

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

Brenda S. Kalemis,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0385</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DIRECTING FILING

Issue Date: June 29, 2007

Effective Date: June 29, 2007

Brenda S. Kalemis filed a formal complaint against Laclede Gas Company on April 10, 2007. Ms. Kalemis' complaint alleges that Laclede has improperly billed her for gas usage from December 10, 2005, to October 18, 2006, as stated in a November 2006 bill.

Laclede filed its Answer on May 11, 2007. The answer denies many of Ms. Kalemis' allegations. Laclede states that it has followed its tariffs as well as Commission rules and regulations and that it took all appropriate actions to correct a meter issue.

Staff filed its verified report on May 16, 2007. In particular, Staff concluded, after reviewing the usage information and calculation used to determine Ms. Kalemis' estimated usage, that the method was reasonable and no tariff or rule violations exist. Therefore, Staff recommends the complaint be dismissed.

At this stage of this case, Ms. Kalemis has not stated any facts upon which the Commission could conclude that Laclede has violated its approved tariff, applicable Commission rules, or Missouri statutes. Therefore, the Commission would like to hear from Ms. Kalemis before deciding whether to accept the recommendation of its Staff that the case be dismissed. Accordingly, Ms. Kalemis will be given 20 days from the date of this order to file her response addressing the statements contained in Laclede's answer and Staff's report in this matter and setting forth the legal or factual reasons why she agrees or disagrees with those statements. (Attached to this order is a letter further explaining this process and providing other helpful information.)

If no response is received, the Commission may make its decision based on the current documents and recommendations before it.

IT IS ORDERED THAT:

1. Brenda S. Kalemis shall file a response, by not later than 5:00 p.m. on Thursday, July 19, 2007, which addresses the statements contained in Laclede Gas Company's answer and Staff's report in this matter and sets forth the legal or factual reasons why she agrees or disagrees with those statements.

2. This order shall become effective on June 29, 2007.

BY THE COMMISSION

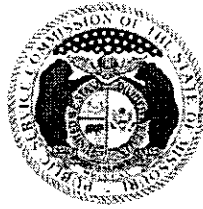
A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of June, 2007.



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

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Director, Administration

ROBERT SCHALLENBERG
Director, Utility Services

WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

June 29, 2007

Ms. Brenda S. Kalemis
1446 Land O'Lakes Drive
St. Louis, Missouri 63146-5117

RE: Case No. GC-2007-0385

Dear Ms. Kalemis:

As you know, the Public Service Commission has your complaint. This letter is being sent to you to explain the PSC's procedures and get more information from you about your complaint. Your complaint has been given Case Number GC-2007-0385. Please use this number when you send any documents to the PSC or when you contact the PSC about your complaint.

Attached to this letter is a list of statements made by the company and the PSC staff who investigated your complaint. After each statement, you must either check the "true" box or give a reason why the statement, or any part of the statement, is not true. If you do not mark the "true" box and do not give an explanation why the statement is not true, we will assume that you believe the statement is true. **You must return the attached form to the PSC by no later than July 19, 2007.**

About Cases at the PSC:

You must respond: If you do not respond to orders that require you to send information, you will lose your case. If you need more time, or do not understand, you must contact the judge assigned to your case and ask for more time or ask about the part you do not understand.

Your assigned Judge:

Name: Nancy Dippell

E-mail: nancy.dippell@psc.mo.gov

Phone: 573-751-4393

Fax: 573-526-6010

Mailing Address: Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Ms. Brenda S. Kalemis
Page two
June 29, 2007

If you have e-mail: You can request a copy of this letter, the attached list and any of the other papers in this case to be sent to you by e-mail and you can respond to anything by e-mail. Just send an e-mail to the judge on this case asking for e-mail service.

If you have Internet access: You can check on your case by going to the PSC homepage at www.psc.mo.gov and following the directions included with this letter about the PSC's Electronic Filing Information System, or EFIS. Some of the information in your case may not be available unless you identify yourself, because we keep some of your personal information closed (not available to the general public).

