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1 P R O C E E D I N G S

2 JUDGE PRIDGIN: On the record, please. Good  
3 morning. We are on the record. This is the hearing in  
4 Case No. GC-2008-0041, Dr. Hortense Lucinda Harrison  
5 versus Laclede Gas Company.

6 I am Ron Pridgin. I am the Regulatory Law Judge  
7 assigned to preside over this hearing. It's being held on  
8 August 20th, 2008. Time is about 10:10 a.m., and we are  
9 in the Governor Office Building in Jefferson City,  
10 Missouri.

11 At this time, I would like to get entries of  
12 appearance from Counsel beginning with Staff, please.

13 MS. HERNANDEZ: Jennifer Hernandez on behalf of  
14 the Staff of the Missouri Public Service Commission, P.O.  
15 Box 360, Jefferson City, Missouri, 65102.

16 JUDGE PRIDGIN: Ms. Hernandez, thank you. On  
17 behalf of the Office of Public Counsel, please?

18 MR. POSTON: Thank you. Marc Poston, appearing  
19 for the Office of the Public Counsel and the public.

20 JUDGE PRIDGIN: Mr. Poston, thank you. On  
21 behalf of Dr. Harrison, please?

22 DR. HARRISON: Dr. Hortense Harrison.

23 JUDGE PRIDGIN: All right. Thank you. And,  
24 Doctor, if you could make sure that your microphone is on  
25 just so we can pick you up on the Internet. I'm not sure

1 it's on right now.

2 DR. HARRISON: It wasn't on then. Would you  
3 like me to repeat it?

4 JUDGE PRIDGIN: That's not necessary. Thank  
5 you, though. And on behalf of Laclede Gas Company,  
6 please?

7 MR. ZUCKER: Rick Zucker here for Laclede Gas  
8 Company, 720 Olive Street, St. Louis, Missouri, 63101.

9 JUDGE PRIDGIN: Mr. Zucker, thank you. Is there  
10 anyone else who wishes to enter an appearance? All right.  
11 Hearing none, I am looking at the list of issues,  
12 witnesses and order of cross-examination filed by the  
13 parties on August 7th.

14 And before we went on the record, I believe the  
15 parties told me that you wished to flip-flop the order of  
16 the witnesses and have Laclede's witness go first and  
17 Staff witness go second. Is that correct?

18 MS. HERNANDEZ: That's correct, your Honor.

19 JUDGE PRIDGIN: All right. Any objections? Any  
20 comments?

21 MR. POSTON: No.

22 JUDGE PRIDGIN: Okay. Is there anything further  
23 before Laclede's witness, which I believe is Ms.  
24 O'Farrell, takes the stand?

25 All right. Hearing nothing, Ms. O'Farrell, if

1     you'll come forward to be sworn, please. And even though  
2     we are changing the order of witness, the order of  
3     cross-examination would stay the same. Is that my  
4     understanding?

5                 MS. HERNANDEZ: That's correct.

6                 MR. ZUCKER: Yes, your Honor.

7                 JUDGE PRIDGIN: All right. Thank you. Okay.

8     Ms. O'Farrell, if you'll raise your right hand to be  
9     sworn, please.

10                         RHONDA O'FARRELL,  
11     being first duly sworn to testify the truth, the whole  
12     truth, and nothing but the truth, testified as follows:

13                         DIRECT EXAMINATION

14     BY MR. ZUCKER:

15                         JUDGE PRIDGIN: Thank you so much. Mr. Zucker  
16     when you're ready, sir.

17                         MR. ZUCKER: Would you like me to go to the  
18     podium or --

19                         JUDGE PRIDGIN: Wherever you're more  
20     comfortable. And the same goes for all counsel. You can  
21     either come to the podium or stay wherever you like.

22                         MR. ZUCKER: Okay. I think I'll work from here  
23     for now.

24                         JUDGE PRIDGIN: That's fine.

25             Q     (By Mr. Zucker) Good morning, Ms. O'Farrell.

1           A     Good morning.

2           Q     Could you please state and spell your name for  
3 the record?

4           A     My name is Rhonda O'Farrell, R-h-o-n-d-a  
5 O-F-a-r-r-e-l-l.

6           Q     And are you the same Rhonda O'Farrell who  
7 testified on behalf Laclede in this case on April 23rd,  
8 2008?

9           A     Yes, I am.

10          Q     And since then, have there been any changes in  
11 your job title and responsibilities at Laclede?

12          A     No. I'm still the Assistant Manager in the  
13 Credit Collection Department.

14          Q     Okay. From the beginning of this customer's  
15 account in November 2006 or now December 6, 2006, how many  
16 bills did Laclede send before it received an accurate  
17 actual reading?

18          A     There were three bills sent.

19          Q     Okay. And are you able to give me the dates of  
20 those bills for the dates of service?

21          A     The first bill was for service through December  
22 26th, 2006. The second bill was for service through  
23 January 25th, 2007. And the third bill was for service  
24 through February 26th, 2007.

25          Q     And so was the bill for service through March

1 2007 estimated or actual?

2 A The bill for service through March 27th, 2007,  
3 was based on an actual read following the meter read there  
4 on March 7th, 2007.

5 Q Okay. So let's look at those three bills issued  
6 prior to March 27th, 2007. The first bill you said was  
7 for the period ended December 26, 2006. Was that bill  
8 estimated?

9 A Yes. That bill was estimated.

10 Q And why was that bill estimated?

11 A Because the AMR module that's on the meter  
12 failed to register, failed to register and emit a reading  
13 to Laclede.

14 Q Okay. And what is AMR?

15 A It's the automated meter reading device. AMR is  
16 an acronym for automated meter reading.

17 Q Okay. And how does Laclede receive meter  
18 readings through its AMR system?

19 A It's -- the module itself registers the  
20 customer's reading index, and then it sends it using  
21 cellular technology to Laclede. Or to Cellnet Network.

22 Q Okay. And how does -- how did the read then get  
23 to Laclede?

24 A It's an automatic download from Cellnet to  
25 Laclede's customer information system.

1           Q     Okay.  So Laclede did not receive a reading  
2     through this system for December 26, 2006?

3           A     That's correct.

4           Q     Okay.  And do you know why?

5           A     No, I do not know why.  All we know is that the  
6     meter system failure -- failed to register.

7           Q     Okay.  And so Laclede sent out an estimated  
8     bill?

9           A     That's correct.

10          Q     And what happened next?

11          A     The next event to occur was January 17th, 2007,  
12     when Cellnet, who is Laclede's contractor, went out to the  
13     premise to investigate why there was, you know, a failure  
14     to register.

15          Q     Okay.  And Cellnet sent a technician to  
16     Dr. Harrison's property?

17          A     That's correct.  To reprogram the AMR, to  
18     investigate and reprogram.

19          Q     Okay.  And was that reprogramming effective?

20          A     No, it was not.

21          Q     And how do you know that?

22          A     Because the meter then again failed to emit a  
23     signal for the January 25th billing.

24          Q     Okay.  And when the Cellnet technician was out  
25     there on January 17th, 2007, did he obtain a meter reading



1 at Dr. Harrison's home?

2 A Yes, he did obtain a meter reading.

3 Q And did Laclede use that meter reading for its  
4 January 25th bill?

5 A No. As I explained in the last hearing, we  
6 didn't use that because it appeared to be incorrect.

7 Q Okay. So what did Laclede use for the January  
8 25th, 2007, billing?

9 A We used a modified index and issued an estimated  
10 bill based on that modification.

11 Q Okay. So you -- you modified the -- the  
12 inaccurate reading?

13 A The inaccurate January 17th reading from the  
14 Cellnet technician. That's correct.

15 Q Okay. And do you believe that that modified  
16 reading that Laclede used to bill the January 25th bill,  
17 do you believe that reading was accurate?

18 A No. In hindsight, no.

19 Q And why not?

20 A Because we did receive a reading that on March  
21 7, 2007, and each month thereafter, and those read -- she  
22 had a fairly consistent usage pattern by this time. So we  
23 can be fairly certain that the modified read that we used  
24 for January 25th actually under -- or understated her true  
25 usage.

1 Q Okay. All right. Let's move up to February.

2 Did Laclede receive a reading for the period ending on  
3 February 26, 2007?

4 A No. Again, the meter failed to register a  
5 reading with the company.

6 Q And so what did Laclede do for that period?

7 A We estimated the bill.

8 Q Okay. And what happened after Laclede rendered  
9 the bill for the -- for the service ended February 26?

10 A Cellnet successfully reprogrammed the AMR module  
11 on March 7th.

12 Q March 7th, 2007?

13 A That's correct.

14 Q And did the Cellnet technician obtain a meter  
15 reading at that time?

16 A Yes. He obtained an actual meter reading.

17 Q And do you know what that meter reading was? Do  
18 you have that?

19 A Yes. It's index 9003.

20 Q Okay. And did that -- what did that indicate  
21 about Laclede's estimated bills?

22 A That Dr. Harrison's bill had been  
23 underestimated.

24 Q Okay. And was this -- this read that the  
25 Cellnet technician got on March 7th, 2007, was that the

1 first accurate read since -- since the account began in  
2 November 2006?

