

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
May 4, 2001**

CASE NO: GT-2001-329

Office of the Public Counsel
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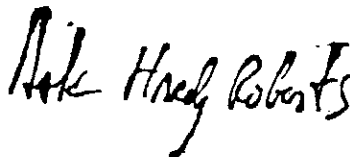
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Jefferson City, MO 65102

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Brydon, Swearengen & England, PC
312 E. Capitol Avenue, PO Box 456
Jefferson City, MO 65102

Enclosed find certified copy of a NOTICE OF EX PARTE in the above-numbered case(s).

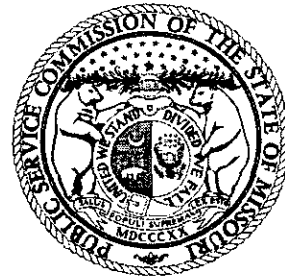
Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Notice of *Ex Parte* Contact

TO: Records Department:
All Parties in Case No. **GT-2001-329**
All Commissioners



FROM: Chair Sheila Lumpe *SL*
Vice Chair M. Dianne Drainer
Commissioner Connie Murray
Commissioner Kelvin Simmons
Commissioner Steve Gaw

DATE: May 3, 2001

On May 2, 2001, we received a letter from Representative David L. Levin of the 82nd District. The Commission is currently considering the same issues as to those set out in this document in Case Number **GT-2001-329**. The Commission is bound by the same *ex parte* rule as a court of law.

Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgement of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding. Whenever such contact might occur 4 CSR 240-4.020(a) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, out of an abundance of caution, we think it appropriate to submit this notice of *ex parte* contact pursuant to the standards set out in the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

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CAPITOL OFFICE

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**DAVID L. LEVIN**

State Representative
District 82

COMMITTEES

Appropriations - Transportation
Civil & Administrative Law
Critical Issues, Consumer
Protection and Housing
Education - Elementary &
Secondary
Municipal Corporations

May 2, 2001

Ms. Sheila Lumpe, Chair
Ms. M. Dianne Drainer, Vice Chair
Ms. Connie Murray
Mr. Kelvin Simmons
Mr. Steve Gaw
Public Service Commission
Truman Building, Room 530
P.O. Box 360
Jefferson City, MO 65102-0360

Ladies and Gentlemen:

Sheila,

Please find enclosed a letter faxed to our office by a retired professional engineer and constituent. He offers analysis of the proposal before you presented by Laclede Gas. Please consider his well documented points as you deliberate their proposal.

I would like to know the outcome of this issue. Thank you for your consideration and service to Missourians.

Sincerely,

David L. Levin
David L. Levin
State Representative
District 82

cc: Mr. Marvin Yavitz

Enclosure

Page 1 of 2 of FAX
To David L. Levin

Marvin Garity

723 Fairways Circle
St. Louis, MO 63141-7524
(314) 567-0307 (voice/fax)

April 30, 2001

Hon David L. Levin
State Representative, District 82

Dear David:

I am sending this by fax to your office in Jefferson City so it will reach you before action is taken on the proposal by Laclede Gas Co.

When the energy crises occurred, I made a study of my utility charges, because my heating and air conditioning equipment was reaching the end of their projected life. At that time and ever since I have calculated my therms per degree day. These results have consistently been about what my last three months have been. You will note on the attached that these are

01-24-01 to 02-23-01 .2088 (192.1/920)

02-23-01 to 03-26-01 .2001 (149.5/747)

03-26-01 to 04-25-01 .2181 (56.5/259)

We have a gas-fired furnace for heating, a gas fired hot water heater, a gas stove for cooking and a gas drier for clothes. Please note that our usage, measured in therms, is 192.1, 149.5 and 56.5, respectively, shows a decreasing usage per month. January 24 to March 26 are obviously heating periods and March 26 to April 25 is a much lower heating period. All other gas uses would be close to the same amount during each of the three months.

Now look at the charge for "average gas cost per therm. These are \$.87144, \$.75311 and \$.73544. The unit cost per therm is highest when we are using our furnace. Lowest when not.

