

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

Yvonne Ferguson,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2009-0138
)	
Missouri Gas Energy,)	
)	
Respondent.)	

MGE’S ANSWER

COMES NOW Missouri Gas Energy, a division of Southern Union Company (MGE or Respondent), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission (Commission) as its Answer and Motion to Dismiss the Complaint filed by Yvonne Ferguson (Complainant):

1. MGE admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.
2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Todd Jacobs
Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111
(816) 360-5976
(816) 360-5536 facsimile
todd.jacobs@sug.com

COMPLAINT AND RELIEF SOUGHT

3. Complainant alleges that when she sought to initiate service in her name at 1632 Bushman Drive, Apt. 129, Kansas City, Missouri, she was required to pay the equivalent of

eighty percent (80%) of the amount due for natural gas service provided at 1515 E. 58th Street, Kansas City, Missouri in the name of Mary Ferguson, Yvonne Ferguson's mother. Complaint asserts that she "tried all [she] could to get the bill put in [her] name when it appeared [her] mom was becoming forgetful." See Complaint, p. 1. Complainant believes that she should not be held responsible for the bill that was in her mother's name. Complainant asks that the Commission direct MGE to refund fifty percent (50%) of the amount she paid in regard to the 1515 E. 58th Street bill.

ANSWER

4. Beginning on or about April 14, 1994, MGE began to provide service in the name of Mary Ferguson at 1515 E. 58th Street. This account was discontinued for non-payment on March 11, 2008, at which time an outstanding balance of \$1,245.03 remained. Mary Ferguson passed away on June 10, 2008.

5. MGE's research shows that Yvonne Ferguson represented her residence to be 1515 E. 58th Street, from 1998 through September 2008. This includes motor vehicle registration records.

6. Yvonne Ferguson resided at 1515 E. 58th Street and benefited from the use of the natural gas service provided by MGE at 1515 E. 58th Street.

7. On August 8, 2008, Yvonne Ferguson sought to have natural gas service initiated in her name at 1632 Bushman Drive, Apt. 129, Kansas City, Missouri. MGE required Yvonne Ferguson to pay eighty percent (80%) of the outstanding balance before initiating such service. Yvonne Ferguson paid this amount on August 12, 2008. Service was initiated in Yvonne Ferguson's name at 1632 Bushman Drive, Apt. 129 on August 12, 2008, and the remaining balance associated with 1515 58th Street (\$249.03) was transferred to the new account.

8. Rule 3.02(1)(A) of MGE's tariffs (Sheet R-19) provides that MGE "may refuse to commence service to an applicant" for "non-payment of an undisputed delinquent charge."

9. Rule 3.02(2)(B) of MGE's tariffs (Sheets R-19.1 and R-19.2) provides, in part, that MGE may not refuse to commence service to an applicant for "failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer." To meet its burden, MGE must have "reliable evidence that:

1. The applicant and that customer resided together at the premises where the bill was incurred and during the period the bill was incurred; and
2. The bill was incurred within the last seven (7) years; and
3. Company has attempted to collect the unpaid bill from the customer of record; and
4. At the time of the request for service, the bill remains unpaid and not in dispute."

10. Commission Rule 4 CSR 240-13.035(1)(A) and 4 CSR 240-13.035(2)(B) contains substantially identical provisions.

11. Yvonne Ferguson resided with Mary Ferguson at the premises where the subject bill was incurred, during the period the bill was incurred. This bill was incurred within the last seven years. MGE is unable to collect the unpaid bill from Mary Ferguson as she is deceased. At the time Yvonne Ferguson requested service at 1632 Bushman Drive, Apt. 129, the bill for service provided at 1515 E. 58th Street remained unpaid.

12. MGE operated within the requirements of its tariffs and Commission rules when it demanded payment of outstanding amounts due for service provided at 1515 E. 58th Street, Kansas City, Missouri, and refused to provide natural gas service to Ms. Ferguson at 1632 Bushman Drive, Apt. 129 until arrangements were made in regard to this unpaid amount.

13. Except as expressly admitted in this answer, MGE denies each and every allegation contained in the Complaint.

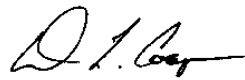
AFFIRMATIVE DEFENSES

14. Further answering and as an affirmative defense, MGE states that it has acted in accordance with its tariffs.

15. Further answering and for its second affirmative defense, MGE states that the Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent Missouri Gas Energy, prays the Commission dismiss the Complaint and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



Dean L. Cooper MBE#36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-3847 facsimile
dcooper@brydonlaw.com

ATTORNEYS FOR MISSOURI GAS ENERGY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or by U.S. Mail, postage prepaid, on November 20, 2008, to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101
gencounsel@psc.mo.gov

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101
opcservice@ded.mo.gov

Yvonne Ferguson
1632 Bushman Drive, Apt. 129
Kansas City, MO 64110

