6 due 5:15,18</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 early 5:21,25 EC-2015-0347 1:5 3:4 electronically 5:16,17,23 entire 4:21 6:20 entrance 3:8 error 4:23,25 8:23 essentially 9:5 ethical 5:2 evidence 9:24 exactly 5:7 explain 3:25 8:17</p>	<p>extended 7:25</p> <hr/> <p style="text-align: center;">F</p> <p>fact 5:6,11 fair 5:1 6:19 fee 4:20 8:20 feel 9:3 Field 1:14 11:5 11:15 file 1:5 4:5 9:10 findings 5:6,11 five 5:15,17,21 5:25 forward 9:25 Friday 1:11 full 8:10 further 10:12</p> <hr/> <p style="text-align: center;">G</p> <p>getting 4:24 Giboney 2:10 3:9,10,13,16 5:3,4,10 6:4,6 6:8,19,23 7:2,6 7:9,18 8:13,16 9:10,15 10:6 give 4:4 8:7 glitch 6:21 go 4:8 8:3 10:11 going 8:6 9:10 9:13 good 9:25 guess 7:2 guys 6:17</p> <hr/> <p style="text-align: center;">H</p> <p>hand 11:9 happened 5:7 Hart 3:14,15 6:11,14 10:7 heading 9:24 hearing 7:20 8:4 8:8 9:3,24 hereunto 11:9 hold 5:19</p>	<p>husband 7:21 8:21</p> <hr/> <p style="text-align: center;">I</p> <p>intention 5:22 interest 4:3 interested 11:8 investigate 4:4</p> <hr/> <p style="text-align: center;">J</p> <p>Jefferson 2:8 3:21 Jones 2:2 3:3,5 3:12,18,24 4:11,15 5:3,5 6:2,5,7,10,12 6:15,22,25 7:5 7:8,11 9:7,20 10:6,8,10 judge 2:3 3:3,6 3:12,13,18,24 4:11,15 5:3,4,5 5:10 6:2,4,5,7 6:10,12,15,22 6:25 7:5,8,11 7:19 9:7,20 10:6,7,8,9,10 July 6:9,10 8:23</p> <hr/> <p style="text-align: center;">K</p> <p>Kennard 2:2 3:5 Kevin 2:6 3:23 9:15 knew 4:2 know 4:2,17 5:25 8:6 9:3,21</p> <hr/> <p style="text-align: center;">L</p> <p>L 2:2 late 4:20 8:20 law 2:3 3:5 leave 10:11 Lewis 2:11 3:10 little 5:13 logistics 8:24</p>
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<p>long 6:2,5 Louis 1:14 11:3</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Madison 2:7 making 5:11 marriage 11:7 matter 4:3 11:8 mean 5:5,5 Missouri 1:1,6 1:14,17 2:4,6,8 2:9,12 3:4,9,11 3:21 11:2 mistake 6:17 7:7 money 4:19 6:8 6:12 8:3,6,10 8:19,22 9:14 monthly 5:14 months 4:18 7:1 7:14,16 8:7</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 name 3:5 neutral 4:1 Ninth 2:11 3:10 nonlegal 3:17 normal 5:16 North 1:13 note 3:6,25</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>occur 6:6 offer 7:21,22 8:1 Office 1:12 Oh 7:5 Okay 3:18 4:11 4:15 5:3 6:2,25 9:7,20 10:10 opportunity 9:21 10:1 order 5:20 outcome 11:8 overbilled 4:12 overbilling 4:9</p>	<p>overrode 5:22 owe 7:4</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1 paid 4:23 9:5 particular 6:1 parties 9:21 11:6 Patel 1:3 2:14 3:4,7,25 4:10 4:14,17 7:3,15 8:2,13,15,18 10:4,5 Patel's 5:12 7:21 pay 4:18 7:6,13 7:17,24 8:10 payment 5:25 7:22,23 Payne 2:5 3:20 3:20 penalties 9:13 pending 1:16 period 7:25 personally 4:22 phone 7:21 placed 5:19 PO 2:7 3:21 point 9:25 position 7:2 Pre-Hearing 1:10 present 2:14 3:7 PRESIDING 2:2 primarily 4:7 procedure 9:23 PROCEEDIN... 