You must participate: You must attend all meetings, conferences and hearings in your case and you must be on time. If you do not come, your case could be dismissed and you will have to start over in another case. If you fail to come more than once, your case could be dismissed "with prejudice," which means you lose the case and cannot bring another one about the same complaint.

If you cannot come: You must contact the judge in your case. The judge can arrange for you to participate by phone or by video conference in Kansas City or St. Louis (where the PSC has offices). If you do not make special arrangements with the judge, you must come to the PSC offices in Jefferson City.

Do not be late: If you are more than 10 minutes late, the judge will let the court reporter and the other people in the hearing or conference leave and your case will be treated as though you did not come at all. You will then receive an order asking you to give a reason why your case should not be dismissed (this is called a "show cause" order). If you could not come to the hearing or conference for some reason, you should contact the judge and explain what kept you from attending. If you do not respond to a show cause order, your case will be dismissed.

Communicating with the judge: The judge on your case cannot discuss the facts of your actual complaint with you, except in a scheduled conference or hearing. This is so that both sides can be present when the facts are stated so that any wrong information can be corrected. It is the only way for the judge to be fair. You can discuss procedural matters, such as the time and location of meetings, but please do not talk about, send letters, or e-mail specific information about the facts of your case to the judge.

Sincerely,



Colleen M. Dale
Secretary

CMD/crk
Enclosures

Complaint Case Response Form

In the Matter of: Brenda S. Kalemis v. Laclede Gas Company
Case No: GC-2007-0385

Listed below are several statements about your case. These statements come from the answer the utility company gave to your complaint and from the investigation done by the PSC staff. After each statement, you must either check the "true" box or give a reason why the statement, or any part of the statement, is not true. If you need more room to respond to a statement than given by the lines on the form, you may attach additional sheets and note the number of the statement you're continuing to respond to. If you do not mark the "true" box and do not give an explanation why the statement is not true, we will assume that you believe the statement is true.

Laclede Gas Company's Statements. (These statements are in the same order as Laclede Gas Company's numbered responses in its Answer to the Complaint.)

1. Laclede responds that the billing adjustment was made in accordance with its tariffs that specifically address this situation.

☐ This whole statement is true.

This statement is not true because _____

1. Having no knowledge of Laclede's tariffs, there is no way for me to know that the statement is true.

2. On January 9, 2006, an automated meter reading ("AMR") module was installed on Laclede's meter at the customer's home at 1446 Land O'Lakes Drive in St. Louis County.

☐ This whole statement is true.

This statement is not true because _____

2. I have no knowledge of Laclede Gas installing an automated meter reader on Jan. 9, 2006.

3. Following the AMR installation on January 9, 2006, the module continued to send meter readings, but the readings were not advancing, indicating a problem with the AMR module and/or the meter itself.

☐ This whole statement is true.

This statement is not true because _____

3. I have no knowledge of the date that the ARM was installed or its subsequent performance.

4. In late February 2006, Laclede first issued a bill indicating zero usage for the current month.

☐ This whole statement is true.

This statement is not true because _____

4. Not until the problem was brought to my attention when I called to have my furnace checked did I know that the bills were reading zero but based on my Laclede Gas payment stubs the first date indicated with a zero was March 2006.

5. Laclede caused the AMR module to be replaced on March 31, 2006. However, this did not resolve the issue, so it appeared that a meter change was necessary.

☐ This whole statement is true.

This statement is not true because _____

5. I have no knowledge of Laclede Gas installing an AMR in March 2006 or its subsequent performance.

6. On June 7, 2006, a Laclede representative left a message on the customer's answering machine that a meter change needed to be scheduled due to the meters' failure to register usage. Laclede received no response.

6. I have no knowledge of receiving a phone call in June of 2006 from Laclede to change out the meter. However, a unusual man in a blue SUV with his girl friend hanging out of the window showed up on my front yard one Saturday afternoon in either June or July 2006 claiming he was from Laclede and had a badge from Laclede hanging around his neck and a computer type of device with all of my personal information in it that he shared-he changed out the remote reader with no explanation and left. I called Laclede to let them know about this person and requested a phone call regarding this incident and never received any acknowledgment from Laclede regarding who and why this person exchanged the meter reader.

