

LACLEDE GAS COMPANY  
720 OLIVE STREET  
ST. LOUIS, MISSOURI 63101

AREA CODE 314  
342-0532

MICHAEL C. PENDERGAST  
ASSISTANT VICE PRESIDENT  
ASSOCIATE GENERAL COUNSEL

June 23, 2000

**VIA FEDERAL EXPRESS**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Harry S Truman Building  
301 W. High Street  
Jefferson City, MO 65101

**FILED<sup>2</sup>**  
JUN 26 2000  
Missouri Public  
Service Commission

RE: Case No. GC-2000-771

Dear Mr. Roberts:

Enclosed for filing please find the original and eight copies of the Answer and Motion to Dismiss of Laclede Gas Company in the above-referenced case. Please see that this filing is brought to the attention of the appropriate Commission personnel.

Please file-stamp the additional copy of this Motion and return the same in the pre-addressed, stamped envelope provided.

Thank you for your consideration in this matter.

Sincerely,

  
Michael C. Pendergast

MCP:jaa

cc: All parties of record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

JUN 26 2000

Missouri Public  
Service Commission

Josh Davis,

Complainant,

v.

Laclede Gas Company

Respondent.

Case No. GC-2000-771

**ANSWER AND MOTION TO DISMISS OF LACLEDE GAS COMPANY**

**COMES NOW** Laclede Gas Company ("Laclede" or "Company") and for its Answer to the Complaint filed by Mr. Josh Davis on or about May 22, 2000, states as follows:

1. On or about May 22, 2000, Mr. Josh Davis ("Complainant" or "Mr. Josh Davis") filed a Complaint against Laclede. Nowhere in his Complaint does Mr. Davis allege that Laclede has violated any statute, rule, regulation, tariff provision or other legal requirement imposed on the Company. Given the absence of such an allegation, Laclede believes that the Complainant has failed to establish the legal prerequisites for a proper Complaint. *See* Section 386.390 RSMo. 1994.

2. Nevertheless, Laclede takes seriously the concerns raised by Mr. Davis in his Complaint regarding the difficulties he encountered in obtaining natural gas service. First, Mr. Davis complains that he was asked to personally appear at Laclede's offices and provide additional documentation regarding his age and identity in order to receive natural gas service as a new customer. Second, Mr. Davis asserts that at the time service

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to his apartment was being turned on, the Laclede personnel performing the required work arrived twenty minutes past the time that Mr. Davis had requested.

3. As to the first point raised by Mr. Davis, Laclede admits that it asked Mr. Davis to personally appear at the Company's offices and provide additional documentation regarding his age and identity to ensure that his application for service was not part of an effort to avoid payment for previous service provided at this address. Every year Laclede encounters thousands of cases where customers seek to avoid payment for services previously rendered by the Company by applying for service under a different name or by having a minor child, relative or other person apply for service as a new customer at the same address. Laclede believes it has an obligation to its other customers (who must bear the burden of bad debts incurred by the Company) to discourage and, where possible, prevent such activities. In this case, the Company was concerned with Mr. Davis' request for service because there was an unpaid arrearage at the apartment address where Mr. Davis sought to establish service and because Mr. Davis' social security number was issued in 1985 - an issuance date that suggested Mr. Davis might be a minor.<sup>1</sup>

4. As in other instances where a red flag of this nature appears, however, the Company did not request that Mr. Davis visit its office based solely on his social security number, as suggested by the Complainant. The Company also made additional inquiries with the Company that manages the property to which service was to be provided and

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<sup>1</sup> As shown in Attachment A hereto, Laclede's tariff specifies that "proof of identity" for a customer "is to include official picture identification or other verifiable documentation of identity, and correct social security number." P.S.C. Mo. No. 5 Consolidated, Third Revised Sheet No. R-5-a, Section 5(1)(D). All of the requests made by Laclede in this case for purposes of confirming Mr. Davis' identity were entirely consistent with this tariff provision

was advised (apparently incorrectly) that Mr. Davis was an underaged person who had to have his lease co-signed by his parents. It was on the basis of all of this information, that Laclede properly requested that Mr. Davis apply for service in person.

5. Moreover, Laclede denies that once Mr. Davis appeared at its offices, it refused to accept his drivers license and the other documentation as proof of his identity. At the time Mr. Davis initially appeared at Laclede's offices he was advised that he could obtain a social security verification at a nearby office. He then left to do so without ever producing other forms of identification such as a drivers license. It was only after Mr. Davis' father appeared at the Company's offices that Laclede learned that Mr. Davis had other forms of identification with him that could establish his identity. Once such information was provided, the Company rescinded its request for additional documentation relating to his social security number. In view of these considerations, Laclede believes it acted properly at all times. Nevertheless, in recognition of any inconvenience Mr. Davis may have experienced, the Company has offered to waive Mr. Davis' required security deposit. The Company does not believe that any further adjustment to Mr. Davis' bill would be appropriate.