1:10 3:1 properly 6:24 public 1:2,16 2:4 2:6 9:1 Punal 1:3 2:14 3:4 purpose 4:3</p>	<p>put 6:12 7:1</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:1 reach 10:2 really 7:10 recommendati... 4:4 record 3:7 10:2 10:4,11 refund 4:13,21 8:5,12 9:4 refunding 8:3 regulatory 2:3 3:5 rejected 7:25 related 11:6 report 4:5 Reporter 1:15 11:1 represent 5:12 requested 5:14 Respondent 1:7 returned 9:14 right 3:24 5:6 6:22 7:14 8:2 8:18 role 4:1 rule 4:7 rules 9:12</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 Sarah 2:10 3:10 saying 6:16,20 9:16 seal 11:10 see 10:2 seek 9:13 SENIOR 2:3 September 1:11 11:10 service 1:2,16</p>	<p>2:4,6 7:4 set 11:9 settle 9:22 Seventh 1:13 Sheila 1:14 11:5 11:15 Smith 2:11 3:10 sorry 3:13 6:4 sort 5:21 6:21 sounded 9:8 sounds 6:16 9:25 South 3:10 speak 5:21 speaking 4:22 specifically 7:22 spread 8:7 ss 11:2 St 1:14 11:3 staff 3:12,19 4:1 4:4,5 9:10,19 State 1:1,12,14 1:17 11:2 Street 1:13 2:7 2:11 3:10 Suite 2:12 Sure 8:15 suspend 5:23 6:23</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 3:7 5:14 taken 6:20 8:19 8:22 9:4 talk 10:1 Telephone 2:8 2:13 terms 8:3 thank 3:18,24 10:7,9,12 they'd 8:12 thing 7:19 think 4:13,17,22 4:23 5:1 6:11</p>	<p>6:19 8:20 Thompson 2:6 3:22,23 9:7,9 9:18 10:8,9 three 4:13 6:25 time 4:24 7:17 7:25 8:5,9,12 8:21 9:3 told 8:2,8,16,21 TRANSCRIPT 1:10 try 9:22,22 trying 5:6,7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 5:7 7:11 understanding 4:6 unfortunately 5:18,24 unjustly 9:4 unusual 5:13 usual 5:19</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>versus 3:4 violation 9:11 vs 1:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wainwright 1:12 wait 8:8 want 7:24 wanted 9:9 wants 7:6 way 6:19 7:9 11:7 we'll 10:11 we're 10:4 we've 8:22 weekend 8:23 weren't 8:6 WHEREOF</p>
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11:9	<u>5</u>			
Whitney 2:5				
3:20	<u>6</u>			
withdraw 5:21	65102 2:8 3:21			
withdrawal 5:8	65201 3:11			
5:19	65205 2:12			
withdrawn 5:17				
6:9	<u>7</u>			
withdrew 4:19	750 4:25			
4:21				
WITNESS 11:9				
work 5:24				
<u>X</u>				
<u>Y</u>				
yeah 7:5,8 9:9				
year 4:8				
years 4:13				
you-all 5:8 7:12				
7:13 10:1,12				
<u>Z</u>				
<u>0</u>				
<u>1</u>				
10:00 1:11				
10:08 10:13				
111 1:13 2:11				
3:10				
12 7:16				
1226 1:15				
<u>2</u>				
200 2:7,12				
2015 1:11 11:10				
24 4:18 7:14 8:7				
25 1:11				
27th 11:10				
<u>3</u>				
360 2:7 3:21				
<u>4</u>				
4th 8:22				