

In the Matter of:
SURAYYA IBRAHIM
v.
UNION ELECTRIC d/b/a AMEREN MISSOURI

VOL. 1 EC-2018-0097

December 20, 2017



www.tigercr.com 573.999.2662

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
December 20, 2017
Jefferson City, Missouri
Volume 1

SURAYYA IBRAHIM,)
)
Complainant,)
)
v.)
) File No. EC-2018-0097
UNION ELECTRIC COMPANY)
d/b/a AMEREN MISSOURI,)
)
Respondent.)

KIM S. BURTON, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

Page

A P P E A R A N C E S

SARAH GIBONEY, Attorney at Law
Smith Lewis, LLP
111 South 9th Street
Columbia, Missouri 65201
573.443.3141

FOR: Ameren Missouri

ALEXANDRA L. KLAUS, Assistant Staff Counsel
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.1854

FOR: Staff of the Missouri Public Service Commission

Page

P R O C E E D I N G S

JUDGE BURTON: Let's go ahead and go on the record in File No. EC-2018-0097, Surayya Ibrahim, Complainant v. Union Electric Company d/b/a Ameren Missouri, Respondent. My name is Kim Burton, and I am showing the time as 10:16. Today is Wednesday, November 20, 2007.

By an order issued on December 5, 2007, this Commission established ten o'clock as the time for a prehearing conference in the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, in Room 305 where all parties were directed to appear but were given the option to appear in person or telephonically.

At this time I will go ahead and take entries of appearance, and we will begin a little bit out of the normal course of things. Do we have Ms. Ibrahim on the phone? Let the record reflect that there's been no response.

For Union Electric Company d/b/a Ameren Missouri?

MS. GIBONEY: I'm Sarah Giboney of the law firm Smith Lewis, LLP, and our mailing address is 111 South 9th Street, Suite 200, Columbia, Missouri 65201.

JUDGE BURTON: Thank you. On behalf of the staff for Missouri Public Service Commission?

Page

1 MS. KLAUS: Alexandra Klaus. My contact
2 information has been provided to the court reporter, but
3 I'll do my best to reiterate here if necessary. Also,
4 Judge, may I ask that the record reflect that today is
5 December 20?

6 JUDGE BURTON: What did I say?

7 MS. GIBONEY: We heard you say November.

8 MS. KLAUS: November.

9 JUDGE BURTON: Sorry about that. Let the
10 record correctly show today's date is December 20, 2017.
11 I apologize not getting a lot of sleep this week.

12 MS. GIBONEY: A little more shopping time for
13 the holiday.

14 JUDGE BURTON: As I've previously stated, the
15 Commission has set this time at ten o'clock for a
16 prehearing conference, and we have not received any
17 contact as far as my office in the adjudication
18 department from Ms. Ibrahim that I'm aware of. I just
19 went upstairs to check. Have any of the other parties
20 been in contact today or recently with the complainant
21 about her availability for this prehearing conference?

22 MS. GIBONEY: Judge, we've attempted to --
23 Union Electric has attempted to reach Ms. Ibrahim a
24 number of times via e-mail and telephone and we have not
25 made contact with her.

Page

1 JUDGE BURTON: When was the last attempt?

2 MS. GIBONEY: The last attempt via e-mail was
3 -- well, it was November 13 and then there have been
4 various other normal utility related contacts with her
5 that have not been answered like calls about restoration
6 of service, things like that.

7 JUDGE BURTON: And staff?

8 MS. KLAUS: It is my understanding, Judge,
9 that staff has not communicated with complainant
10 regarding this preconference hearing and last
11 communication was in or about late October with respect
12 to the issues in the complaint.

13 JUDGE BURTON: I'm currently showing the time
14 as 10:19. So what I'm going to do is wait until the end
15 of the day and then see if there's been any contact and
16 I'm going to direct the parties to please notify me --
17 you can do this through e-mail. I would just ask that
18 all parties be included in any correspondence with me --
19 if you received any contact from the complainant. If
20 not, I will be issuing an order dismissing this action
21 tomorrow.