7. On September 14, 2006, Laclede personnel left another telephone message and mailed a postcard to the customer.

☐ This whole statement is true.

This statement is not true because _____

7. Again, I have no knowledge of receiving a phone call from Laclede regarding the meter nor receiving a post card. The only post card received from Laclede was a card sent after the furnace inspection in October 2006 that stated I would receive a corrected bill due to a meter malfunction.

8. On October 19, 2006, Laclede was able to change the meter and rectify the measurement issue.

☐ This whole statement is true.

This statement is not true because _____

8. Laclede was able to change out the meter because I had called them to check my furnace for the winter usage. At that time some woman from Laclede told me they were going to change out the meter and then I questioned her as to why. Her answer was vague at best "something must be wrong with it". I have no way of knowing if Laclede was able to rectify the measurement issue.

9. Beginning with the February 2006 bill and continuing until the meter was replaced, Ms. Kalemis received bills with charges of less than \$13 per month, based on zero usage, since the meter index was not advancing.

☐ This whole statement is true.

This statement is not true because _____

9. Contrary to this statement, my Feb. 2006 bill shows 98.1 therms and my bill was \$263.52.

10. Based on the zero use and the small amounts reflected on each month's billing statements, on the telephone messages and on the postcard, Ms. Kalemis knew or should have known that she was being underbilled.

☐ This whole statement is true.

This statement is not true because _____

10. I didn't receive phone messages and my bills did not look strange to me. And I never in my life looked at the little box marked "therms" until this issue was brought to my attention, therefore, I didn't know anything was wrong especially when paying my Dec. 2005, Jan. 2006 or Feb. 2006 statements-the little zero issue started in March when the weather got warm.

11. In accordance with Rule 10A of its tariff, Laclede issued a billing adjustment in November 2006, covering the period December 20, 2005 to October 18, 2006.

☐ This whole statement is true.

This statement is not true because _____

11. I have no knowledge of Laclede's tariffs but on one of the bills Laclede made an adjustment of \$1200.00 that they claimed I owed.

12. In the November 2006 billing adjustment, Laclede credited prior billings during the December 20, 2005, to October 18, 2006 period and charged for 673 ccf (hundred cubic feet), which was less than the amounts billed for the similar period in the two previous years.

☐ This whole statement is true.

This statement is not true because _____

12. Without having my bills going back two years to 2003, I have no way of know if this statement is accurate.

13. In connection with the November 2006 bill, Laclede also sent the customer a letter informing her of the charge for unmetered usage.

☐ This whole statement is true.

This statement is not true because _____

13. I received no letter from Laclede. All communications were typed directly on the bills themselves. No letter on letterhead stationary from Laclede has ever been received by me.

14. Ms. Kalemis had ample indications that her gas bills were understated and that there was a usage measurement issue that needed to be addressed.

☐ This whole statement is true.

This statement is not true because _____

14. I did not have ample indications that the gas bills were understated-they all appeared normal-I live alone, work all day and some evenings, and every Sunday afternoon-not home much, house is set at a chilly temperature so there never was or is a reason to think the bills were understated and the only gas appliance other than the furnace is my hot water heater and I can't imagine that the pilot light on it would use much gas to heat water for only one person living in the house.

15. Laclede records show that it visited the property in January 2006, March 2006, and October 2006.

☐ This whole statement is true.

This statement is not true because _____

15. I have no knowledge of any visits to my property by Laclede until June or July 2006 when the unusual man from Laclede showed up on my front yard with his girl friend sitting in his car and again in October 2006 when a real Laclede truck arrived and the man in the truck ripped off the meter without turning off the gas and didn't come into my home until after he had replaced the meter outside. Only after he completed the meter exchange did he then inspect my furnace and shut it down because there was a crack in the heat exchanger.