Everyone, now, has an option to use budget billing or not. The former begins during the summer months so that one has to prepay for the coming heating bills and thus level their payments. This gives Laclede Gas an advantage of prepayment for a product they have not yet provided. Fine, if that is what someone wants to knowingly do.

The new proposal by Laclede, if approved, would not be an option. It would also be in the monetary advantage of Laclede and not to the consumer. A historical study of our winters shows that indeed we have Earth Warming. True we had a colder than normal winter last year, but that is the exception, not the rule. Many more years of mild winters than very cold winters is the norm. I lived in St. Louis since 1918 and I experienced what I just wrote. Therefore, I conclude that only Laclede Gas will benefit from the proposed change.

I believe we should continue to offer Budget Billing, but absolutely not give Laclede the opportunity to determine their rates based on a what if basis. There is no way that they are going to set rates that make less profit than they do now.

Thanks David for your representation
Marvin Garity

Page 2 of Fax
To David Levin

Laclede Gas Company					ST. LOUIS, MO 63171	ST. LOUIS, MO 63171	ST. LOUIS, MO 63171
SERVICE AT: 723 FAIRWAYS CIR					0.00 RATE	KG	PREBORTED
ACCT NO: 386781-001-4					0.00 RATE	KG	PREBORTED
AVERAGE GAS COST PER THERM: 0.7148					0.00 RATE	KG	PREBORTED
PREVIOUS READING	PREVIOUS READING	USAGE (CCF)	BTU FACTOR	THEMMS	BILL DETAIL		
0473	0487	144	1.033	192.1	PRIOR GAS BALANCE		
ACTUAL READING					THANK YOU - DOLLAR HELP		
OTHER CHARGES					PAYMENT THANK YOU		
CURRENT CHARGES					DOLLAR HELP		
AMOUNT DUE \$215.91					CHARGE FOR GAS SVC 01-24-01 TO 02-23-01		
PAYMENT DUE BY 03-09-01 DELINQUENT AFTER 03-30-01					CREVE COEUR TAX		
					ACCOUNT BALANCE		

Laclede Gas Company					ST. LOUIS, MO 63171	ST. LOUIS, MO 63171	ST. LOUIS, MO 63171
SERVICE AT: 723 FAIRWAYS CIR					0.00 RATE	KG	PREBORTED
ACCT NO: 386781-001-4					0.00 RATE	KG	PREBORTED
AVERAGE GAS COST PER THERM: 0.7148					0.00 RATE	KG	PREBORTED
PREVIOUS READING	PREVIOUS READING	USAGE (CCF)	BTU FACTOR	THEMMS	BILL DETAIL		
0410	0473	145	1.031	149.5	PRIOR GAS BALANCE		
ACTUAL READING					THANK YOU - DOLLAR HELP		
OTHER CHARGES					PAYMENT THANK YOU		
CURRENT CHARGES					DOLLAR HELP		
AMOUNT DUE \$153.03					CHARGE FOR GAS SVC 02-23-01 TO 03-24-01		
PAYMENT DUE BY 04-09-01 DELINQUENT AFTER 04-18-01					CREVE COEUR TAX		
					ACCOUNT BALANCE		

Laclede Gas Company					ST. LOUIS, MO 63171	ST. LOUIS, MO 63171	ST. LOUIS, MO 63171
SERVICE AT: 723 FAIRWAYS CIR					0.00 RATE	KG	PREBORTED
ACCT NO: 386781-001-4					0.00 RATE	KG	PREBORTED
AVERAGE GAS COST PER THERM: 0.7544					0.00 RATE	KG	PREBORTED
PREVIOUS READING	PREVIOUS READING	USAGE (CCF)	BTU FACTOR	THEMMS	BILL DETAIL		
0473	0486	55	1.027	56.3	PRIOR GAS BALANCE		
ACTUAL READING					THANK YOU - DOLLAR HELP		
OTHER CHARGES					PAYMENT THANK YOU		
CURRENT CHARGES					DOLLAR HELP		
AMOUNT DUE \$68.30					CHARGE FOR GAS SVC 03-24-01 TO 04-23-01		
PAYMENT DUE BY 05-09-01 DELINQUENT AFTER 05-18-01					CREVE COEUR TAX		
					ACCOUNT BALANCE		

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 4th day of May 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge