

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Exhibit No. 1
Case No(s) GC-2003-0579
Date 4-14-04 Rptr TR

Michael E. McKinzy, Sr.,)

)
Complainant,)

v.)

Case NO. GC-2003-0579

)
Missouri Gas Energy,)

)
Respondent.)

FILED

MAY 12 2004

AFFIDAVIT OF MICHAEL E. MCKINZY, SR. *Missouri Public Service Commission*

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

Michael E. McKinzy, Sr. of lawful age and being first
duly sworn, deposes and states:

1. My name is Michael E. McKinzy, Sr. I currently
reside at 8004 Overton in Raytown, Missouri.
2. Attached hereto and made a part hereof for all
purposes is my direct testimony consisting of pages 1
through 7 and Exhibit 1 attached here and incorporated herein
by reference.
3. I hereby swear and affirm that my statements
contained in the attached testimony are true and correct to
the best of my knowledge and belief.

Michael E. McKinzy
Michael E. McKinzy, Sr.

Subscribed and sworn to me this 8th day of November 2003.

Betty J. Cobb
Betty Cobb
Notary Public

My commission expires July 22, 2006.



BETTY J. COBB
Jackson County
My Commission Expires
July 22, 2006

DIRECT TESTIMONY
OF
MICHAEL E. MCKINZY, SR.

MICHAEL E. MCKINZY, SR. vs. MISSOURI GAS ENERGY

CASE NO GC-2003-0579

1. I was married to Carletha R. Gaston on December 4, 1988 in Kansas City, Missouri and we have four children together.
2. I purchased a house located at 4020 E. 51st Terrace in Kansas City, Missouri and began residing there with my wife and four children on or about February 23, 1993.
3. I had a residential gas service account with MGE beginning on or about February 23, 1993, at 4020 E. 51st Ter.
4. I resided at 4020 E. 51st Ter. from December 18, 1998 through March 30, 1999 with my wife and four children and was provide gas service by MGE. See Exhibit 1.
5. On or about August 15, 2000, I requested MGE to transfer my gas service account to my new residence located at 8609 E. 87th Street in Raytown, Missouri.
6. I paid my final gas bill for my gas at 4020 E. 51st Ter.
7. On or about August 15, 2000, MGE transferred my gas service account to my new residence at 8609 E. 87th St.
8. On or about August 15, 2000, my wife and four children and I began residing at 8609 E. 87th St.
9. On January 1, 2002, I moved to my parents' residence, but my wife and children continued to reside at 8609 E. 87th St.
10. I paid my final gas bill for my gas at 8609 E. 87th St.

11. On or about January 29, 2002, the gas service account at 8609 E. St. was transferred into Carletha R. McKinzy.

12. My marriage to Carletha R. Gaston was dissolved on November 8, 2002.

13. I met Tamara L. Nance for the first time on November 6, 2002.

14. I married Tamara L. Nance on February 16, 2003, in Kansas City, Missouri.

15. I alone entered into a lease on March 2, 2003, with an option to purchase, a house located at 8004 Overton in Raytown, Missouri.

16. I began residing at my new residence at 8004 Overton on March 15, 2003, Tamara L. McKinzy continued to reside at 6107 E. 8th Street in Kansas City, Missouri.

17. When I moved into the residence at 8004 Overton, the gas service was on in the name of my landlord /property owner, Mr. Gerald Lee.

18. On April 9, 2003, I requested MGE to transfer my gas service account from my previous residence at 8609 E. 87th St. to my new residence at 8004 Overton.

19. MGE's tariff (Section 3.12 on Sheet No. R-30), provides that:

restoration shall be made no later than the next working day following the day requested by customer.

Id.

20. My gas service was not restored until September 11, 2003. See MGE's Response to Staff Report of Investigation and

Recommendation; Satisfaction of Complaint, filed September 12, 2003, at par.4.

21. My gas service was discontinued on June 17, 2003. See Complaint.

22. MGE's tariff (Section 3.08 on Sheet No. R-23), provides that:

Service shall not be discontinued for non-payment of a delinquent charge unless written notice by first class mail is sent to the customer as least 10 days prior to the date of proposed dicontinuance.

Id.

23. I was not given any type of advance written notice of MGE's intention to discontinue my gas service.

24. MGE's tariff (Section 3.09(E) on Sheet No. R-26), provides that:

Twenty-four Hour Notice: At least 24 hours preceding discontinuance of service, Company shall make reasonable efforts to contact customer to advise the pending action and what steps must be taken to avoid discontinuance.

Id.

25. I was not contacted by MGE 24 hours preceding my gas service being discontinued.

26. On April 9, 2003, Tamara Nance was not a member of my household at 8004 Overton.

27. MGE's tariff (Section 3.02 on Sheet No. 19), provides that:

Company shall not be required to commence supplying gas service if at the time of application, the applicant, or any member of applicant's household (who has received benefit from previous gas service), is indebted to Company for such gas service previously supplied at the same premises or any former premises until payment of

such indebtedness shall have been made.

