

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Richard Lukens  
(Your name here)

Complainant,

v.

Spire Gas Co.  
(Utility's name here)

Respondent,

File No.

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

[REDACTED]

(Address of complainant)

[REDACTED]

(City)

[REDACTED]

(State)

[REDACTED]

(Zip Code)

2. The utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

b. A different address:

(Address where service is provided, if different from Complainant's address)

(City)

(State)

(Zip Code)

3. Respondent's address is:

Spire Gas Co.  
(Address of complainant)

St. Louis  
(City)

MO.  
(State)

63101-1829  
(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$  
(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

I believe that Spire is overcharging me on my gas bill and have violated some payment standards and I want my account corrected and adjusted

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

Because they are in violation of some payment standards.

[illegible]

8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

Talked with Spiros customer Service about 3 Times with no success resolving this issue.

4-17-24  
Date

Date \_\_\_\_\_

Rubal D Lukers  
Signature of Complainant

**Signature of Complainant**

Richard D. Lukens  
Complainant's Printed Full Name

Complainant's Printed Full Name

Complainant's Phone Number

Alternate Contact Number

Complainant's E-mail Address

*Attach additional pages, as necessary. Attach **copies** of any supporting documentation. Do **not** send **originals** of any supporting documentation.*



tariff on file with the commission;

(CC) Settlement agreement means an agreement between a customer and a utility which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period;

(DD) Tariff means a schedule of rates, services, and rules describing a utility's service, filed by a utility and approved by commission order or operation of law;

(EE) Termination of service or termination means a cessation of service requested by a customer;

(FF) Utility means an electric, gas, sewer, or water corporation as those terms are defined in section 386.020, RSMo; and

(GG) Utility charges mean the rates for utility service and other charges authorized by the commission.

*AUTHORITY: sections 386.250(6) and 393.140(11), RSMo 2016.\* This rule originally filed as 4 CSR 240-13.015. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed March 24, 2004, effective Oct. 30, 2004. Amended: Filed Aug. 1, 2013, effective March 30, 2014. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-13.015, effective Aug. 28, 2019.*

*\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140(11), RSMo 1939, amended 1949, 1967.*

#### **20 CSR 4240-13.020 Billing and Payment Standards**

**PURPOSE:** This rule establishes and payment standards for residential utilities and customers.

(1) A utility shall render a bill to a residential customer in accordance with its approved tariff.

(2) Each billing statement rendered by a utility shall be based on the actual usage during the billing period, except as provided in paragraphs (A) through (D) of this rule.

(A) A utility may render a bill based on estimated usage –

1. To seasonally billed customers, provided that an approved tariff reflecting seasonal estimation is on file with the commission and an actual reading is obtained before each change in the seasonal cycle;

2. When extreme weather conditions, emergencies, labor agreements, or work stoppages prevent actual meter readings;

3. When the utility is unable to obtain a meter reading for reasons beyond the utility's reasonable control, including an inability to access the customer's premises as necessary. If the utility is unable to obtain an actual correct meter reading for these reasons, where necessary it shall undertake reasonable alternatives to obtain a customer reading of the meter, for example mailing or leaving postpaid, preaddressed postcards upon which the customer may note the reading unless the customer requests otherwise;

4. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, when the company could not reasonably detect such failure given variability in usage at that customer location;

5. When a utility is unable to accurately obtain a meter reading due to human or billing system error;

6. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, including a remote meter reading device's failure to transmit a reliable

reading; and

7. When the utility does not obtain an accurate or correct meter reading due to failure to detect and verify usage at the customer's location, i.e., vacant with usage;

(B) A utility shall not render a bill based on estimated usage for more than three (3) consecutive billing periods or one (1) year, whichever is less, except under conditions described in paragraphs (2)(A)1.–(2)(A)4. of this rule;

(C) When a utility renders a bill based on estimated usage, it shall comply with the following:

1. A utility that has an estimating procedure in its filed and commission-approved tariffs shall follow that estimating procedure;

2. A utility that does not have an approved estimating procedure shall base the estimate on that customer's historical average usage at the same premises for the same billing periods during any or all of the past three (3) years for which actual usage data is available. In the event the customer was provided utility service at the premises for less than one (1) year, then the estimate shall be based on usage from the average of the customer's actual usage for the previous three (3) billing periods. If the customer has not had utility service for three (3) billing periods or if actual usage during that time is not available, the utility shall base the estimate on the average usage of available actual usage data for the months the customer has had utility service. In cases where no prior actual usage information is available or the prior usage is estimated and cannot be determined by subsequent actual meter readings, the utility shall base the estimate upon average usage of similarly situated customers;

3. A utility shall not estimate a customer's initial or final bill for service, unless conditions beyond the control of the utility prevent an actual meter reading. In such cases, if and when actual meter readings become available, the utility shall adjust the initial or final bill by issuing a bill for additional charge, or refund, as appropriate;

4. A utility shall maintain accurate records of the reasons for the estimated bill and all efforts made to secure an actual reading;

5. A utility shall clearly and conspicuously note on the bill that it is based on estimated usage; and

6. Use customer-supplied readings, whenever viable (i.e., in line with prior usage or seasonal usage), to determine usage; and

(D) A water utility or sewer utility may render bills for service based on a flat rate if authorized by its commission-approved tariff. Flat rate bills may be rendered in advance for service being provided, if so authorized by its filed tariff.