22 Is there anything else we need to address?

23 MS. GIBONEY: There was one other thing that I
24 wanted to ask you for clarification about. It may go
25 away given your potential dismissal. But in your
Page

1 original order with the Notice of the Complaint you had
2 ordered that there be no disconnections during the
3 pendency of the complaint.

4 JUDGE BURTON: That will be addressed in the
5 order that I issue, but for right now even when that
6 order is issued that stay will still be in place and I'm
7 just going to wait until any time can run for 10 days or
8 30 days for any response from Ms. Ibrahim from any order
9 that's issued tomorrow before we go back to that. But
10 if the company would like to file a motion to reconsider
11 that, then I would just --

12 MS. GIBONEY: We probably would, but I would
13 like to discuss it with you just a little bit about one
14 of the things I was discussing with staff before we were
15 on the record was that when the Commission and the judge
16 enters an order to not disconnect, the company suspends
17 the account from disconnection. But one of the
18 consequences of that is that no disconnection notices go
19 out. And when no disconnection notice goes out, it's
20 sort of a signal to the customer is missing. That's one
21 thing. But also when there's no disconnection notice, a
22 customer cannot avail themselves of energy assistance
23 which requires that they be in threat of disconnection.

24 I'm not aware that that's necessarily the case
25 with Ms. Ibrahim, but that is sort of an unintended

Page

1 consequence of those orders. What the rules provide is
2 that the company can't disconnect for an amount in
3 dispute. So in this case she complained related to the
4 \$1,866 that was transferred. Since the time of her
5 complaint, she has on what I call current charges she's
6 fallen into arrears, and I think my math is correct, to
7 the tune of \$292.60. That would be all the amounts for
8 current charges.

9 JUDGE BURTON: Since December 5?

10 MS. GIBONEY: No, not since December 5. Since
11 the filing of the complaint. Amounts that aren't that
12 amount in dispute that are actually delinquent. There
13 is a current bill that obviously she's not delinquent
14 on.

15 JUDGE BURTON: So since October 11
16 approximately?

17 MS. GIBONEY: Yeah. In essence, there's been
18 about \$400 worth of charges for current service and
19 she's paid \$68 worth. My concern is that, one, she
20 might not be getting those signals that you normally get
21 with a disconnection notice and, two, if she does need
22 energy assistance that order suspending all
23 disconnections would thwart her from getting that
24 assistance.

25 JUDGE BURTON: Let me ask you this. Is there
Page

1 anything just for future reference that the judges can
2 do when issuing an order that just exempts the
3 discussion of a disconnection notice as far as exempts
4 Ameren from any order to suspend their disconnection
5 actions?

6 MS. GIBONEY: Typically, and I've been doing
7 this 2008, there's not an order like you put in; but if
8 there is an order directed at disconnections, it will
9 specify not to disconnect for the amount in dispute.
10 And sometimes I've seen orders that say but you need to
11 keep paying your current charges, to directing the
12 complainant to continue paying their current charges.

13 Another signal that's supposed to go out to
14 the customer is that when the consumer services staff
15 sends their closure letter on the informal complaint, it
16 is supposed to contain a message to the customer that
17 they need to pay their current charges or their
18 complaint could be subject to dismissal. For reasons I
19 don't understand, the company never gets copies of those
20 letters even though we're a party to that informal
21 complaint. I don't know if that message is in there,
22 but that should be also telling the customer "Hey, even
23 though you've filed a complaint, you need to pay your
24 current charges."

25 JUDGE BURTON: Right.
Page

1 MS. GIBONEY: Just to answer your question, I
2 don't know if that's something that a judge would
3 normally put in an order but I've seen it.

4 MS. BERNSEN: If I can address that real
5 quickly.

6 JUDGE BURTON: Could you just identify
7 yourself for the record.

8 MS. BERNSEN: Debbie Bernsen, B-e-r-n-s-e-n.
9 I'm with Commission staff. And I assisted Joe Roling on
10 the complaint a little bit. I would suggest and I'm
11 thinking, I don't work on these all the time, but
12 sometimes we are pulled into technical ones. My
13 suggestion is I would offer Joe or I or both of us to
14 look at the letters that are being used by customer
15 services currently and to see if those include that kind
16 of language. I think that's a very valid point that we
17 could --

18 MS. GIBONEY: It may be in there. I just
19 don't see them so I don't know.

20 MS. BERNSEN: I can't off the top of my head,
21 since I don't work in that department, but I think we
22 could look at that. If it's not in there, we could
23 certainly get with our -- We just had a change in our
24 management there. We could certainly get with them and
25 make a suggestion that that kind of language -- I think

Page

1 in my opinion that's appropriate. I don't know if we
2 need to run that through the General Counsel's Office.