3 A Yes, it was. We got an actual reading when we  
4 -- the Laclede technician went out to the premise on  
5 November 17th, 2006, in order to establish service for  
6 Dr. Harrison.

7 Q Okay. Did Laclede know that its estimated or  
8 modified readings were in error prior to receiving the  
9 March 7, 2007 reading?

10 A No. We wouldn't have known if the reads were  
11 accurate or -- at that point, accurate, overstated,  
12 understated. We wouldn't have known.

13 Q When did you discover that the prior estimated  
14 indexes were in error?

15 A On March 7th, 2007, is when we made the  
16 discovery that -- what the actual meter reading was and  
17 that her usage had been understated.

18 Q Okay. So what did Laclede do then after March  
19 7, 2007?

20 A On March 27th, 2007, we did obtain a reading  
21 from the AMR device of 9088. And that reading was  
22 consistent with the reading that the technician received  
23 on March 7th of 9003. So we used that March 27th reading  
24 in order to issue an estimated bill. Or an adjusted bill.  
25 I'm sorry. An adjusted bill to correct the prior errors.

1           Q     So was the March 27, 2007, bill estimated or  
2     based on actual usage?

3           A     The first part of the bill from March 7 -- or  
4     from November 17th, 2006, to March 7th, 2007, that covered  
5     925 actual CCFs. And then the second part of the bill was  
6     from March 7th to February -- to March 27th to final out  
7     the billing cycle. And that was for an additional 85 CCFs  
8     usage for a total of 1,010 CCFs.

9           Q     So you're saying the March 27th bill was based  
10    on actual usage, not an estimate?

11          A     That's correct.

12          Q     Okay. And the adjustment, then, was for -- was  
13    for what period?

14          A     November 17th, 2006, to March 27th, 2007.

15          Q     And all of that is the adjustment?

16          A     Well, yeah. That's the adjusted time period.  
17    The first part of the bill is the adjustment from November  
18    17th, 2006, to March 7th, 2007. And then from March 7th,  
19    2007, to March 27, 2007 and it's based on the AMR.

20          Q     Okay. Okay. So the March 7th to March 27th is  
21    actual, also?

22          A     That's correct. Yes.

23          Q     Okay. All right. At the hearing on April 23rd,  
24    2008, Dr. Harrison complained that Laclede had assessed a  
25    deposit on her account. Do you recall that?

1           A     Yes.

2           Q     And do you remember how much that deposit was?

3           A     \$716. And it was billed in three installments  
4 on her January, February and March 2008 bills.

5           Q     Okay. And did Laclede intend to bill this  
6 deposit?

7           A     No. The account inadvertently got caught up in  
8 an automatic deposit program based on missed payments.

9           Q     Okay. And can you tell me under what criteria  
10 this program assesses a deposit?

11          A     Under Laclede's tariffs, a deposit may be  
12 assessed if the customer fails to pay an undisputed amount  
13 five times out of twelve consecutive months.

14          Q     And did Dr. Harrison miss five undisputed  
15 payments in 12 months?

16          A     Arguably, yes.

17          Q     What do you mean by that?

18          A     She didn't make a payment for service from  
19 February 26th to March 27th. And while she did dispute  
20 the bill adjustment, she didn't dispute something that she  
21 owed for service for that month.

22                 So when she failed to pay the September 27, 2007  
23 bill -- or the September 2007 bill, that threw her  
24 payments off for October and November and December. And  
25 then she began to underpay the bill in December 2007

1 without any explanation. So technically, she could have  
2 qualified for a deposit under that criteria.

3 Q And when you say she -- she began to underpay  
4 the bill in December 2007, did she underpay the bill in  
5 January of 2008, also?

6 A Let me look at my notes.

7 Q Okay.

8 A January 2008, you're saying?

9 Q Yes.

10 A I'm trying to do the math in my head, so excuse  
11 me. Yes. The January 2008 bill was underpaid, also.

12 Q Okay. So you said that, arguably, she qualified  
13 for a deposit. But would Laclede really intentionally  
14 bill a deposit under these circumstances you just  
15 described?

16 A No. As I stated, the deposit was billed  
17 inadvertently.

18 Q And -- and why not? Why wouldn't Laclede  
19 request a deposit?

20 A Well, we try to work with our customers who have  
21 a bill dispute. And since the parties did -- didn't agree  
22 over the amount at issue, we would have required a good  
23 faith payment on half of the disputed amount, over \$400.  
24 But we didn't do so. So if we wanted to collect the  
25 payment from Dr. Harrison, we would have required the

1 undisputed good faith payment rather than a questionable  
2 deposit.

3 Q So you're saying we could have collected part of  
4 the disputed amount?

5 A Part of the undisputed amount?

6 Q Part of the disputed.

7 A Disputed amount. Yes.

8 Q Okay. But we didn't -- but Laclede didn't  
9 collect that?

10 A That's correct.

11 Q Okay. Let's see. So why -- why did Laclede's  
12 computer system assess the deposit, then?

13 A In following the order to hold collection after  
14 Dr. Harrison filed her informal complaint, we  
15 inadvertently forgot to suppress the deposit program. So  
16 the computer saw that both the undisputed and the disputed  
17 amounts were still, you know, unpaid, so it was eligible  
18 for the deposit at that point.

19 Q Does Laclede have a policy to avoid issuing  
20 deposits on disputed balances?

21 A Laclede has now clarified that policy and to  
22 better ensure the deposit program is suppressed for  
23 customers with formal disputes.

24 Q Well, before now, did Laclede -- did Laclede  
25 intend to assess deposits on -- on disputed balances? I

1 mean, is this something that was just cleared up now? Or  
2 was it always a policy for Laclede to -- to assess  
3 deposits on disputed balances?

4 A On disputed balances?

5 Q Yes.

6 A No.

7 Q Okay. According to Laclede records, when the  
8 deposit -- you said the deposit was assessed in January,  
9 February and March of 2008?

10 A Correct.

11 Q Do you have -- according to Laclede records, did  
12 Dr. Harrison call to complain about the -- the assessed  
13 deposit?

14 A Our records show that she did not call to  
15 complain about the deposit.

16 Q Okay. And to your knowledge, when did she first  
17 complain about the deposit?

18 A I first heard her complain at the previous  
19 hearing here back in April.

20 Q Okay. And did Laclede correct its inadvertent  
21 error in billing the deposit?

22 A Yes. March 31st, Laclede reversed the bill  
23 deposit, and we suppressed further deposits on the  
24 account.

25 Q March 31st, 2008?



1           A     2008.  Correct.

2           Q     So that was prior to the April 23rd, 2008,  
3     hearing?

4           A     That is correct.

5           Q     And -- and so Laclede became aware of the  
6     unintended deposit before the customer complained about  
7     it?

8           A     Yes.  That's correct.

9           Q     And so by the time she complained about it at  
10    the hearing, it had already been reversed in Laclede's  
11    system?  Is that what you're testifying?

12          A     Yes.  That's correct.

13          Q     Did Dr. Harrison pay any of the assessed  
14    deposit?

15          A     No.  None.

16          Q     Okay.  Let's move on to the disconnection issue.  
17    Since filing the complaint, has Dr. Harrison been carrying  
18    a balance on her Laclede Gas account?

19          A     Yes.  Since April 2007, her account has been  
20    around \$800 owed, which most of that arises over the  
21    dispute over that March 2007 adjusted bill.

22          Q     Okay.  Most of it, but not all of it?

23          A     That's correct.

24          Q     Okay.  And did Laclede disconnect Dr. Harrison's  
25    gas service for failing to pay any of this disputed

1 balance?

2 A No. Her service has never been disconnected for  
3 non-payment.

4 Q I'm sorry. I didn't hear you.

5 A No. Her service has never been disconnected for  
6 non-payment.

7 Q Did Laclede issue disconnect notices to  
8 Dr. Harrison based on disputed balances?

9 A Yes, we did. Automated disconnect notices were  
10 mistakenly issued on the account.

11 Q And do you know why?

12 A It was an error in manually forgetting to follow  
13 up on, you know, the -- the instructions to suppress those  
14 notices.

15 Q Can you explain what -- what that means,  
16 manually forgetting to suppress notices?

17 A Well, our system requires the suppression of  
18 disconnect notices be manually reviewed every 30 to 45  
19 days. So following the Legal Department's direction to  
20 hold collection after she filed the formal complaint, the  
21 Credit and Collection Department entered an order to  
22 suppress automatic disconnect notices and a remark  
23 confirming suspension of the notice.

24 But then we inadvertently failed to manually  
25 review that order to suppress the notices.

1           Q     Okay.  And did Laclede discover its own error,  
2     or did Dr. Harrison complain about it?

3           A     Laclede discovered the error, and we suppressed  
4     the disconnect notices prior to the customer's complaint  
5     at the April 23rd hearing here.