6. As to Mr. Davis' final point, the Company attempted to accommodate his schedule for connecting service and emphatically denies that it was attempting to retaliate by arriving at his premises 15-20 minutes past his requested turn on time.<sup>2</sup> Moreover, Mr. Davis himself admits in his Complaint that he suffered no inconvenience as a result

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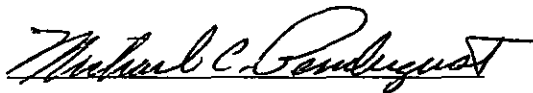
<sup>2</sup> Pursuant to Mr. Davis' request and Laclede's standard procedure, Mr. Davis was scheduled for an "AM" turn on. Consistent with this schedule, the Laclede service person arrived at Mr. Davis' premises at 11:45 a.m.

of the Company's actions since his requested turn-on time was an hour earlier than the time when he actually had to leave for work.

7. In view of these considerations, Laclede believes that its offer to waive Mr. Davis' security deposit in recognition of any inconvenience he may have suffered represents a reasonable resolution of this matter. Laclede would accordingly request that the Commission dismiss this case on the condition that Laclede follow through with this accommodation to the customer.

**WHEREFORE**, for the foregoing reasons, Laclede Gas Company respectfully requests that the Commission issue its Order dismissing this case on the condition recommended herein.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael C. Pendergast".

Michael C. Pendergast  
Assistant Vice President and Associate  
General Counsel  
Laclede Gas Company  
720 Olive Street, Room 1520  
St. Louis, MO 63101  
(314) 342-0532 Phone  
(314) 421-1979 Fax

**CERTIFICATE OF SERVICE**

Michael C. Pendergast, Assistant Vice President and Associate General Counsel for Laclede Gas Company, hereby certifies that the foregoing Answer and Motion to Dismiss of Laclede Gas Company has been duly served upon all parties of record to this proceeding by placing a copy thereof in the United States mail, postage prepaid, or by hand delivery, on this 23rd day of June, 2000.

Michael C. Pendergast

P.S.C. MO. No. 5 Consolidated, Second Revised Sheet No. R-5

CANCELLING P.S.C. MO. No. 5 Consolidated, First Revised Sheet No. R-5

Laclede Gas Company

Name of Issuing Corporation or Municipality

For

Refer to Sheet No. R-1

Community, Town or City

..... RULES AND REGULATIONS .....

3. Applications

An application for service will be required of each customer. Such application shall contain the information necessary to determine the type of service required by the customer, the condition under which service will be rendered, and such credit information as the Company may require. The customer will elect which of the applicable rates is best suited to his requirements. Upon request the Company will assist the customer in making such election. Company does not guarantee that customer will be served under the most favorable rate at all times, and will not be held responsible to notify customers of the most advantageous rate. No refund will be made representing the differences in charge under different rates applicable to the same class of service. Company may require that the application or contract for service be in writing.

4. Rate Changes

The customer shall agree to notify Company promptly in writing of any material changes in his installation or load condition. Upon such notification, Company will assist in determining if a change in rate schedules is appropriate or required. Not more than one optional change in rate schedules will be made within any twelve-month period unless the customer experienced a substantial change in the equipment in which the gas is used.

5. Deposits

Residential

(1) The Company may require a deposit or other guarantee as a condition of new residential service if--

(A) The customer has outstanding with a utility providing the same type of service, an unpaid bill which accrued within the last five (5) years and, at the time of the request for service, remains unpaid and not in dispute;

(B) The customer has in an unauthorized manner interfered with or diverted the service of a utility providing the same service situated on or about or delivered to the customer's premises within the last five (5) years; or

DATE OF ISSUE October 7, 1994  
month day year

DATE EFFECTIVE November 7, 1994  
month day year

ISSUED BY

*Gerald T. McNeive, Jr.*  
Gerald T. McNeive, Jr., Vice President, 720 Olive, St. Louis, MO 63101  
name of officer title address

P.S.C. MO. No. 5 Consolidated, Third Revised Sheet No. R-5-a

CANCELLING P.S.C. MO. No. 5 Consolidated, Second Revised Sheet No. R-5-a

.....Laclede Gas Company.....  
Name of Issuing Corporation or Municipality

For .....Refer to Sheet No. R-1.....  
Community, Town or City

.....RULES AND REGULATIONS.....

5. Deposits (Continued)

Residential

(C) The customer is unable to establish an acceptable credit rating under these standards:

1. Owns or is purchasing a home; and
2. Is and has been regularly employed on a full-time basis for at least one (1) year; or
3. Has an adequate regular source of income; or
4. Can provide adequate credit references from a commercial credit source.

(D) The customer fails to provide proof of identity upon request. Proof of identity is to include official picture identification or other verifiable documentation of identity, and correct social security number.

(2) The Company may require a deposit or guarantee as a condition of continued residential service if--

(A) The service of the customer has been discontinued by the Company for nonpayment of a delinquent account not in dispute;

(B) In an unauthorized manner, the customer interfered with or diverted the service of the Company situated on or about or delivered to the customer's premises; or

(C) The customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice.

(3) Deposits for gas service assessed under the provisions of subsection (2)(A) or (C) of this rule during the months of November, December and January may be paid, if the customer is unable to pay the entire deposit, by installments over a six (6)-month period.

DATE OF ISSUE .....October 15, 1998.....  
month day year

DATE EFFECTIVE .....October 27, 1998.....  
month day year

ISSUED BY .....K.J. Neises, Senior Vice President, 720 Olive Street, St. Louis, MO 63101.....  
name of officer title address