

Exhibit No.: \_\_\_\_\_  
Witnesss: Michael McKinzy  
Sponsoring Party: Michael McKinzy  
Case No.: GC-2003-0579

MISSOURI PUBLIC SERVICE COMMISSION

**FILED**

MAY 12 2004

MICHAEL MCKINZY  
CASE NO. GC-2003-0579

Missouri Public  
Service Commission

SURREBUTTAL TESTIMONY OF  
MICHAEL MCKINZY, SR.

Jefferson City, Missouri

January 2004

Exhibit No. 2  
Case No(s). GC-2003-0579  
Date 4-14-04 Rptr TR

SURREBUTTAL TESTIMONY OF MICHAEL MCKINZY, SR.

CASE NO. GC-2003-0579

January 24, 2004

1. Q. WOULD YOU PLEASE STATE YOUR NAME AND HOME ADDRESS?

A. My name is Michael McKinzy and my home address is 8004 Overton, Raytown, Missouri 64138.

2. Q. WHEN DID YOU BEGIN RESIDING AT 8004 OVERTON?

A. I began residing at 8004 Overton on March 15, 2003.

3. Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY AT THIS TIME IN THIS PROCEEDING?

A. The purpose of my testimony is to rebut the rebuttal testimony of Kim Labert and provide additional evidence to show how MGE's actions are not supported by the facts or its tariff.

4. Q. WAS TAMARA MCKINZY (FORMERLY NANCE) A MEMBER OF YOUR HOUSEHOLD AT 8004 OVERTON ON APRIL 9, 2003?

A. No. Mrs. McKinzy resided at 6107 E. 8th Street in Kansas City, Missouri on April 9, 2003.

5. Q. WAS TAMARA MCKINZY (FORMERLY NANCE) A MEMBER OF YOUR HOUSEHOLD AT 8004 OVERTON ON JUNE 18, 2003?

A. No. Mrs. McKinzy resided at 6107 E. 8th Street in Kansas City, Missouri on June 18, 2003.

6. Q. DID YOU LIST YOUR SPOUSE, TAMARA MCKINZY (FORMERLY NANCE) AT THE TIME OF APPLYING FOR GAS SERVICE ON APRIL 9, 2003, FOR YOUR RESIDENCE AT 8004 OVERTON?

7. A. No. I informed MGE personnel on April 9, 2003, that I had been divorced and had remarried, but that my wife did not live with me at 8004 Overton.
8. Q. WHEN DID YOUR WIFE, TAMARA MCKINZY (FORMERLY NANCE), BECOME A MEMBER OF YOUR HOUSEHOLD AT 8004 OVERTON?
- A. Tamara McKinzy became a member of my household on December 24, 2003.
9. Q. DID YOU RESIDE WITH TAMARA MCKINZY (FORMERLY NANCE) AT 3928 HIGHLAND AVE. IN KANSAS CITY, MISSOURI BETWEEN DECEMBER 17, 1998 AND MARCH 30, 1999?
- A. No. I resided at 4020 E. 51st Ter. in Kansas City, Missouri between December 17, 1998 and March 30, 1999, and I have never resided at 3928 Highland Ave.
10. Q. DID YOU KNOW TAMARA MCKINZY (FORMERLY NANCE) BETWEEN DECEMBER 17, 1998 AND MARCH 30, 1999?
- A. No. I met Tamara McKinzy (formerly Nance) for the first time on November 6, 2002.
11. Q. WAS THE GAS SERVICE SHUT OFF AT 8004 OVERTON ON JUNE 18, 2003, PURSUANT TO THE REQUEST OF MR. GERALD LEE, PROPERTY OWNER/LANDLORD?
- A. No. Mr. Gerald Lee never contacted MGE on June 18, 2003, regarding the gas service at 8004 Overton.
12. Q. DO YOU KNOW WHO CONTACTED MGE ON JUNE 18, 2003, REGARDING THE GAS SERVICE AT 8004 OVERTON?
- A. Yes, Mrs. Marilyn M. Lee, Mr. Gerald Lee's wife, contacted MGE on June 18, 2003, to inform them that I had purchased the property at 8004 Overton and that they should bill me for the gas service.