6           Q     Does the -- does the -- well, let me ask you  
7     something.  You said that the notices have to be renewed.  
8     Does -- what about actual disconnection of service?  Does  
9     that have to be renewed, also, or would we have  
10    disconnected the service?

11          A     No.  The remark stays in our system where it's  
12    picked up by the credit clerks when they review for  
13    routing purposes.

14          Q     To your knowledge, did Dr. Harrison ever  
15    complain to Laclede about receiving disconnect notices?

16          A     Yes, she did.

17          Q     And when did she complain?

18          A     In July and August of 2007, she called inquiring  
19    about disconnect notices that she had received.

20          Q     And she called Laclede's customer service  
21    center?

22          A     Yes, she did.

23          Q     And what did Laclede representatives tell her?

24          A     On both occasions, she was assured that Laclede  
25    would not disconnect her service for the amounts that were

1 in dispute with the Commission.

2 Q Okay. She called twice, you're saying?

3 A Yes, she did. July 26th, 2007, and August 20th,  
4 2007.

5 Q Okay. Okay. So after she called twice and was  
6 assured that she would not be disconnected, were  
7 disconnect notices suppressed after that?

8 A Let me look. One moment.

9 Q Okay.

10 A Following the formal complaint filing in August  
11 2007, yes, they were suppressed.

12 Q Okay. And -- and how long did they stay  
13 suppressed?

14 A They returned again then in October '07.

15 Q And did Dr. Harrison complain after they came  
16 back again in October '07?

17 A No. Not until she mentioned it again here at  
18 the April 23rd hearing.

19 Q The April 23rd, 2008, hearing?

20 A 2008. Right.

21 Q Okay. And by that time, had Laclede caught its  
22 error on -- on disconnect notices?

23 A Yes. March 31st, the error was caught, and  
24 Laclede entered the order again to suppress the disconnect  
25 notices.

1           Q     Okay.  What -- what does Laclede intend to do to  
2     avoid inadvertent disconnect notices in the future?  Do  
3     you know?

4           A     My understanding is that the Legal Department  
5     will take responsibility for that action.

6           Q     For renewing -- manually renewing the  
7     suppression of those notices?

8           A     That's correct.

9                     MR. ZUCKER:  Okay.  Thank you, Ms. O'Farrell.  I  
10    have no further questions.

11                    JUDGE PRIDGIN:  Mr. Zucker, thank you.  Any  
12    cross-examination?  Ms. Hernandez?

13                    MS. HERNANDEZ:  Yes.

14                                   CROSS-EXAMINATION

15    BY MS. HERNANDEZ:

16           Q     I would just like to clarify the months of  
17    estimation that you stated.  You stated that you sent an  
18    estimated bill for the service period ending December  
19    26th, 2006, and January 25th, 2007, and February 26th,  
20    2007; is that correct?

21           A     Yes.

22                    MS. HERNANDEZ:  Okay.  Can I approach the  
23    witness?

24                    JUDGE PRIDGIN:  You may.

25           Q     (By Ms. Hernandez)  I'll just hand you that

1 document. Now, do you recognize this document as the  
2 statement of bills and payments for Dr. Harrison's  
3 account?

4 A Yes, I do.

5 Q And the notation for January 17th, 2007, it  
6 states that the service dates were from November 17th,  
7 2006, to December 26th, 2006. And under the meter reading  
8 column, it states that it was an R, which, I believe,  
9 means actual read; is that correct?

10 A That's what the meter reading code was used in  
11 error. That code.

12 Q Can you explain that error?

13 A The first bill that was rendered was an adjusted  
14 bill, which is a manual process. And the ARC who entered  
15 the order put the R in there in error. But it was an  
16 estimated reading. There was no actual read obtained.

17 Q Okay. Thank you.

18 A Uh-huh.

19 MS. HERNANDEZ: I have nothing further. I'm  
20 just going to get the document.

21 JUDGE PRIDGIN: All right. Thank you.  
22 Dr. Harrison, any questions?

23 DR. HARRISON: Yes. Yes, I do have some  
24 questions.

25 CROSS-EXAMINATION

1 BY DR. HARRISON:

2 Q Hi, Rhonda.

3 A Hi.

4 Q Where were my bills mailed?

5 A Which -- the first bills? You're referring to  
6 the first three bills?

7 Q All. Estimated bills, where were those bills  
8 made? I didn't receive a bill until March.

9 A Right. The bills were --

10 Q And I moved into the house December 6th. Where  
11 did the bills go?

12 A They were being mailed to the builder.

13 Q Okay. I was being held responsible, then, for  
14 bills that were being mailed to the builder; is that  
15 correct?

16 A Yes, you are.

17 Q Okay. Now, last time we had a meeting, you  
18 asked me some questions about calling in for -- to make  
19 that first payment because I didn't have a bill in  
20 December. I called and made a payment. Were you able to  
21 find out how that payment -- how that call came to you?

22 A I'm not quite sure I understand your question.  
23 I'm sorry.

24 Q Okay. Let me try and restate it. There was a  
25 lot of question about the first payment that I made. You

1 just stated that the December bill went out to the  
2 builder.

3 A That's correct.

4 Q And when I called from Washington D.C. -- I was  
5 out of town at the time. I called from Washington D.C.  
6 to pay my bill. I didn't have a bill in hand. I didn't  
7 have anything from you guys.

8 When I called to make that payment, I was given  
9 information that said I -- I wasn't your customer. So I  
10 paid a random \$200. I'm asking you, was there any  
11 follow-up on your part -- from the last time we met, was  
12 there any follow-up as to how I paid that \$200 that --  
13 that random \$200?

14 MR. ZUCKER: Your Honor, I'm going to object to  
15 that question because it's not relevant to any of the  
16 issues in the -- in this second hearing. That was  
17 something that we went over in the first hearing. But  
18 it's -- it's not part of what we're trying to accomplish  
19 in this hearing.

20 JUDGE PRIDGIN: All right. I'll -- I'll  
21 overrule it and give Dr. Harrison some leeway since she's  
22 pro se.

23 DR. HARRISON: Thank you.

24 JUDGE PRIDGIN: If you could -- if you could  
25 re-ask your question -- I know it's difficult. If you



1     could try to have your questions have a more pointed --  
2     and, also, for my benefit because I was not here for the  
3     prior hearing, so --

4             DR. HARRISON: All right.

5             JUDGE PRIDGIN: All right. Thank you.

6             Q     (By Dr. Harrison) On December 29th of '06, I  
7     called and asked what amount did I owe on my bill because  
8     I didn't have one. Did you receive a call from me on  
9     December 29th?

10            A     One moment, please. There's no record of a call  
11     coming in between -- in December '06 from you.

12            Q     I spoke to someone named Linda. Do you have  
13     someone at your service desk name named Linda? That's the  
14     only name I was given. No last name.

15            A     I do not know if there's a Linda or not.

16            Q     Okay. Can you verify your phone number, (314)  
17     342-0500?

18            A     I don't know what -- that's not the generally  
19     phone number for customer service.

20            Q     Okay. Can you verify your metro -- I'm sorry --  
21     your number to pay the bill? Can you verify that number?  
22     If I gave you that, could you verify it?

23            A     Is that the third party you're referring to such  
24     as Choice Pay, et cetera?

25            Q     The -- I don't know the name of them. This is

1 part -- this is the number that I was given from Linda in  
2 your office and told to call and make my payment, and I  
3 did so. So I'm trying to get at that. If I gave you that  
4 phone number, could you verify that phone number?

5 A No.

6 Q Okay. If I gave you my account number and my  
7 receipt number, could you verify my payment? Could you  
8 verify that I made a payment of \$200 on December 29th of  
9 '06?

10 A I can verify that a \$200 payment was posted to  
11 the account that is associated with 40 Gateview Court on  
12 December 29th, 2006.

13 Q Thank you for verifying that. And would you  
14 again verify that you did not mail me a bill, but I paid  
15 you \$200; is that correct?

16 A I can verify that a bill was mailed to the  
17 builder. Whom the payment was received from, I cannot  
18 verify. It's just a \$200 payment. I don't know who --  
19 who made that.

20 Q Okay. Can you verify my payment of \$229.91  
21 cents mailed to you April 2nd -- on or about April 2nd?

22 A A \$229.91 payment was posted to the account at  
23 40 Gateview Court on April 3rd, 2007.

24 Q Thank you. And can you explain to me why you  
25 stated earlier that I have been late or -- or -- I was

1     assessed a deposit fee for being tardy, I guess, five  
2     months?

3           A     Well, in that particular payment situation, the  
4     late fee had already been assessed on March 26th, and the  
5     payment posted after the -- even the late fee was assessed  
6     on April 3rd. So that's a late payment.

7           Q     Okay.

8           A     Although payment was received, it was received  
9     after the delinquency date and after the late fee had  
10    already been assessed.