3 MS. KLAUS: We can start those discussions.

4 MS. BERNSEN: That would be a consideration,
5 if that would be helpful. There might be language in
6 13, Chapter 13.

7 MS. GIBONEY: There is.

8 MS. BERNSEN: I know there's lots of language
9 in 13 about disconnection. If you're talking about the
10 letter actually that goes out to the customer once they
11 file the formal or when they close out the informal.

12 MS. GIBONEY: I'm referencing the closure
13 letter that goes with the closing of an informal. Here,
14 it's under 4 CSR 240-13.070(4)(B). It says "If the
15 complaint concerns a bill, the nonpayment of which could
16 subject the complainant to discontinuance of service
17 under the provisions of 4 CSR 240-13.050, the staff's
18 letter shall advise the complainant that if a formal
19 complaint is not filed within 30 days of the date of the
20 letter, the complainant may be subject to discontinuance
21 of service." I know there's another. That's not the
22 one I thought it was. I apologize anyway, but again I'm
23 not suggesting that the information is not in there.

24 I was just trying to tell the judge where I
25 think the signals get to the customer about continuing

1 to pay their bill during a complaint.

2 JUDGE BURTON: I can go ahead and issue an
3 order today then just to clarify that as far as the
4 suspension of disconnection actions for the amount in
5 dispute and then that should make her aware. I'll put
6 in there as well that any outstanding amount would still
7 be subject to disconnection and that the company can
8 take any actions as far as notifying the customer of a
9 disconnection notice.

10 MS. BERNSEN: Yeah, in accordance with all the
11 normal rules.

12 MS. GIBONEY: I think that would be helpful.
13 I appreciate that. I appreciate the discussion.

14 JUDGE BURTON: But I will still wait for
15 tomorrow for any order dismissing the complaint just to
16 see if we hear any response from her about any
17 unforeseen reason for her unavailability today.

18 MS. KLAUS: Just to be clear, Judge, are you
19 asking for us to reach out to her today or just to see
20 if she contacts us?

21 JUDGE BURTON: That would be nice if you do.
22 That's up to you. She's already been notified of this
23 time. But if you do receive any contact or if staff
24 takes it upon themselves to want to reach out.

25 MS. BERNSEN: Judge, would you prefer that

1 staff reach out or that we have our counsel reach out?
2 I think one thing that was in the procedure that we were
3 given was that we were not to contact her while the case
4 was pending --

5 JUDGE BURTON: Right.

6 MS. BERNSEN: -- without having an attorney
7 present. Should we -- are we at the point --

8 JUDGE BURTON: I'm not going to give you legal
9 advice on that. You can discuss that with your counsel
10 with staff as a party can determine what they want to
11 do.

12 MS. KLAUS: Yes, Judge. Thank you.

13 MS. GIBONEY: I did find the rule that I was
14 trying to reference. I apologize. Let me just --

15 JUDGE BURTON: Are we in the cold weather rule
16 time frame right now?

17 MS. BERNSEN: If the temperature --

18 MS. GIBONEY: The temperature has to be below
19 32 degrees on the following day.

20 MS. BERNSEN: For a certain period of time.

21 JUDGE BURTON: I thought it was 24 hours or 48
22 hours.

23 MS. GIBONEY: The rule that I was trying to
24 find is 4 CSR 240-13.045.

25 MS. BERNSEN: .045?

1 MS. GIBONEY: .045(9). And a portion of that
2 rule says "If a customer files an informal complaint
3 with the commission prior to advising the company that
4 all or a portion of a bill is in dispute, the commission
5 shall notify the customer of the payment required by
6 subsection 5 or subsection 6 of this rule." And that
7 payment that's required under subsection 5 and
8 subsection 6 says if the customer disputes the charge,
9 she/he shall pay to the utility an amount equal to the
10 part of the charge not in dispute. That would be in my
11 interpretation any current charges that have accrued
12 after the filing of the complaint. Thank you. Sorry.