See Mrs. Marilyn M. Lee's affidavit dated January 24, 2004, attached hereto and incorporated herein by reference as Exhibit No. 1.

13. Q. DO YOU HAVE ANYTHING TO SUBSTANTIATE MRS. LEE'S TESTIMONY THAT SHE CALLED MGE ON JUNE 18, 2003?

A. Yes. I received from the Lees in the mail on June 20, 2003, Mr. Lee's final gas bill statement for 8004 Overton and Mrs. Lee had written on it:

"I called day before I got this. They said acct was now in your name so I don't know why I got this."

See Mr. Gerald Lee's final bill statement for 8004 Overton dated June 18, 2003, attached hereto and incorporated herein by reference as Exhibit No. 2.

14. Q. WERE YOU CONTACTED BY MGE ON JUNE 18, 2003, REGARDING GETTING THE GAS SERVICE TO YOUR RESIDENCE RESTORED?

A. Yes. I received a call from a MGE employee named Renee from (816) 360-5509 on June 18, 2003, to discuss restoring gas service to my residence at 8004 Overton.

15. Q. DID RENEE REQUEST DOCUMENTS FROM YOU ON JUNE 18, 2003, TO PROVE WHERE YOUR WIFE RESIDED?

A. Yes. I was told by Renee on June 18, 2003, that if I provided documents showing where my wife resided and if she did not reside with me, the gas service to my residence at 8004 Overton would be restored.

16. Q. DID YOU PROVIDE RENEE WITH THE DOCUMENTS SHE REQUESTED ON JUNE 18, 2003.
- A. Yes. I was instructed by Renee on June 18, 2003, to fax my documents to (816) 360-5569.
17. Q. DID YOU FAX RENEE THE DOCUMENTS SHE REQUESTED TO THE (816)360-5569 NUMBER SHE GAVE YOU ON JUNE 18, 2003.
- A. Yes. I faxed Renee my documents on June 18, 2003, which consisted of the following: a copy of my lease agreement for 8004 Overton and copies of my wife's pay statements in her maiden name, Tamara Nance, that showed an address of 6107 E. 8th Street in Kansas City, Missouri.
18. Q. WAS YOUR WIFE LISTED ON YOUR LEASE AGREEMENT FOR YOUR RESIDENCE AT 8004 OVERTON?
- A. No. My lease agreement for my residence at 8004 Overton show only me as leassee.
19. Q. AFTER YOU FAXED RENEE THE DOCUMENTS SHE REQUESTED, WAS THE GAS SERVICE TO YOUR RESIDENCE AT 8004 OVERTON RESTORED ON JUNE 18, 2003?
- A. No. After I faxed Renee the documents, she called back on June 18, 2003, and stated that the documents I had faxed her did not prove anything and that the only way I could get the gas service to my residence restored was pay my wife's gas bill.
20. Q. DOES THIS CONCLUDE YOUR TESTIMONY?
- A. Yes, at this time.


Michael E. McKinzy, Sr., )  
 )  
 Complainant, )  
 )  
 v. )  
 ) Case No. GC-2003-0579  
 )  
 Missouri Gas Energy, )  
 )  
 Respondent. )  
 )

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF JACKSON )

3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of knowledge and belief.

Michael E. McKinzy, Sr.

24th day of January 2004.

  
Betty Cobb  
Notary Public

1-24-2004

A circular notary seal for the State of Missouri. The outer ring contains the text "Notary Public" at the top and "State of Missouri" at the bottom, separated by two small stars. The center of the seal contains the words "Notary Seal" in a bold, serif font.

- 6 -

1-23-04

Mo Gas Energy,

Re: Service at 8004 Overton KC Mo 64138

Michael McKinzy purchased above property  
in March of 2003. Because it was so

long ago details are difficult to remember.