11          Q     All right. The -- the deposit fee that I was  
12    assessed, can you explain to me again why I was assessed a  
13    deposit fee? I guess you said that I was late five times  
14    or I failed to pay the correct amount five times?

15          A     Under Laclede tariffs, the deposit can be  
16    assessed if the customer fails to pay an undisputed bill  
17    five times out of twelve consecutive months.

18          Q     So that's why I was assessed the \$700 --

19          A     The \$700 -- yeah. 716 or whatever that amount  
20    was. Yes.

21          Q     Okay. So, again, no bills were mailed to me  
22    during the time that we had this -- this dispute. I  
23    didn't receive bills because they were being mailed to the  
24    builder; is that correct?

25          A     The first three bills were mailed to the

1 builder.

2 Q Okay. And since then when I've gotten my bill,  
3 the disputed amount has continued to be a part of my  
4 billing process; is that correct?

5 A Yes. As I previously testified, your balance  
6 has always hovered around the \$800 amount, which is the  
7 disputed amount.

8 Q Okay. And so if I'm paying an amount to you  
9 guys that I'm having to estimate because I've got to take  
10 out the \$800, I've got to take out the late fees and I  
11 have to take out the taxes that you were charging me, and  
12 then you added the -- the disconnect amount, so I've now  
13 got to deduct that, is it possible that I'm not paying the  
14 correct amount each month because now I'm estimating my  
15 bill every month? Is that a fair assessment? Those  
16 things I have to deduct from the bill every month in order  
17 to pay you?

18 A Well, there is no disconnect amount being  
19 charged to you. I'm not sure what you mean by that.

20 Q Not anymore. Not anymore. But as I was paying  
21 you, as we went through this process each month, it  
22 mounted, and I had to deduct more and more each month to  
23 get down to -- to drill down to what I actually owed you,  
24 what -- and I was having to estimate that. Could that  
25 account for why my bill might -- might look like I'm not

1    paying my bill correctly each month? I'm trying here. I  
2    -- I apologize for -- for my naivety, but I'm really  
3    trying. I was trying to pay my bill. So I'm asking you,  
4    could I have been paying the bill incorrectly since I was  
5    having to drill down myself to what was the actual bill?

6            A    You could have been paying the amount  
7    incorrectly. Yes.

8            Q    Thank you. Are you aware that my address has  
9    changed again?

10           A    I'm not quite sure. You're -- you've moved from  
11    40 Gateview Court?

12           Q    No, I have not. I have not moved. But I --

13                DR. HARRISON: And, your Honor, this is for your  
14    benefit.

15           Q    (By Dr. Harrison) The last time we spoke, the  
16    dispute about mailing me the bill had to do with my  
17    address being incorrect. And I explained to the Court  
18    that the address had changed several times. I want you to  
19    know right now that the address just changed again.

20                I haven't relocated. I haven't moved. I never  
21    did. But the -- the -- the concern the first time was you  
22    sent the bills to the builder because you didn't think I  
23    was living in the house. But you sent them in my name  
24    anyway.

25                JUDGE PRIDGIN: Is this a question,

1 Dr. Harrison?

2 Q (By Dr. Harrison) Yes. The question is, are  
3 you aware that my address has changed again so that we  
4 don't get into this not sending the bill to me again?

5 A I'm not aware of anything changing recently.

6 Q Okay. And it's really not necessary that you be  
7 aware because I'm still receiving the bill anyway. But --

8 DR. HARRISON: Thank you. I'm done.

9 MR. ZUCKER: Okay. I would just ask  
10 Dr. Harrison to get with us after the hearing and give us  
11 -- make sure our -- our information on her is updated so  
12 we can make sure the bill does get to her each month.

13 DR. HARRISON: I'd be happy to do.

14 JUDGE PRIDGIN: Okay. Dr. Harrison, any further  
15 questions?

16 DR. HARRISON: None. Thank you.

17 JUDGE PRIDGIN: All right. Thank you.

18 Mr. Poston?

19 MR. POSTON: Thank you.

20 CROSS-EXAMINATION

21 BY MR. POSTON:

22 Q I just really just want to follow up on some of  
23 the questions that Dr. Harrison was asking. She was  
24 indicating that she had to do some calculations herself  
25 to, I guess, subtract amounts that she didn't have to pay.

1 Would you agree that those were not actually calculated  
2 for her on her bill and that she had to do those  
3 calculations herself to pay what she was actually required  
4 to pay?

5 A Yeah. The -- the -- the bill does not take out  
6 the disputed amount. She would have to deduct disputed  
7 amount out of the balance to determine what to pay.

8 Q And is that -- is that normal for Laclede --

9 A Yes.

10 Q -- to leave the disputed amount in, to keep --

11 A Yes.

12 Q -- putting that on the bill?

13 A Yes.

14 MR. POSTON: Okay. Thank you. That's all.

15 JUDGE PRIDGIN: All right. Thank you. Let's  
16 see if we have any Bench questions. Commissioner Murray,  
17 any questions?

18 COMMISSIONER MURRAY: I don't believe so. Thank  
19 you.

20 JUDGE PRIDGIN: All right. Thank you. And I  
21 don't have any questions, and as such, no re-cross. Any  
22 redirect?

23 MR. ZUCKER: Just a few, your Honor.

24 REDIRECT EXAMINATION

25 BY MR. ZUCKER:

1           Q     Ms. O'Farrell, you were asked some questions  
2     about how the customer can tell what she should pay for  
3     the undisputed amount of the bill. Do you recall those  
4     questions?

5           A     Yes.

6           Q     I think we'd have a problem if you didn't recall  
7     them. First, let's look -- do you have the -- the bills  
8     and statements that Ms. Hernandez showed you?

9           A     Yes. I have a copy of that, also.

10          Q     Okay. Would you look at -- let's see --  
11     September 26th, 2007, bill?

12          A     Okay.

13          Q     And what amount is that bill? Or what is the  
14     amount of that bill?

15          A     I'm sorry. I don't have a ruler.

16          Q     You need a ruler?

17          A     Yeah. I'll have to make my own. The amount of  
18     the charge for gas service for that month was \$36.73, and  
19     the total amount due was \$848.73.

20          Q     Okay. And did Laclede receive any payment on  
21     that bill?

22          A     No. A late fee was assessed on October 19th,  
23     2007, of \$12.73 for a total of 861.46, no payment  
24     received.

25          Q     Okay. Each month that Laclede would send out a



1 bill there after we fixed the AMR in March 2007, was that  
2 bill based on an actual reading for that month?

3 A Yes. All the bills were issued for actual  
4 readings after the adjustment was issued.

5 Q And so would the bills say on them the amount  
6 due for that month's -- current month's bill?

7 A Yes. It states the current charge for gas  
8 service for the -- for the current month. And then any  
9 arrearages or other type billing item, service work, et  
10 cetera.

11 Q And would it also show the taxes due for that  
12 month's bill?

13 A Yes. It shows those separately.

14 Q So if the customer was to pay that month's bill  
15 plus the taxes for that month, would the customer then be  
16 paying the undisputed charges for that month?

17 A In this case, yes, she would have been.

18 Q Each -- each month?

19 A Each month.

20 Q So there was no need to make deductions? In  
21 other words, the amounts that would be undisputed for that  
22 month are set out on the bill? Do you agree with that?

23 A The current charge for gas service plus tax.  
24 And then the grand total was what was due less whatever  
25 she was in dispute in order to -- to know what to send a

1 payment in for. That's how I would do it.

2 Q Well, regardless of the total balance due, which  
3 may have included disputed amounts, if the customer wanted  
4 to pay that month's undisputed bill, the amounts that she  
5 would need to have paid are set forth on the bill as that  
6 current month's bill plus current month's tax; is that  
7 correct?

8 A That's correct. Those two items are itemized on  
9 the bill.

10 Q And, in fact, Dr. Harrison managed to pay that  
11 for most of the months involved, especially in the -- the  
12 summer and fall of 2007; isn't that correct?

13 A Let me review. One second. July and August  
14 '07, yes. September '07, no payment. October '07, she  
15 did make a payment after the bill was rendered.

16 MR. ZUCKER: Okay. Well, that's -- that's good.  
17 Thank you, Ms. O'Farrell. I have no further questions.

18 JUDGE PRIDGIN: All right. Thank you very much.  
19 Ms. O'Farrell, thank you very much. You may step down.  
20 Ms. Doerhoff will be Staff's witness?

21 MS. HERNANDEZ: That's correct.

22 JUDGE PRIDGIN: All right. We'll give Ms.  
23 O'Farrell a second to get her things together. And then,  
24 Ms. Doerhoff, if you'll take the stand, please. If you'll  
25 raise your right hand to be sworn, please.