13 JUDGE BURTON: Okay. Is there anything else
14 that we need to address while we are on the record?

15 MS. KLAUS: No, Judge.

16 MS. GIBONEY: No, thank you, Judge.

17 JUDGE BURTON: Thank you, everyone, for your
18 participation and your presence here today. It is 10:30
19 and we are now going to go off the record. Thank you.

20 (Off the record.)
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640,
Certified Court Reporter with the firm of Tiger Court
Reporting, LLC, within the State of Missouri, do hereby
certify that I was personally present at the proceedings
had in the above-entitled cause at the time and place
set forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had; and
that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such time
and place.

Beverly Jean Bentch

Beverly Jean Bentch, CCR No. 640

\$	305 3:12	Ameren 3:4,19 8:4	C
\$1,866 7:4	32 12:19	amount 7:2,12 8:9 11:4,6 13:9	call 7:5
\$292.60 7:7	4	amounts 7:7,11	calls 5:5
\$400 7:18	4 10:14,17 12:24	apologize 4:11 10:22 12:14	caption 14:8
\$68 7:19	48 12:21	appearance 3:15	case 6:24 7:3 12:3
0	5	approximately 7:16	CCR 14:3,15
045 12:25	5 3:8 7:9,10 13:6,7	arrears 7:6	CERTIFICATE 14:1
045(9) 13:1	6	assistance 6:22 7:22,24	Certified 14:4
1	6 13:6,8	assisted 9:9	certify 14:6
10 6:7	640 14:3,15	attempt 5:1,2	change 9:23
10:16 3:6	65201 3:23	attempted 4:22,23	Chapter 10:6
10:19 5:14	9	attorney 12:6	charge 13:8,10
10:30 13:18	9th 3:23	avail 6:22	charges 7:5,8,18 8:11,12,17,24 13:11
11 7:15	A	availability 4:21	check 4:19
111 3:22	above-entitled 14:7	aware 4:18 6:24 11:5	City 3:11
13 5:3 10:6,9	accordance 11:10	B	clarification 5:24
2	account 6:17	B-E-R-N-S-E-N 9:8	clarify 11:3
20 3:7 4:5,10	accrued 13:11	back 6:9	clear 11:18
200 3:11,23	action 5:20	begin 3:15	close 10:11
2007 3:7,8	actions 8:5 11:4,8	behalf 3:24	closing 10:13
2008 8:7	address 3:22 5:22 9:4 13:14	Bentch 14:3,15	closure 8:15 10:12
2017 4:10	addressed 6:4	Bernsen 9:4,8,20 10:4,8 11:10,25 12:6, 17,20,25	cold 12:15
24 12:21	adjudication 4:17	Beverly 14:3,15	Columbia 3:23
240-13.045 12:24	advice 12:9	bill 7:13 10:15 11:1 13:4	commission 3:9,25 4:15 6:15 9:9 13:3,4
240-13.050 10:17	advise 10:18	bit 3:15 6:13 9:10	communicated 5:9
240-13.070(4)(B) 10:14	advising 13:3	Building 3:10	communication 5:11
3	ahead 3:2,14 11:2	Burton 3:2,5,24 4:6,9, 14 5:1,7,13 6:4 7:9,15, 25 8:25 9:6 11:2,14,21 12:5,8,15,21 13:13,17	company 3:4,19 6:10,16 7:2 8:19 11:7 13:3
30 6:8 10:19	Alexandra 4:1		complainant 3:4 4:20 5:9,19 8:12 10:16,18,20
			complained 7:3