16. Laclede replaced the meter at the property on October 19, 2006.

☒ This whole statement is true.

This statement is not true because _____

17. Prior to completing the meter replacement, Laclede identified a problem with the customer's furnace, which was rectified.

☐ This whole statement is true.

This statement is not true because _____

17. Only after completing the meter replacement did Laclede identify a problem with the furnace-the meter came first then the furnace was addressed. The Laclede man didn't enter the house until the meter was removed and replaced. In fact, he was insistent that he remove the meter first.

18. Laclede first attempted to fix the AMR module, and then made multiple attempts to make arrangements with the customer to change the meter.

18. I received one call, Sept. 2006, after the man who had changed out the AMR in June or July 2006 and I ignored that Sept. 2006 call thinking that Laclede didn't realize the unusual man with the girl friend had already changed out the remote. I also didn't know that they had visited my property prior to the June/July guy so I had no reason to call them. I know of no other attempts by Laclede to contact me. After the June/July man I called Laclede to inquire about the person and the person who was working that Saturday said someone from Laclede would contact about the person but I never received a call. I have had to call Laclede three times since my appeal process started to keep them from turning off my gas until a resolution is reached - their workers haven't believed me so once I had to resort to calling Mr. Zucker, Laclede's attorney, to maintain my gas service.

19. Laclede denies the allegation in paragraph 2-6 of the complaint that bills received seemed to change with the seasons. The customer included the gas bills with her complaint. These bills clearly show each month's charge for gas service being in the neighborhood of \$13.

☐ This whole statement is true.

This statement is not true because _____

19. The weather was warm in March, April, May etc. when the bills are normally low and the only gas I used during that period was the hot water heater and in the winter months the bills were high as they normally are during that season (Dec. 2005, Jan. 2006 & Feb. 2006). I saw nothing grossly unusual about the billings.

20. Laclede notes that it received correspondence from the customer in December 2006, but does not show that it received a phone call from the customer at this time.

☐ This whole statement is true.

This statement is not true because _____

20. Yes, I wrote a letter to Laclede Gas on December 3, 2006 regarding the bill I had received which I called a post card though it was in fact their statement which unlike their normal statements was a 9" X 6" billing on heavy card stock with an explanation of the \$1200.00 charge.

21. Laclede confirms that it has not required the customer to pay the disputed balance at this time. However, beginning in December 2006, the customer appears to have unilaterally created and paid a budgeted amount, which amount is not sufficient to cover actual winter bills, but should be sufficient to cover her annual charges.

☐ This whole statement is true.

This statement is not true because _____

21. Because I can't afford Laclede's winter charges, I am not able to pay their bills in full for usage so to catch up with what I owe during the following spring season months by paying more toward my bills than my usage. I have done this with Laclede's approval for the past 6 or so years. I was on budget billing about 7 years ago but Laclede arbitrarily and for no reason took me off the plan and I never reinstated the service but tried to be responsible by catching up with what was owed by paying more as needed.

22. While the Company believes that this customer understands the billing adjustment for the period when the meter failed to register usage, Laclede is willing to, and will, contact the customer and answer the customer's questions regarding such adjustment.

☐ This whole statement is true.

This statement is not true because _____

22. Laclede has not contacted me regarding the bill though I did call their attorney, Rick Zucker, to keep my gas service from being turned off because their employees didn't believe me when I stated that we were in dispute. At the time I called Mr. Zucker, we negotiated the cost of service but couldn't come to an agreement. He was supposed to call me back but has yet to do so.

23. Laclede will offer the customer payments terms that permit the customer to pay the adjustment amount in installments over the same amount of time covered by the adjustment.

☐ This whole statement is true.

This statement is not true because _____

23. According to Mr. Zucker, it is my understanding that I have as long to pay them as it has taken to come to an agreement but we have not come to an agreement.

24. Regarding the customer's requested relief, Laclede denies that the customer should only be responsible for usage recorded after the meter issue was rectified. Rather, the customer should also be responsible for the amount of gas consumption estimated by Laclede, and under the payment terms set forth herein, all as provided for in the Company's tariffs.