1                               MARILYN DOERHOFF,  
2   being first duly sworn to testify the truth, the whole  
3   truth, and nothing but the truth, testified as follows:

4                               DIRECT EXAMINATION

5   BY MS. HERNANDEZ:

6                               JUDGE PRIDGIN: Thank you, so much. Ms.  
7   Hernandez, when you're ready.

8               Q     (By Ms. Hernandez) Good morning.

9               A     Good morning.

10              Q     Please state your name and spell it for the  
11   record.

12              A     Marilyn Doerhoff, M-a-r-i-l-y-n D-o-e-r-h-o-f-f.

13              Q     Thank you. And we covered a lot of these  
14   questions in the last hearing, but I'll ask them again  
15   just so they're on this record as well. Where are you  
16   employed?

17              A     With the Missouri Public Service Commission.

18              Q     And what is your job title?

19              A     I'm a Consumer Services Coordinator.

20              Q     And your job duties?

21              A     My job duties are to ensure that the rules and  
22   regulations under the tariffs of the companies are  
23   followed by the companies and there's no violation.

24              Q     So as part of your job, are you often asked by  
25   the Commission to give opinions regarding the rules?

1           A     Yes.

2           Q     And how long have you been employed with the  
3 Commission?

4           A     Since 2001.

5           Q     Okay. And has all that time been in the same  
6 position?

7           A     I started as a Consumer Services Specialist  
8 until 2007. And then I became -- I began my current  
9 position at that time.

10          Q     Okay. And there are four issues before the  
11 Commission to decide. And I'd like to ask you some  
12 questions about those issues. Okay. OPC stated in its  
13 post hearing brief entitled Brief of the Missouri Office  
14 of the Public Counsel, Part A that Laclede unlawfully  
15 estimated Dr. Harrison's usage. Have you read that brief?

16          A     Yes.

17          Q     Okay. Do you have a copy of the rules in front  
18 of you?

19          A     Yes, I do.

20          Q     Okay. Can you read for the -- for the record  
21 the language of 4 CSR 240-13.020(2)(b)?

22          A     A utility shall not render a bill based on  
23 estimated usage for more than three consecutive billing  
24 period or one year, whichever is less, except under  
25 conditions described in Subsection 2-A of this rule.

1           Q     Thank you.

2                   MS. HERNANDEZ: May I approach the witness,

3 please?

4                   JUDGE PRIDGIN: You may.

5           Q     (By Ms. Hernandez) I'll give you that document.

6           A     Thank you.

7           Q     Do you recognize this document as Laclede's

8 statement of bills and payments for Dr. Harrison's

9 account?

10          A     Yes.

11                  MS. HERNANDEZ: At this time, I'd like to move

12 to admit this as Staff's Exhibit A.

13                  JUDGE PRIDGIN: And I show actually in the last

14 hearing you had already offered Staff A, and it was

15 admitted, so I'd like to call this Staff B.

16                  MS. HERNANDEZ: Yes, your Honor.

17                  (Staff Exhibit B was marked for identification.)

18                  JUDGE PRIDGIN: All right. Thank you.

19                  MR. POSTON: Judge, I haven't seen a copy of

20 this.

21                  MS. HERNANDEZ: I --

22                  JUDGE PRIDGIN: If we could give Counsel a

23 chance to look at it.

24                  MS. HERNANDEZ: Sure. These are the copies I

25 e-mailed to everyone, and I do have copies today.

1           MR. POSTON: Okay. So this is the one that is  
2 from the dates November '06 through June '08; is that  
3 right?

4           MS. HERNANDEZ: It would be July 2008, I believe.  
5 It's the last notation on the statement. I can give you  
6 just a copy of that if you want it.

7           MR. POSTON: Okay.

8           MS. HERNANDEZ: And may I approach, your Honor?

9           JUDGE PRIDGIN: You may.

10          MR. POSTON: Judge, I have no objections.

11          MS. HERNANDEZ: Should I hand that to the  
12 Commissioner?

13          COMMISSIONER MURRAY: Thank you.

14          MS. HERNANDEZ: You're welcome. This is Staff  
15 Exhibit B?

16          JUDGE PRIDGIN: That's correct. Staff Exhibit E  
17 -- excuse me -- B, as in boy. And, Ms. Hernandez, you  
18 offered this? Did you offer this into evidence?

19          MS. HERNANDEZ: Yes, your Honor.

20          JUDGE PRIDGIN: All right. Any objections?

21          MR. ZUCKER: No objection.

22          JUDGE PRIDGIN: All right. Hearing none,  
23 Exhibit B is admitted.

24                 (Staff Exhibit was offered and admitted into  
25 evidence.)

1           Q     (By Ms. Hernandez) For how many billing periods  
2 did Laclede estimate Dr. Harrison's bill?

3           A     According to this information, I can see two  
4 estimated bills based on the notation after the meter  
5 readings.

6           Q     Do you remember the testimony that Laclede's  
7 witness gave regarding the notation of the January 17th,  
8 '07, mark on the statement?

9           A     Yes, I do.

10          Q     Okay. And can you just state that again for the  
11 record, why that --

12          A     Yes. What -- what Ms. O'Farrell had stated was  
13 that that R on there was inadvertently done by a -- a  
14 person at Laclede, an employee of Laclede.

15          Q     So Laclede did not estimate for longer than  
16 three months? Is that your --

17          A     That's my opinion. Yes.

18          Q     Okay. When Laclede estimated Dr. Harrison's  
19 bill for three billing periods, was that action within  
20 4 CSR 240.013.020(2)(b)?

21          A     Yes

22               MR. POSTON: Judge, I'm going -- I'm sorry. I'm  
23 going to object to a layperson testifying as to -- or  
24 interpreting the Commission's rules.

25               JUDGE PRIDGIN: I'll overrule it. I mean, she's

1 entitled to -- she's already read the rule in the record.

2 With that objection, I'll let her give her opinion.

3 You're certainly free to cross-examine.

4 MS. HERNANDEZ: Okay. May I approach the  
5 witness again?

6 JUDGE PRIDGIN: You may.

7 Q (By Ms. Hernandez) All right. Do you recognize  
8 the document in front of you as Laclede's tariff sheet R-8  
9 that addresses meter tests and billing adjustments?

10 A Yes.

11 MS. HERNANDEZ: Okay. I'd like to have this  
12 admitted into the record as Staff's Exhibit C. I also  
13 e-mailed this, and I'll hand out copies. May I approach?

14 JUDGE PRIDGIN: Yes, you may. And this looks to  
15 be -- I'm sorry, Ms. Hernandez, you offered this?

16 MS. HERNANDEZ: Yes. I'm offering into  
17 evidence.

18 JUDGE PRIDGIN: Yes. I looks to be Laclede's  
19 PSC Missouri Required Consolidated Fifth Revised Sheet No.  
20 R-8. Does anyone have any objections?

21 MR. ZUCKER: No, your Honor.

22 MR. POSTON: No.

23 JUDGE PRIDGIN: Hearing none, C is admitted.  
24 Staff C is admitted, rather.

25 (Staff Exhibit C was admitted into evidence.)



1 MS. HERNANDEZ: Thank you.

2 Q (By Ms. Hernandez) Could you read the last  
3 paragraph under A meter test and billing adjustments meter  
4 tests?

5 A In the event of the stoppage or the failure of  
6 any meter to register, the customer shall be billed for  
7 such period on an estimated -- estimated consumption based  
8 upon his use of gas in a similar period of like use.

9 Q Thank you. Now, I'd like you to read  
10 4 CSR 13.015 (1)(m), the definition of estimated bill.

11 A Estimated bill means a charge for utility  
12 service which is not based on an actual reading of the  
13 meter or other registering device by an authorized utility  
14 representative.

15 MS. HERNANDEZ: I have a lot of documents. Can  
16 I approach again?

17 JUDGE PRIDGIN: You may.

18 Q (By Ms. Hernandez) Now, the document you have  
19 in front of you, do you recognize that as the definition  
20 section of Laclede's current tariff?

21 A Yes.

22 Q Can you read the definition of estimated bill  
23 from their tariff?

24 A A bill for utility service which is not based on  
25 an actual reading of the meter or other registering device

1 by an authorized company representative.

2 Q Okay. So both definitions basically say the  
3 same thing?

4 A Yes, ma'am.

5 Q OPC claims that Laclede's tariff does not apply  
6 to Dr. Harrison's complaint because the tariff is limited  
7 to instances where the meter stops or fails to register  
8 usage. What do you think of this argument?

9 A Of the -- of the statement from OPC?

10 Q Correct.

11 A Yes. I -- I feel that the -- the meter -- the  
12 AMR device is a part of the meter, and it did stop  
13 registering usage, so they didn't get a reading. And so  
14 it -- the AMR becomes a part of the meter.

15 Q Okay. Thank you. So based on the testimony of  
16 the relationship with the AMR device with the meter and  
17 the definition of an estimated bill, was Laclede's action  
18 of estimating Dr. Harrison's bill when the AMR failed, was  
19 that within the Commission approved tariff provisions for  
20 meter tests and billing adjustments?