complaint 5:12 6:1,3 7:5,11 8:15,18,21,23 9:10 10:15,19 11:1,15 13:2,12 concern 7:19 concerns 10:15 conference 3:10 4:16,21 consequence 7:1 consequences 6:18 consideration 10:4 consumer 8:14 contact 4:1,17,20,25 5:15,19 11:23 12:3 contacts 5:4 11:20 continue 8:12 continuing 10:25 copies 8:19 correct 7:6 14:10 correctly 4:10 correspondence 5:18 counsel 12:1,9 Counsel's 10:2 court 4:2 14:4 CSR 10:14,17 12:24 current 7:5,8,13,18 8:11,12,17,24 13:11 customer 6:20,22 8:14,16,22 9:14 10:10, 25 11:8 13:2,5,8 <hr/> D <hr/> d/b/a 3:4,19 date 4:10 10:19 day 5:15 12:19 days 6:7,8 10:19	Debbie 9:8 December 3:8 4:5,10 7:9,10 degrees 12:19 delinquent 7:12,13 department 4:18 9:21 determine 12:10 direct 5:16 directed 3:12 8:8 directing 8:11 disconnect 6:16 7:2 8:9 disconnection 6:17, 18,19,21,23 7:21 8:3,4 10:9 11:4,7,9 disconnections 6:2 7:23 8:8 discontinuance 10:16,20 discuss 6:13 12:9 discussing 6:14 discussion 8:3 11:13 discussions 10:3 dismissal 5:25 8:18 dismissing 5:20 11:15 dispute 7:3,12 8:9 11:5 13:4,10 disputes 13:8 <hr/> E <hr/> e-mail 4:24 5:2,17 EC-2018-0097 3:3 Electric 3:4,19 4:23 end 5:14 energy 6:22 7:22	enters 6:16 entries 3:14 equal 13:9 essence 7:17 established 3:9 exempts 8:2,3 <hr/> F <hr/> fallen 7:6 file 3:3 6:10 10:11 filed 8:23 10:19 files 13:2 filing 7:11 13:12 find 12:13,24 firm 3:22 14:4 foregoing 14:10 formal 10:11,18 frame 12:16 full 14:10 future 8:1 <hr/> G <hr/> General 10:2 Giboney 3:21 4:7,12, 22 5:2,23 6:12 7:10,17 8:6 9:1,18 10:7,12 11:12 12:13,18,23 13:1,16 give 12:8 Governor's 3:10 <hr/> H <hr/> head 9:20 hear 11:16 heard 4:7	hearing 5:10 helpful 10:5 11:12 Hey 8:22 holiday 4:13 hours 12:21,22 <hr/> I <hr/> Ibrahim 3:3,16 4:18, 23 6:8,25 identify 9:6 include 9:15 included 5:18 informal 8:15,20 10:11,13 13:2 information 4:2 10:23 interpretation 13:11 issue 6:5 11:2 issued 3:8 6:6,9 issues 5:12 issuing 5:20 8:2 <hr/> J <hr/> Jean 14:3,15 Jefferson 3:11 Joe 9:9,13 judge 3:2,24 4:4,6,9, 14,22 5:1,7,8,13 6:4, 15 7:9,15,25 8:25 9:2, 6 10:24 11:2,14,18,21, 25 12:5,8,12,15,21 13:13,15,16,17 judges 8:1 <hr/> K <hr/> Kim 3:5 kind 9:15,25
---	--	--	--