(3) If a utility is unable to obtain an actual meter reading for three (3) consecutive billing periods, the utility shall advise the customer by first class mail or personal delivery that the bills being rendered are estimated, that estimation may not reflect the actual usage, and that the customer may read and report their electric, gas, sewer, or water usage to the utility on a regular basis. A utility shall explain to the customer the procedure by which this reading and reporting may be initiated. At least annually, a utility shall attempt to secure an actual meter reading from customers who are reporting their own usage, except for quarterly-billing utilities in which case it shall be every two (2) years. These attempts shall include personal contact with the customer to advise the customer of the regular meter reading day. The utility shall offer appointments for meter readings on Saturday or prior to 9:00 p.m. on weekdays. The utility's obligation to make appointments shall begin only after a tariff,





describing the appointment process, has been filed with and approved by the commission. Discontinuance of the service of a customer who is reading and reporting usage on a regular basis because of inability to secure an actual meter reading shall not be required.

(4) If a customer fails to report usage to the utility, the company shall obtain a meter reading at least annually. The utility shall notify the customer that if usage is not reported regularly by the customer and if the customer fails, after written request, to grant access to the meter, then service may be discontinued pursuant to 4 CSR 240-13.050.

(5) Notwithstanding section (2) of this rule, a utility may bill its customers in accordance with equal payment billing programs at the election of the utility customer, provided the equal payment billing program tariff has been previously approved by the commission.

(6) A utility may bill its customers on a cyclical basis if the individual customer receives each billing on or about the same day of each billing period. If a utility changes a meter reading route or schedule which results in a change of nine (9) days or more of a billing cycle, notice shall be given to the affected customer at least fifteen (15) days prior to the date the customer receives a bill based on the new cycle.

(7) A monthly-billed customer shall have at least twenty-one (21) days and a quarterly-billed customer shall have at least sixteen (16) days from the rendition of the bill to pay the utility charges, unless a customer has selected a preferred payment date in accordance with a utility's preferred payment date plan. If the due date or delinquent date falls upon a Sunday, legal holiday, or any other day when the offices of the utility regularly used for the payment of customer bills are not open to the general public, the due date or delinquent date shall be extended through the next business day. The date of payment for remittance by mail is the date on which the utility receives the remittance. A utility shall not base an assessment of a deposit or delinquent charge, or a discontinuance of service, on a payment that was made to a payment agent on or before the due date or delinquent date.

(8) A utility shall not assess an additional charge upon a customer by reason of the customer's failure to pay any balance due and owing prior to the delinquent date unless this additional charge has been approved by the commission as a part of the utility's commission-approved tariffs.

(9) Every bill for residential utility service shall clearly state –

(A) The beginning and ending meter readings of the billing period and the dates of these readings;

(B) The date when the bill will be considered due and the date when it will be delinquent, if different;

(C) Any previous balance which states the balance due for utility charges separately from charges for services not subject to commission jurisdiction;

(D) The amount due for the most recent billing period for electric, gas, sewer, or water usage, stated separately from the amount due for the same period for a deposit and the amount due for the same period for service not subject to commission jurisdiction;

(E) The amount due for other authorized charges;

(F) The total amount due;

(G) The telephone number the customer may call from the

customer's service location without incurring toll charges and the address of the utility where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided. Charges for measured local service are not toll charges for purposes of this rule;

(H) License, occupation, gross receipts, franchise, and sales taxes; and

(I) Purchased gas adjustment cost in total or cents per unit basis.

(10) A utility shall render a separate billing for service provided at each address unless otherwise requested by the customer and agreed to by the utility.

(11) A utility may include charges for special services together with utility charges on the same bill if the charges for special services are designated clearly and separately from utility charges. If partial payment is made, the utility shall first credit all payments to the balance outstanding for gas, electric, sewer, or water charges, before crediting a deposit.

(12) During the billing period prior to any tariffed seasonal rate change, a utility shall notify each affected customer, on the bill or on a notice accompanying the bill, of the expected effect of the upcoming seasonal rate change on the customer's bill and the months during which the forthcoming seasonal rate will be in effect.

(13) No utility may enter into any contractual or authorized pay agent relationship with any entity engaged in the business of making unsecured loans of five hundred dollars (\$500) or less, with original payment terms of thirty-one (31) days, or less, or where repayment of the loan is secured by the borrower's postdated check. This restriction shall not apply if the lending entity offers such loans at an aggregate, effective annual percentage interest rate of less than thirty-six percent (36%). Any utility currently in a contractual or authorized pay agent relationship that is forbidden by this section shall terminate that relationship no later than sixty (60) days after this rule becomes effective.

*AUTHORITY: sections 386.250(6) and 393.140(11), RSMo 2016.\* This rule originally filed as 4 CSR 240-13.020. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013, effective March 30, 2014. Amended: Filed Jan. 22, 2016, effective Aug. 30, 2016. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-13.020, effective Aug. 28, 2019.*

*\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1980, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140(11), RSMo 1939, amended 1949, 1967.*

## 20 CSR 4240-13.025 Billing Adjustments

*PURPOSE: This rule establishes the requirements for making billing adjustments in the event of an overcharge or an undercharge.*

(1) For all billing errors, the utility will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period as follows:

(A) In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60) consecutive monthly

Richard Lukens



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MO PUBLIC SERVICE COMMISSION  
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Secretary of the Missouri Public Service  
Commission  
Attn: Data Center  
P.O. Box 360  
Jefferson City MO. 65102-0360

65102-036060