21 A Yes.

22 MS. HERNANDEZ: Okay. May I approach again?

23 JUDGE PRIDGIN: You may.

24 Q (By Ms. Hernandez) Do you recognize the  
25 document in front of you as Laclede's tariff sheet R-40 on

1 usage estimating procedure?

2 A Yes.

3 MS. HERNANDEZ: At this time, I would like to  
4 move to have this admitted as Staff's Exhibit -- is it C  
5 now? D?

6 JUDGE PRIDGIN: I have D.

7 MS. HERNANDEZ: D.

8 JUDGE PRIDGIN: And it's certainly up to you,  
9 Ms. Hernandez. We can do this, and we can also take  
10 notice of it unless the parties object. It's certainly up  
11 to you.

12 MS. HERNANDEZ: I was just doing it for the  
13 convenience of the Commissioners having it right there in  
14 front of them.

15 JUDGE PRIDGIN: That's fine. Whichever way.  
16 This will be Staff D, as in David?

17 MS. HERNANDEZ: Correct.

18 JUDGE PRIDGIN: Okay.

19 MR. POSTON: Judge, I would like the Commission  
20 to take notice of -- of the entire tariff.

21 JUDGE PRIDGIN: That's -- that's fine. That way  
22 we don't have to piece meal and go through these tariff  
23 sheets. You're certainly free to speak about them because  
24 they are -- they're tariffs. So are you still offering  
25 this, then?

1 MS. HERNANDEZ: Yes.

2 JUDGE PRIDGIN: Okay. Well, she's still offered  
3 this as D. Are there any objections? No objections. And  
4 the Commission will admit Staff D and will certainly take  
5 notice of the tariffs that Laclede currently has on file.

6 (Staff D was offered and admitted into  
7 evidence.)

8 MS. HERNANDEZ: Thank you.

9 Q (By Ms. Hernandez) Can you read the language of  
10 the first paragraph?

11 A The usage estimating procedure utilized by  
12 Laclede involves the development and periodic review of  
13 factors for each customer based on past usage for the  
14 premise where possible and upon system averages where this  
15 is not possible.

16 Q And in Dr. Harrison's case, can you explain how  
17 the bills were estimated?

18 A I would explain that they were estimated based  
19 on their tariff.

20 Q Were there any factors used by Laclede from your  
21 review of the information in the previous testimony given?  
22 What factors were used by Laclede to estimate  
23 Dr. Harrison's bill?

24 A I would say it was system averages because there  
25 were none available for her current residence.

1           Q     Okay. Okay. And in your opinion, based on the  
2     language of the usage estimating procedure, was the  
3     procedure Laclede used within -- I'm sorry. Was the  
4     procedure they used lawful?

5           A     Yes.

6           Q     So with Issue 1 before the Commission, Staff  
7     finds no violation on Laclede's part; is that correct?

8           A     That's correct.

9           Q     All right. Now, on OPC's post-hearing brief,  
10    Part B, OPC asserts that Laclede unlawfully adjusted  
11    Dr. Harrison's bill. Have you read that section of the  
12    brief?

13          A     Yes.

14          Q     Would any Commission rule allow Laclede to  
15    estimate Dr. Harrison's bill?

16          A     Yes.

17          Q     And is that Section 4 CSR 240.13.020(2)(b)?

18          A     Yes. Yes.

19          Q     Okay. Now, OPC requests that the disputed  
20    amount charges on the adjusted bill be removed. What is  
21    your opinion?

22          A     Could you repeat that?

23          Q     Sure. OPC requests that the disputed amount,  
24    that being somewhere around \$800, be removed from  
25    Dr. Harrison's account. What's your opinion on having

1 that removed?

2 A My opinion is that, based on the meter readings  
3 that they obtained when they got the AMR corrected, it  
4 appears that it is her actual usage. Therefore, it is  
5 properly billed.

6 Q And is it Staff's belief that it's a better  
7 policy for the individual who uses the services to  
8 actually pay for them than to pass them on in -- in  
9 increased rates?

10 A That is Staff's belief. Yes.

11 Q All right. Now, OPC's post-hearing brief, Part  
12 C states Laclede violated 4 CSR 240.13.030 regarding  
13 deposits. Have you read that section of the brief?

14 A Yes.

15 Q And you -- you still have the definitions?

16 A Yes.

17 Q Are -- or I'm sorry. The rules in front of you?

18 A Yes.

19 Q Can you read the Commission's definition of  
20 deposit?

21 A Deposit means a money advanced to a utility for  
22 the purpose of securing payment of delinquent charges  
23 which might occur to the customer who made the advance.

24 Q Okay. And there's also a definition of deposit  
25 within Laclede's tariff. Can you read that?

1           A     A money advanced to the company for the purpose  
2     of securing payment of delinquent charges which might  
3     encourage the -- to the customer who made the advance.

4           Q     Are those two definitions approximately the  
5     same?

6           A     Yes.

7           Q     Based on the statement of account, was a deposit  
8     ever advanced by Dr. Harrison to Laclede?

9           A     No.

10          Q     And was the issue of an assessed deposit raised  
11     in Dr. Harrison's filed complaint?

12          A     No.

13          Q     And do you remember how the issue was resolved  
14     at the last hearing, the issue of deposit?

15          A     The issue of deposit was resolved actually prior  
16     to the hearing based on Laclede's actions of removing that  
17     deposit when they found that it had been assessed.

18          Q     Okay. Thank you. And Part D of OPC's  
19     post-hearing brief states Laclede violated 4 CSR  
20     240.13.050 regarding disconnection. You've read this  
21     section of their brief?

22          A     Yes.

23          Q     And how is discontinuance of service or  
24     discontinuance defined in 4 CSR 240-13.015(k)?

25          A     Discontinuance of service or discontinuance

1 means a cessation of service not requested by a customer.

2 Q And was Dr. Harrison's service ever  
3 disconnected?

4 A No.

5 Q So the four issues before the Commission to be  
6 decided, is it Staff's belief that Laclede violated none  
7 of those issues?

8 A That's correct.

9 Q Okay. Thank you.

10 JUDGE PRIDGIN: Ms. Hernandez, thank you. Let's  
11 see if we have any cross-examination. Mr. Zucker?

12 MR. ZUCKER: One -- one moment, your Honor.

13 JUDGE PRIDGIN: Certainly.

14 MR. ZUCKER: Just a few.

15 CROSS-EXAMINATION

16 BY MR. ZUCKER:

17 Q Good morning, Ms. Doerhoff.

18 A Good morning.

19 Q After the -- after the deposit was assessed to  
20 Dr. Harrison's account in early 2008, did you receive any  
21 contact from Dr. Harrison complaining about the deposit?

22 A No.

23 Q To your knowledge, did anyone at Staff receive  
24 such a complaint?

25 A No.



1           Q     Had you received a complaint about a deposit,  
2     what would you have done?

3           A     I would have asked for documentation from you to  
4     verify if the deposit had been assessed.

5           Q     Okay. You would have contacted Laclede?

6           A     Laclede. Yes, sir. I'm sorry. Yes. I would  
7     have contacted Laclede.

8           Q     And did you receive any contact from  
9     Dr. Harrison after she filed her complaint in August 2007  
10    complaining about disconnect notices being sent to her?

11          A     No.

12          Q     To your knowledge, did anyone at Staff receive  
13    such a complaint?

14          A     No.

15          Q     Had you received a complaint about disconnect  
16    notices, would you have contacted Laclede about them?

17          A     Yes.

18                MR. ZUCKER: Thank you. That's -- no further  
19    questions.

20                JUDGE PRIDGIN: Mr. Zucker, thank you.  
21    Dr. Harrison, any questions?

22                DR. HARRISON: Yes.

23                               CROSS-EXAMINATION

24    BY DR. HARRISON:

25          Q     Hi.

1           A     Hi.

2           Q     At what point did you notify me that I had the  
3     right and the responsibility to notify you about a  
4     disconnect notice?

5           A     I did not receive anything -- any kind of  
6     notification from you, so I would not have been aware of  
7     any disconnection notice from you.

8           Q     And, likewise, I would -- I did not receive  
9     anything from you, so I didn't know I was supposed to  
10    notify you.

11                Now, about the deposit, same question. Did you  
12    notify me that I was supposed to tell you when there was  
13    an error on my bill or a problem that I was supposed to  
14    contact you guys and discuss it?

15          A     No.

16          Q     Okay. You spoke about my similar period of  
17    usage.

18          A     Uh-huh.

19          Q     Can you define that for me?

20          A     Similar period of usage?

21          Q     Yes.

22          A     I would -- I would assume that -- the -- the  
23    Commission allows the companies to do an estimates based  
24    on factors that they have in their tariffs. And one of  
25    those is similar usage. And it would be similar usage of

1 possibly the neighborhood or -- or something of that  
2 nature.

3 We leave that up to the company to -- to make  
4 those factors, you know, to set those factors in their --  
5 in their estimation procedure.