Klaus 4:1,8 5:8 10:3 11:18 12:12 13:15	normal 3:16 5:4 11:11	pendency 6:3	reason 11:17
<hr/>	notes 14:11	pending 12:4	reasons 8:18
L	notice 6:1,19,21 7:21 8:3 11:9	period 12:20	receive 11:23
<hr/>	notices 6:18	person 3:13	received 4:16 5:19
language 9:16,25 10:5,8	notified 11:22	personally 14:6	recently 4:20
late 5:11	notify 5:16 13:5	phone 3:17	reconsider 6:10
law 3:21	notifying 11:8	place 6:6 14:7,12	record 3:3,17 4:4,10 6:15 9:7 13:14,19,20
legal 12:8	November 3:6 4:7,8 5:3	point 9:16 12:7	reference 8:1 12:14
letter 8:15 10:10,13, 18,20	number 4:24	portion 13:1,4	referencing 10:12
letters 8:20 9:14	<hr/>	potential 5:25	reflect 3:17 4:4
Lewis 3:22	O	preconference 5:10	reiterate 4:3
<hr/>	October 5:11 7:15	prefer 11:25	related 5:4 7:3
LLC 14:5	offer 9:13	prehearing 3:10 4:16,21	reporter 4:2 14:1,4
LLP 3:22	office 3:10 4:17 10:2	presence 13:18	Reporting 14:5
lot 4:11	opinion 10:1	present 12:7 14:6	required 13:5,7
lots 10:8	option 3:13	previously 4:14	requires 6:23
<hr/>	order 3:8 5:20 6:1,5,6, 8,16 7:22 8:2,4,7,8 9:3 11:3,15	prior 13:3	respect 5:11
M	ordered 6:2	procedure 12:2	Respondent 3:5
<hr/>	orders 7:1 8:10	proceedings 14:6,9	response 3:18 6:8 11:16
made 4:25 14:11	original 6:1	provide 7:1	restoration 5:5
Madison 3:11	outstanding 11:6	provided 4:2	Roling 9:9
mailing 3:22	<hr/>	provisions 10:17	Room 3:11
make 9:25 11:5	P	Public 3:25	RPR 14:3
management 9:24	<hr/>	pulled 9:12	rule 12:13,15,23 13:2, 6
math 7:6	paid 7:19	put 8:7 9:3 11:5	rules 7:1 11:11
message 8:16,21	part 13:10	<hr/>	run 6:7 10:2
missing 6:20	participation 13:18	question 9:1	<hr/>
Missouri 3:5,11,20, 23,25 14:5	parties 3:12 4:19 5:16,18	quickly 9:5	S
motion 6:10	<hr/>	<hr/>	Sarah 3:21
<hr/>	party 8:20 12:10	R	sends 8:15
N	pay 8:17,23 11:1 13:9	reach 4:23 11:19,24 12:1	service 3:25 5:6 7:18 10:16,21
<hr/>	paying 8:11,12	real 9:4	services 8:14 9:15
necessarily 6:24	payment 13:5,7		
nice 11:21			
nonpayment 10:15			

set 4:15 14:8 she/he 13:9 sheet 14:8 shopping 4:12 show 4:10 showing 3:6 5:13 signal 6:20 8:13 signals 7:20 10:25 sleep 4:11 Smith 3:22 sort 6:20,25 South 3:23 staff 3:25 5:7,9 6:14 8:14 9:9 11:23 12:1,10 staff's 10:17 start 10:3 State 14:5 stated 4:14 stay 6:6 Stenotype 14:9,11 Street 3:11,23 subject 8:18 10:16,20 11:7 subsection 13:6,7,8 suggest 9:10 suggesting 10:23 suggestion 9:13,25 Suite 3:23 supposed 8:13,16 Surayya 3:3 suspend 8:4 suspending 7:22 suspends 6:16 suspension 11:4	<hr/> T <hr/> takes 11:24 talking 10:9 technical 9:12 telephone 4:24 telephonically 3:13 telling 8:22 temperature 12:17, 18 ten 3:9 4:15 themselves 6:22 thereof 14:8 thing 5:23 6:21 12:2 things 3:16 5:6 6:14 thinking 9:11 thought 10:22 12:21 threat 6:23 thwart 7:23 Tiger 14:4 time 3:6,9,14 4:12,15 5:13 6:7 7:4 9:11 11:23 12:16,20 14:7, 11 times 4:24 today 3:6 4:4,20 11:3, 17,19 13:18 today's 4:10 tomorrow 5:21 6:9 11:15 top 9:20 transcript 14:11 transferred 7:4 true 14:10 tune 7:7 Typically 8:6	<hr/> U <hr/> unavailability 11:17 understand 8:19 understanding 5:8 unforeseen 11:17 unintended 6:25 Union 3:4,19 4:23 upstairs 4:19 utility 5:4 13:9 <hr/> V <hr/> valid 9:16 <hr/> W <hr/> wait 5:14 6:7 11:14 wanted 5:24 weather 12:15 Wednesday 3:6 week 4:11 work 9:11,21 worth 7:18,19
---	---	--