

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

MAY 14 2007

Missouri Public
Service Commission

Dr. Michael and Sharon Maples,)
Complainants)

Case No. GC-2007-0350

vs.)

Union Electric Company,)
d/b/a AmerenUE,)
Respondent.)

Rebuttal

This document is submitted to the Public Service Commission of the State of Missouri in an effort to rebut claims made by Union Electric Company d/b/a AmerenUE in their Answer to the Complaint filed by Complainants in Case No. GC-2007-0350. This rebuttal will take the format of a point by point address to the sections of AmerenUE's Answer as follows:

1. No rebuttal.
2. No rebuttal.
3. AmerenUE provided a copy of a filled out Form 60, believed to be a document on which test results are recorded. While this document includes some information identifying the meter, the location it came from, and the test results, it does not identify the person conducting the test nor the type of test that was performed, even though there are spots on the form requesting this information. This would seem to indicate that this form has not been completed properly. Additionally, there is no information included identifying the instruments used for the test, nor any information about calibrations of the instruments or any NIST (National Institute of Standards and Technology) standards to which those calibrations were performed. Also noteworthy is that this document shows that the meter was removed from the Complainants residence at 403 E. 10th St. on February 9, 2006, but the testing was not performed until April 20, 2006, nearly 2 ½ months later. These facts, in addition to the multiple "results" letters which AmerenUE sent to the Complainants that included incorrect information regarding the location and type of meter that was actually tested demonstrates a significant lack of Quality Control regarding this matter. Without an aggressive Quality Management System (ie. ISO 9000 or equivalent) there is little confidence in the accuracy and reproducibility of these results. Complainants question whether the practice of internally testing equipment whose accuracy is suspect is appropriate. This could be perceived as a conflict of interest. The question

is also raised as to why it took nearly 2 ½ months to perform this testing. Was any service performed on this meter during this time or did it simply sit on a shelf waiting to be tested.

AmerenUE admits to sending an incorrect form letter to the Complainants detailing the results of the tests. In fact, several incorrect letters were sent including a letter from Mr. Jack R. Iskowitz, and attorney representing AmerenUE.

4. This response is absolutely not true. AmerenUE states that the meter was replaced on Feb 9, 2006 and subsequently tested "on that same date". In fact, the testing did not occur for nearly 2 ½ months, actually taking place on April 20, 2006. This fact is corroborated by their submission of their own Form 60 as "Attachment 1".
5. AmerenUE states that it recognizes a drop in gas usage of approximately 46% (nearly half) occurring between Jan 30, 2006 and March 29, 2006 (post replacement) when compared to the same time period the previous year. What was demonstrated by the Complainant in the original Complaint was that this drop was not noted just when compared to the previous year, but rather when compared to the previous four years.
6. In reviewing AmerenUE's Attachments (#2 and #4), it is noted that, while there are some fluctuations in the number of Heating Degree Days between 2006 and the previous year (as well as "normal"), none of these fluctuations would be able to account for anywhere near a 47% drop in gas usage. In fact the number of HDD in Feb of 2006 was approximately 20% HIGHER than in 2005, which should have caused the usage during that month to increase relative to the same billing cycle in 2005, not decrease by nearly half.
7. See the response in #6 above.
8. AmerenUE has repeatedly questioned the time period when the Complainants actually vacated the 403 E. 10th St. residence, suggesting that the reason for the drastic drop in usage is due to the house being vacant (even though in sections #6 and #7 they claim the drop is due to variation in HDD from normal). They have requested copies of lease agreements for the residences. There are none. Instead, the Complainants have offered other evidence of the timing of the move. They have submitted documents showing when the telephone, cable television, and internet services were activated at the 10600 Bennish Lane residence (April 3, 2006). Complainants attempted to get documents from the Dish Network provider showing when the service to 403 E. 10th St. residence was cancelled (March 30, 2006), however, Dish Network would not provide hard copies of this information, only verbal declarations. Ms. Wendy Tatro (Associate General Counsel for AmerenUE) requested copies of the electric service billing for the 403 E. 10th St. house as well. When Complainant asked her what that information was needed for, he was informed by her that it was another way to try to determine when the residence was vacated. This information was provided to her, and in fact, shows that the electrical usage for the residence actually increased for the billing cycles in question relative to the previous year. This would certainly seem to corroborate the claim that the residence was still occupied at that

time. However, AmerenUE neglected to mention that information in their Answer.

AmerenUE's main evidence that the complainants had vacated the 403 E. 10th St. residence prior to the April 1, 2006 date that the Complainants have insisted upon, is that Mr. Lloyd Davis had seen the Complainants removing belongings from the household. In actuality, preparations for this move (packing, cleaning, and moving some belongings to a rented storage unit) had begun as early as the summer of 2005. That should not be considered as an indication that the house was vacated at that time.

AmerenUE also claims that an "Accurint" search places the Complainants at the 10600 Bennish Lane address as early as February 2006. Information was not provided as to what criteria was used by Accurint in making that determination, so Complainant has no basis upon which to offer a rebuttal, other than to repeat that they resided in the 403 E. 10th St. house until April 1, 2006.

9. AmerenUE claims that they have submitted facts pertaining to this case which suggests that factors, other than a faulty meter or improper installation of the meter, explains the drastic drop in gas usage after the new meter was installed. Complainants point out that none of the "other factors" offered by AmerenUE can account for a drop in usage of over 47% relative to the average usage for the previous four years.
10. Complainants continue to believe that they have overpaid AmerenUE \$6828.40 and that the current bill should be corrected from \$1970.73 to \$1032.66. Subtracting that from what has been overpaid by Complainants leaves a balance owed to the Complainants of \$5170.23.
11. Complainants believe that the information provided in this case demonstrates a serious lack of Quality Control on the part of AmerenUE and that this lack of Quality Control causes any test results to be suspect. In addition, Complainants point out that incorrect claims have been made by AmerenUE in the Answer that they have submitted to the Public Service Commission of the State of Missouri (see Section 4 above).

Complainants believe the facts have shown this case to have merit and re-submit our claim that AmerenUE owes us \$5170.23.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. F. Maples', with a long horizontal flourish extending to the right.

Dr. Michael F. Maples, PhD