Id.

28. MGE admits to denying gas service to me as a means to force me to pay for past gas service rendered to Tamara Nance in the amount of \$449.96 at her previous residence at 3928 Highland Ave. in Kansas City, Missouri from 12/17/98 to 3/30/99.

29. I have never resided at 3928 Highland Ave. nor have benefited from or used any gas service at 3928 Highland.

30. I was charged a twenty dollar (\$20.00) connection fee despite the fact that I was a service applicant who was a continuing prior customer instead of the five dollar (\$5.00) transfer fee.

31. MGE's tariff (Section 3.03 on Sheet No. R-20), provides that:

The Company shall charge a transfer fee as set forth in Section 14 herein to service applicants when natural gas service is not initiated but is continuing from a prior customer.

Id.

32. My gas service was discontinued by MGE from June 17, 2003, to September 10, 2003.

33. MGE's tariff (Section 3.05 on Sheet No. R-20), provides that:

Company will use reasonable dilligence to furnish continuous gas service to customer.

Id.

34. MGE admits to denying me gas service as a means to force me to pay for past service rendered to Tamara Nance at her previous residence at 3928 Highland Ave in Kansas City, Missouri from 12/17/98 to 3/30/99.

35. MGE's tariff (Section 3.07(D) on Sheets Nos. R-22 and R-23) provides that:

None of the following shall constitute cause for Company to discontinue service:

(D) The failure to pay the bill of another customer unless the customer whose service is sought to be discontinued received substantial benefit and use of the service.

Id.

36. I did not know Tamara Nance when the debt was accrued and because I never resided at Tamara Nance's previous residence at 3929 Highland Ave. and thereby had no benefit and use of the gas service

37. My kids called me while I was at my union electrician's job on June 17, 2003, to inform me that MGE was turning of the gas service to my residence.

38. I took off early from my union electrician's job on June 17, 2003, to get the gas service to my residence restored.

39. I took off the whole day off from my union electrician's job on June 18, 2003, to get the gas service to my residence restored.

40. I called the Public Service Commission Hotline on June 17, 2003, to report that the gas service to my residence had been discontinued by MGE for not paying my new wife's past

due gas bill from her previous residence and stated that I wanted to file a formal complaint against MGE for discontinuing gas service to my residence.

41. 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.

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

43. I was instructed by Renee, on June 18, 2003, to fax my documents to (816) 360-5569.

44. I faxed Renee on June 18, 2003, a copy of my lease agreement for 8004 Overton and copies of my wife's pay statements in her maiden name, Tamara Nance, with an address of 6107 E. 8th Street in Kansas City, Missouri.

45. My lease agreement for my residence at 8004 Overton show only me as lessee.

46. 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.

47. I returned to my union electrician's job on June 19, 2003, and was laid off for being absent.

48. I had to purchase a new electric stove to heat water for

taking baths, and washing dishes and clothes.

49. My electric bill during this summer months exceeded six hundred dollars (\$600.00) partly from using an electric stove to heat water for baths, washing dishes and clothes.

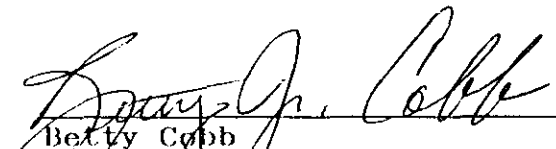
50. My wife, Tamara L. McKinzy (formerly Nance) will begin on December 24, 2003, residing at my residence at 8004 Overton during the Christmas and New Year's holidays and thereafter shall remain and become a member of my household and we shall live together as husband and wife.

And further affiant sayeth not.


Michael E. McKinzy, Sr.

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

Subscribed and sworn to me on this 8th day of November 2003.


Betty Cobb
Notary Public

My commission expires July 22, 2006.



BETTY J. COBB
Jackson County
My Commission Expires
July 22, 2006



MISSOURI GAS ENERGY

3420 Broadway • Kansas City, MO • 64111 • (816) 756-5261

August 5, 2003

MICHAEL E MCKINZY
8004 OVERTON DR
RAYTOWN MO 64138-1957

Dear Customer:

Enclosed is the account information you requested during our telephone conversation.

If we can be of further assistance, please feel free to contact us at your convenience.

Sincerely,

Missouri Gas Energy

Enclosure

Exhibit 1

F04BLD SOPL SOPL CUSTOMER PREMISE ACTIVITY

08/05/03 12:33

SERVICE ADDRESS: 4020 E 51ST TER
CITY, ST : KANSAS CITY MO

SEL	BILL ACCT	CUSTOMER NAME	DATE ACCT OPENED	DATE ACCT FINALED
	6703703204		08/16/00	
	4919983630	MCKINZY, MICHAEL.E	11/04/96	08/16/00
	0816269780	MCKINZY, MICHAEL.E	02/23/93	03/21/96

BOTTOM OF LIST

NEXT FUNCTION: DATA:

0064