6 Q So when my bill came and it was -- it stated  
7 that my -- the bill was actually \$1200 when it got to me,  
8 and it actually stated that this bill was based on past  
9 usage.

10 Now, the house -- I -- the house became open for  
11 usage -- it was built and occupied December 6th. So what  
12 past usage are we referring to? And by the way, it was  
13 the first house in the community, so there was no other --

14 A Okay. I would -- I would not really know that  
15 because that would have been something that Laclede would  
16 have been putting into their -- into their estimation. So  
17 I'm -- I'm not sure I'm understanding. Similar usage, you  
18 know, that's just something that they use in their -- for  
19 their estimating procedures. And I -- I would say that it  
20 would be based on what they -- what they consider as  
21 similar usage.

22 Q Okay. You just read a statement that included  
23 the terms estimated based on system averages.

24 A Uh-huh.

25 Q What's system averages? What is that?

1           A     I don't know.

2           Q     Okay.  And when the AMR failed and you  
3     considered it a part of the meter, why didn't you guys  
4     just give me a new meter?

5           A     I cannot give you a new meter.  I'm with the  
6     Commission.  That would be something you would have to ask  
7     Laclede.

8           Q     Okay.

9           A     Okay.

10          Q     And since I had no knowledge that all of this  
11     was taking place, that anything was even failing, was I  
12     supposed to know to ask for this?  Is there something that  
13     I missed?  Did you guys send me something?  Was there  
14     something I should have known so that I would ask for a  
15     new meter?

16          A     The Commission would not have been aware of the  
17     problem, so I couldn't -- I can say no, I would not have  
18     been able to assist you with that because we're not aware  
19     of that.

20          Q     Okay.

21          A     That's, you know --

22          Q     You can't ask for what you don't know about?

23          A     That's right.

24          Q     The position I'm in.  Now, Laclede has stated  
25     that the reading in January that has an R beside it was

1 actually estimated; is that correct?

2 A That's correct.

3 Q So that was an error on their part?

4 A Yes.

5 Q Okay.

6 A Yes.

7 Q The AMR failed twice; is that correct?

8 A From what Laclede has testified, yes.

9 Q Okay. They repaired it in January, thought it  
10 was repaired and discovered in March that it wasn't, so  
11 repaired it again in March.

12 A Uh-huh.

13 Q So the AMR failed twice; is that correct?

14 A From Laclede's testimony, yes.

15 Q Okay. Was that an error on their part?

16 A Was it an error on their part that the AMR  
17 didn't -- did not work correctly? I don't -- I don't -- I  
18 can't answer that because I -- I'm not really sure why the  
19 AMR was not registering. You know, I'm not sure what the  
20 problem was with it.

21 Q Well, in R-8, Section 10, under A, the first  
22 paragraph, the first sentence says that the meters are the  
23 property of the company and are subject to testing, et  
24 cetera by the company. So is that the company's  
25 responsibility?

1           A     The company is responsible for their meters and  
2     the functioning of them, yes.

3           Q     Thank you.

4           A     Uh-huh.

5           Q     Even though when I contacted your company in  
6     June, June 7th, I believe -- yeah. June 2nd. June 2nd.  
7     I spoke with a Ms. Patterson, and I requested a freeze for  
8     the \$803 that was unresolved. I told her that I had never  
9     missed a payment, and I -- I filed the paperwork to  
10    dispute. Even though we made that agreement, I still  
11    received disconnect notices. Should I have received  
12    disconnect notices?

13          A     I -- I need to clarify first that Ms. Patterson  
14    is not part of the Commission. I -- we don't have a Ms.  
15    Patterson in our area.

16          Q     On June 2nd of '07, you did. I spoke to her at  
17    2:35 p.m.

18          A     Not --

19          Q     And at this telephone number (800) 392-421 and  
20    the last number is cut off.

21          A     I'm sorry. But I am not aware of a  
22    Ms. Patterson of working at the Commission.

23          Q     Okay. She got me the paperwork.

24          A     Okay. Well, I -- I -- I don't know if you  
25    possibly may have put a wrong name down. But we do not

1     have a Ms. Patterson.

2           Q     Okay.

3           A     Okay.

4           Q     And on the 4th, I spoke to a Darrel from your  
5     office. Do you have a Darrel?

6           A     Yes, we do.

7           Q     Okay.

8           A     Yeah.

9           Q     He knew about Ms. Patterson.

10          A     He knew about Ms. Patterson?

11          Q     Yeah. He followed up. I have my documentation  
12     right here.

13          A     Okay. Well, that's --

14          Q     That's okay.

15          A     You know, I'm just saying that possibly Ms.  
16     Patterson -- or excuse me -- Ms. Patterson, you know, you  
17     maybe had a mis -- confusion with the name because, again,  
18     I'm sorry, we do not have a Ms. Patterson in our office.

19          Q     I understand.

20          A     Okay.

21          Q     All right.

22          A     All right. But we do have a Darrel.

23          Q     Okay.

24          A     Okay.

25          Q     Okay. Now, when I spoke to whoever I spoke

1 to --

2 A Okay.

3 Q -- and asked that these things happened and file

4 the paperwork, should I have received disconnect notices?

5 A Until an actual complaint is filed --

6 Q I did file.

7 A Okay. You filed -- you filed the --

8 Q Following -- following all of this, should I

9 have been getting disconnect notices?

10 A There again, that would be something that

11 Laclede should note in their system and -- and, no, once

12 -- you know, once a complaint is filed, it is -- we do ask

13 that the company suspend any -- any disconnection notices

14 or anything of that nature.

15 Q And I appreciate you doing that because each

16 month when I got that, my heart stopped.

17 A I understand.

18 Q I have a teenage boy, and I didn't want him in

19 jeopardy.

20 A Yes.

21 Q Now, was that an error on Laclede's part?

22 A It was an error that they -- you know, that they

23 left the -- you know, that they failed to continue to

24 suppress it, yes. I would agree that that would be an

25 error.



1           Q     Okay.  Then as time went on, a deposit was  
2     assessed to my bill for over \$700.  Was that an error?

3           A     Technically, probably not based on Ms.  
4     O'Farrell's testimony.

5           Q     Clarify that for me.

6           A     Because -- well, you had -- you had an  
7     undisputed amount that was not paid based on something  
8     that Ms. O'Farrell had testified.  You had missed a  
9     payment and there were late charges.  So, technically, the  
10    system was allowed to -- or the company was allowed to  
11    assess a deposit.

12          Q     I'm -- I'm not aware of a payment that I missed.  
13    But do we assess deposits based on a payment that is  
14    missed?

15          A     If you're late -- again, Ms. O'Farrell indicated  
16    that if you're late five out of seven periods, then the  
17    deposit can be assessed.

18          Q     Okay.

19          A     Okay.

20          Q     All right.  So we have failed AMR.  We have a  
21    January bill that was marked in error.  We have estimated  
22    bills.  And to my -- and according to my notes, the first  
23    billing for me should have been from November 17th to  
24    November 26th.  The second billing would have been  
25    November 26th to December 26th.  The third billing with

1 have been December 26th to January 26th. The fourth  
2 billing would have been January 26th to February 26th.  
3 And then the fifth billing, I cut that one off at March  
4 7th, from February 26th March 7th. Those are the five  
5 bills that I should have received before I got the \$800  
6 bill.

7 JUDGE PRIDGIN: Was that a question?

8 DR. HARRISON: Yes.

9 JUDGE PRIDGIN: Do you know what the question  
10 is? Because I don't.

11 Q (By Dr. Harrison) Yes. The question is was  
12 that an error?

13 A According to the company's records that they  
14 supplied to us, you had received three billings prior to  
15 the March -- March -- period ending March 27th, which  
16 would have been issued on -- bear with me just a moment.

17 Q Sure.

18 A On April the 13th. So according to the  
19 information that we obtained from Laclede, the -- the  
20 account at 40 Gateway Court -- 40 Gateview Court was  
21 billed three times prior to that April 13th bill.

22 Q Where was the -- where were those bills mailed?

23 A According to the testimony of Ms. O'Farrell,  
24 prior to the -- there again, I'm not aware of the date.  
25 The first three bills were mailed to your builder's

1 address.

2 Q Okay. So I did not receive the bill; is that  
3 what you're saying?

4 A I'm saying that it -- yes. It was mailed to an  
5 incorrect address, as Ms. O'Farrell has testified.

6 Q All right. So to recap, the January bill was in  
7 error. The AMR failed twice. The bills were estimated.  
8 And to my knowledge, they were estimated five times or I  
9 received billing five times through five periods. I  
10 received disconnect notices in error. And the \$700 was  
11 inadvertently given to me.

12 And now we have that I wasn't even billed. The  
13 builder was billed for the first three months that I was  
14 in the home. Now, are those -- are those correct  
15 statements? Those were errors that were made on the part  
16 of Laclede Gas?

17 MR. ZUCKER: I'm going to object, your Honor.  
18 Again, this isn't relevant to the issues that we're here  
19 for at this second hearing.