I (Marilyn M. Lee) had been paying the

bills. Last bill I paid <sup>3-24-03</sup> ~~can't tell you Keith M. Laughlin~~ ~~has those~~. Our employee who took care of rentals. (I got ledger) (X)  
I informed MR McKinzy I had called

MGE & informed them that he had purchased the  
property & they should bill him.

My Husband Gerald Lee never talk to the  
Gas Co. or told them to turn off service.

He is out of town & won't be back until 1-24  
in the evening & I understand this must be  
mailed before then.

Keith M. Laughlin can give you more details.

~~he has the receipts & bills paid.~~ You  
"EXHIBIT No. 1"

12

can reach him at his home phone 816)

353-4710 or his cell phone 816) 220

He took Mr McKing's ✓ to a grocery store

& paid - even overpaid the bill if we recall  
correctly.

Marilyn M. Lee

13413 E 51st ST

KC Mo 64113

Ph 816) 353-4710

LISA K. ASKEW  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County

My Commission Expires: June 30th, 2006

1-24-04 Lisa Askew  
exp 6/30/06



**MISSOURI GAS ENERGY**  
a division of  
**Southern Union Company**

**QUESTIONS? CALL:  
(816)-756-5252 LOCAL  
1-800-582-1234 TOLL FREE  
P.O. BOX 219255  
KANSAS CITY, MO 64121-9555**

FOR SERVICE LOCATED AT:  
8004 OVERTON AVE  
KANSAS CITY, MO 64138-1957

**FINAL BILL**

24192 1 T 0.292 05  
 \*\*\*AUTO\*\*3-DIGIT 641

**XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

STATEMENT DATE  
JUN 18, 2003

GERALD B LEE  
13413 E 51ST ST  
KANSAS CITY, MO 64133-2631

DEPOSIT: NONE  
ACCOUNT NBR: 1572014362

SVC TYP	SERVICE PERIOD FROM - TO		NBR DAYS	METER READINGS PREVIOUS - PRESENT		PRESSURE ADJUSTMENT	ENERGY USE CCF	PGA/COG RATE	PGA/COG CHARGE
GAS	06-06-03	06-18-03	12	09516	09534		18.00	.72039	12.97
GAS	TOTAL		12				18.00		12.97

SVC TYP	CUSTOMER CHARGE	ENERGY CHARGE	PGA/COG CHARGE	FRANCHISE FEE	SALES TAX	COUNTY TAX	CITY TAX	CURRENT CHARGE
GAS	5.42	1.55	12.97	1.60	.00	.00	.22	21.76

PREVIOUS BALANCE	49.02CR	
BALANCE FORWARD		49.02CR
TOTAL CURRENT CHARGES		21.76
DO NOT PAY ** THIS IS A CREDIT BALANCE		27.26CR

I called day before I got this. They said act was now in your name so I don't know why I got this.

**YOU HAVE MADE 9 ON TIME PAYMENTS IN THE LAST 11 MONTHS.**

COMPARATIVE USE INFORMATION						AMOUNT DUE
PERIOD	DAYS			CCF	CCF/DAY	\$
CURRENT	12			18	1.500	AMOUNT DUE
LAST YEAR	28			0	.000	\$ .00

**\*\*\* PLEASE RETURN THIS PORTION WITH YOUR PAYMENT \*\*\* THANK YOU! \*\*\***

**STATEMENT DATE: JUN 18, 2003**

GERALD B LEE  
13413 E 51ST ST  
KANSAS CITY, MO 64133-2631

10 / 09059 / 05  
ACCOUNT NBR:  
1572014362

MAIL PAYMENT TO: MISSOURI GAS ENERGY  
PO BOX 219255  
KANSAS CITY, MO 64121-9255

AMOUNT DUE
\$ .00
AMOUNT DUE
\$ .00
AMOUNT ENCLOSED
\$ _____

**157201436200000217600000000000000009**

"EXHIBIT No. 2"