☐ This whole statement is true.

This statement is not true because _____

24. I feel that I shouldn't be made to pay for any of the back charges since the meter belongs to Laclede, it took them over a year to correct the matter and according to them they sent out all these people to fix the remote but not the meter itself, not my fault, and they are a for profit business and have lost no money because of this meter issue. I did offer to pay 50% of the \$800.00 minus the late payment charges but am waiting for Mr. Zucker to respond as he stated he would do.

Missouri Public Service Commission Staff's Statements. These statements are from the "FACTS" and "RECOMMENDATION" sections of the Report of the Staff filed on May 16, 2007.)

1. On January 2, 2007, Ms. Kalemis filed an informal complaint with the Consumer Services Department by phone.

☒ This whole statement is true.

This statement is not true because _____

2. Complainant stated that she received a bill for unmetered gas in the amount of \$1,200.

☒ This whole statement is true.

This statement is not true because _____

3. On January 2, 2007, Ms. Kalemis advised that she has paid every bill for years and does not understand how she could owe for un-metered gas.

☒ This whole statement is true.

This statement is not true because _____

4. Ms. Kalemis advised that she paid more last year then she had this year.

☐ This whole statement is true.

This statement is not true because _____

4. I don't recall making this statement.

5. On January 9, 2006, a meter reading index of x6784 was obtained by Laclede when an AMR device was installed.

☐ This whole statement is true.

This statement is not true because _____

5. I have no record where this number, x6784, can found or find what its significance is.

6. Bills after the installation of the AMR were issued showing zero consumption with the minimum customer charge.

☐ This whole statement is true.

This statement is not true because _____

6. I'm sorry but I don't understand which installation you are referring to since according to Laclede there have been numerous installations of the AMR therefore I can't respond knowledgeably to the question.

7. On April 5, 2006, Laclede mailed a post card to Ms. Kalemis advising that company was not obtaining a meter reading and requested that she provide a self reading.

☐ This whole statement is true.

This statement is not true because _____

7. I did not receive a card in April 2006 advising that the company was not obtaining a meter reading and requested that I provide a self reading. Why would they ask that of me when the meter is on the outside of my home and they could send out one of their employees to check it any time they wanted. The meter sits near the front of the house in an area totally accessible to anyone and has had an outside reading device since I have lived here the past 15 years.

8. Laclede left messages on Ms. Kalemis' answering machine on June 7, 2006, and September 14, 2006, requesting that she contact the company to schedule a dead meter change.

☐ This whole statement is true.

This statement is not true because _____

8. I did not receive any messages in June of 2006 from Laclede about a dead meter but a man showed up on my front yard in June or July stating he was a Laclede worker and was directed by Laclede to change out the remote reader. Thus I ignored a call left on my vice mail from Laclede in September under the assumption that they forgot the man was at my home in June/July of 2006 and nothing was stated about a dead meter on that call.

9. On September 14, 2006, another postcard was mailed to Complainant advising that a systematic meter change was required.

☐ This whole statement is true.

This statement is not true because _____

9. I did not receive a post card in September 2006 other than my bill from them.

10. The meter was changed on October 18, 2006. The removed meter index was x6785 and the new meter was set at an index of x0000.

10. Since I didn't watch the man who removed the meter without shutting off the gas and allowed gas to spew out while attaching the new meter, I have no idea what the meter read at the time of removal or at the time of installation. I wasn't given the option to read either meter nor did I know that was a courtesy that should have been offered to me. The Laclede worker never entered my house until he had completed the meter removal and replacement and the old meter was already on his truck when he came in to check the furnace. Most likely if I had known there was going to be a problem I would have asked for the information but I was clueless to any issue involving the meter.

11. On November 28, 2006, Laclede issued an adjusted bill for 673 CCfs of unmetered gas service from December 20, 2005, to October 18, 2006. The charge for gas service was \$1,028.18 and, after an adjustment for the previous bills and payments, the remaining balance was \$824.65. The bill also included gas service from October 18, 2006, to November 20, 2006, of 123 CCfs, in the amount of \$172.71, for a total account balance of \$997.36.