20 JUDGE PRIDGIN: Well, I'm -- I'm going to  
21 sustain them on the basis of asked and answered. I've  
22 read the record and heard this and I've heard this before  
23 this morning, so if we could --

24 Q (By Dr. Harrison) Okay. My final question,  
25 then, would be am I to believe, then, that given the

1 errors that have already happened to me personally at the  
2 hands of Laclede Gas that they are not in error in  
3 estimating my bill at the amount of 800-some-odd dollars  
4 for a period of which a -- a factor in billing was broken  
5 twice?

6 A Okay. What -- what -- what the Commission is  
7 looking at is it's looking at the adjusted bill that was  
8 based on your actual usage per the meter that was -- was  
9 put at your location. It was -- it was installed at your  
10 location. And the billing that the April 13th billing --  
11 April 13th, '07 bill was based on actual usage from --  
12 from the meter, from the -- what the meter had registered.

13 Q Even though the meter was wrong twice, it was  
14 broken, it was down, the system was down --

15 A The AM -- the AMR was not -- was not registering  
16 the usage to them. It wasn't transmitting usage to them.  
17 But the actual meter was registering your usage based on  
18 the information this we obtained from Laclede.

19 Q And when did they send people out to read the  
20 meter?

21 A Whenever they -- when Ms. O'Farrell said that  
22 they came to repair the AMR, they found that the AMR was  
23 not registering. So they came out, and they had -- they  
24 asked that, you know, a technician check that. And then  
25 at that time, they did obtain readings.

1           Q     And they threw that reading out. They said it  
2     was incorrect.

3           A     That was a -- an assumption made by Laclede.  
4     Yes. They felt that that was a wrong reading, so they --  
5     they did not use it. But the second time that they  
6     repaired the AMR, they did determine, then, that that was  
7     a good reading, and they then proceeded to -- to use it as  
8     a billing -- as a billing for your account.

9           Q     Thank you.

10          A     You're welcome.

11                JUDGE PRIDGIN: All right. Thank you.

12     Cross-examination, Mr. Poston?

13                MR. POSTON: Thank you.

14                               CROSS-EXAMINATION

15     BY MR. POSTON:

16           Q     I'd like to refer you to Staff's Exhibit C, if  
17     you could. This is portion of Laclede's tariff?

18           A     Uh-huh.

19           Q     And the section that you read into the record, I  
20     believe, it's the last paragraph of Section A?

21           A     Yes. Uh-huh.

22           Q     And what is the title of the section that you  
23     read that paragraph of?

24           A     The title of the section, Meter Tests and  
25     Billing Adjustments.

1 Q And what's the subsection?

2 A A, Meter Tests? Is that what you're asking?

3 Q Yeah. Does that paragraph that you read have  
4 anything to do with meter tests?

5 A Have anything to do with meter tests?

6 Q Yes.

7 A I would say that it -- in the event of a  
8 stoppage or failure of a meter to register they may be  
9 billed estimated consumption.

10 Q Is there any reference to meter testing in that  
11 paragraph?

12 A No.

13 Q If you were looking for provisions in the  
14 Laclede's tariff regarding estimated billing procedures,  
15 would you look under a section entitled Meter Tests?

16 A I would look first for estimated procedure.  
17 Right.

18 Q Would you agree that the section that you read  
19 in that last paragraph would purport to allow estimated  
20 billing in a manner not allowed by the Commission's rules?

21 A Would -- could you repeat that?

22 Q Would you agree that that section purports to  
23 allow Laclede to estimate bills in a manner that's not  
24 allowed under the Commission rules for other gas  
25 companies?

1           A     Would it allow them to estimate it against the  
2 rules?

3           Q     Your -- your testimony was that their -- their  
4 estimating this bill was lawful because of this provision;  
5 is that correct?

6           A     I'm just -- I'm just stating that the -- you  
7 know, the tariff does allow that, that they can do an  
8 estimated, yes.

9           Q     Do the rules allow that? Or are you relying on  
10 this tariff provision to allow it?

11          A     No. Our rules do allow estimation of bills  
12 under 240-13.020, billing and payment.

13          Q     Where the meter stops to register?

14          A     It just says that they may -- may estimate a  
15 bill for three periods.

16          Q     Does it state in there that they can estimate  
17 bills because the meter has stopped to register?

18          A     No.

19          Q     And are you aware of Laclede requesting a  
20 variance to the Commission's rules?

21          A     No.

22          Q     Is Dr. Harrison's meter on the outside of her  
23 home?

24          A     I -- I am not sure. I -- I'm not -- I'm not  
25 sure. That would be something I -- you would have to ask

1     Laclede.

2           Q     If a meter is on the outside of someone's home,  
3     is it your understanding that a person looking at the  
4     meter could read the usage registered on the meter  
5     regardless of whether the AMR is sending a signal to  
6     Cellnet?

7           A     Yes.  It is.

8           MR. POSTON:  Thank you.  That's all I have.

9           JUDGE PRIDGIN:  All right.  Thank you.  Let's  
10    see if we have any questions from the Bench.  Commissioner  
11    Murray?

12           COMMISSIONER MURRAY:  No questions.  Thank you.

13           JUDGE PRIDGIN:  All right.  Thank you.  And I  
14    have no questions, so there will be no need for recross.  
15    Redirect, Ms. Hernandez?

16           MS. HERNANDEZ:  I know this is a short hearing,  
17    but could we possibly take a few minutes for a break,  
18    bathroom break?

19           JUDGE PRIDGIN:  How many questions do you have?

20           MS. HERNANDEZ:  How many?  I don't -- I only  
21    have a few.

22           JUDGE PRIDGIN:  Can you not wait?

23           MS. HERNANDEZ:  I'm pregnant.

24           JUDGE PRIDGIN:  I'm very sorry.  We'll go off  
25    the record.



1 (Break in proceedings.)

2 JUDGE PRIDGIN: All right. We're back on the  
3 record. Okay. We took a brief recess. And I believe we  
4 are back to a redirect examination of Ms. Doerhoff.  
5 Ms. Hernandez, any questions?

6 MS. HERNANDEZ: Yes. Thank you.

7 REDIRECT EXAMINATION

8 BY MS. HERNANDEZ:

9 Q When a customer of any utility has a complaint  
10 about something that's going on with their account, how --  
11 how does the Commission or Staff receive notice of that?

12 A The -- the customer notifies us of a problem  
13 that they are having with the company.

14 Q Is that the only way that we can be aware of  
15 something that's happening is through the customer calling  
16 us and telling us?

17 A Right. Right because the Commission does not  
18 have access to the utility's records. We do not have open  
19 access to that.

20 Q What about customer accounts? Do we have access  
21 to that openly?

22 A No.

23 Q And how do we gain access to that?

24 A By requesting it from the utility.

25 Q Does there have to be an initial request before

1 we -- before we can access it from the company?

2 A We have to have -- we have to have a request  
3 from the customer in order to be able to request those  
4 records.

5 MS. HERNANDEZ: Okay. I -- I believe that's  
6 all. Thank you.

7 JUDGE PRIDGIN: All right, Ms. Hernandez, thank  
8 you very much. All right. Ms. Doerhoff, thank you very  
9 much. You may step down. And according to the list of  
10 witnesses, I don't have any other witnesses.

11 I will await the transcript and then order  
12 briefs. Is there anything further from Counsel or the  
13 parties? Ms. Harrison? Excuse me. Dr. Harrison?

14 DR. HARRISON: Cindy will do.

15 JUDGE PRIDGIN: Thank you.

16 DR. HARRISON: And I'd like to thank everybody  
17 for all the time and effort that you put into looking into  
18 all of this, all of you. Thank you, Mr. Zucker, as well,  
19 and thank you, Rhonda, for all of the work that you guys  
20 put in. It's been a long haul, and it's been a lot of  
21 work. But I appreciate it. This is very important to me  
22 and to mine.

23 JUDGE PRIDGIN: All right. Dr. Harrison, thank  
24 you very much. Anything further before we go off the  
25 record? All right. Hearing nothing, thank you very much.

1 We will go off the record in Case No. GC-2008-0041.

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## 1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI )  
 )ss.  
4 COUNTY OF OSAGE )

5

6 I, Monnie S. VanZant, Certified Shorthand Reporter,  
7 Certified Court Reporter #0538, and Registered  
8 Professional Reporter, and Notary Public, within and for  
9 the State of Missouri, do hereby certify that I was  
10 personally present at the proceedings as set forth in the  
11 caption sheet hereof; that I then and there took down in  
12 stenotype the proceedings had at said time and was  
13 thereafter transcribed by me, and is fully and accurately  
14 set forth in the preceding pages.

15

16 IN WITNESS WHEREOF, I have hereunto set my hand and  
17 seal on September 3, 2008.

18

19

20

21 \_\_\_\_\_  
Monnie S. VanZant, CSR, CCR #0539

22 Registered Professional Reporter

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23 (Original exhibits were retained by the Public  
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