☐ This whole statement is true.

This statement is not true because _____

11. The Nov. bill does not show any adjusted billing-an adjustment is shown on the December 2006 bill with an account balance of \$997.36.

12. On the adjusted November 28, 2006 bill, Laclede advised that a 10-month payment arrangement is available.

☐ This whole statement is true.

This statement is not true because _____

12. I am not aware of a 10 month payment plan but when I spoke with Mr. Zucker, I was under the impression that the payment plan would be spread out over the time it has taken from the beginning of the issue until the date that the issue is settled.

13. Subsequent bills based on AMR readings show continuing usage.

☒ This whole statement is true.

This statement is not true because _____

14. A comparison of the estimated usage for the adjusted bill appears to be reasonable when compared to the Complainant's prior two (2) years' of gas usage for the same period of time. (Please see the Staff Recommendation for these exact amounts.)

☐ This whole statement is true.

This statement is not true because _____

14. The usage is estimated, therefore, how can it be correct. There is no accurate way for Laclede to bill for that period when the meter was reading incorrectly but during the winter of 2006 the bills were similar in fluctuation to seasonal bills from previous years so how far off could the usage be for the 10 month period? Certainly not \$1200.00 or \$800.00 worth of usage.

15. The accuracy of the bill is a shared responsibility between the customer and the company. Since the disputed billing is in the winter months, it seems likely that Complainant should have noticed that her bills did not include her gas usage during the winter months.

☐ This whole statement is true.

This statement is not true because _____

15. There are three months of winter usage with high payments that are followed by decreasing payments that coincide with the warmer weather months and naturally lower usage.

16. In re-billing the customer for the energy consumed but not billed, the company is collecting from a customer who benefited from the gas that was used. It is preferable to collect from the customer that used the service rather than allowing the company to "write it off" and have it become an expense to all ratepayers.

16. This statement assumes facts that are not in evidence and that do not show the "write off" that is stated. I do believe that Laclede like all other large companies has budgeted for uncollected balances and it is therefore not passing on the debt of unpaid ballances to other reatepayers because it is already a budgeted item. Laclede would only have issues of passing on debts to rate-payers were PSC to deny Laclede its increases for any long period of time during a down turn in revenues and that hasn't happened. As a matter of record I would also like to state that the company makes a huge profit every year, they are a protected monopoly like all of the other utilities in Missouri and they are allowed to sell stocks, pay dividends and give their CEO a huge salary. With all that protection they take no responsibility for their faulty equipment, mistakes and errors but expect the consumer to fork up payments even when Laclede is wrong. I had always thought the intent of the Public Service Commission was to provide oversight for the protection of the consumer. Having gone through this process of pleading my case with the PCS, I was grossly mistaken, it appears to me that Laclede has priority over the ratepayer.

17. Staff has reviewed the usage information and calculation used to determine Complainant's estimated usage and finds the method to be reasonable. Staff found no tariff or rule violations and, therefore, recommends this complaint be dismissed.

☐ This whole statement is true.

This statement is not true because _____

17. The statement is true but as a tax paying citizen of this state my case should not be dismissed. I feel strongly that the deck is stacked against the ratepayer and that David had a better chance with Goliath than I am having in this pleading.

Thank you for responding to these statements. Please return this form to the PSC by no later than July 19, 2007, so that we can continue to work on your complaint. If you do not return this form, we will assume that you do not want to continue with your complaint and it should be dismissed.

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 29th of June, 2007.**



Colleen M. Dale
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 29, 2007

Case No. GC-2007-0385

General Counsel's Office
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

Lewis R. Mills, Jr.
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102

Brenda S. Kalemis
Brenda Kalemis
1416 Land O'Lakes
St. Louis, MO 63146-5117

Laclede Gas Company
Rick Zucker
720 Olive Street
St. Louis, MO 63101

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

***Colleen M. Dale
Secretary***