

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

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| Candace Taylor,      | ) |                                     |
|                      | ) |                                     |
| v.                   | ) | <b><u>File No. GC-2015-0143</u></b> |
|                      | ) |                                     |
| Laclede Gas Company, | ) |                                     |
| Respondent           | ) |                                     |

**NOTICE OF RECOMMENDED REPORT AND ORDER**

Issue Date: January 26, 2016

The regulatory law judge is issuing the attached recommended report and order. Under Commission rule 4 CSR 240-2.070(15)(H), this recommended report and order is subject to comments from parties. Any comments opposing the recommended order shall set forth reasons the order is unlawful, unjust or unreasonable. The Commission will then review the recommended order along with any comments and either reject or accept the order.

Any comments must be filed by February 5, 2016.

**BY THE COMMISSION**



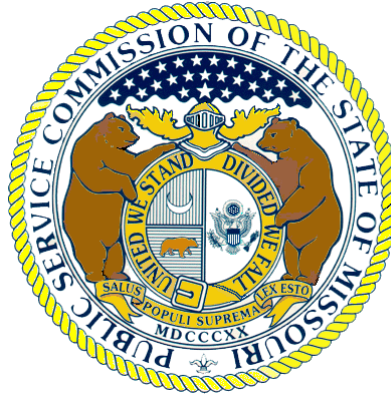
A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of January, 2016.

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



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**RECOMMENDED REPORT AND ORDER**

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**Issue Date:**

**Effective Date:**

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|                      | ) |                                     |
| Laclede Gas Company, | ) |                                     |
|                      | ) |                                     |
| Respondent           | ) |                                     |

## **Appearances**

Candace Taylor, *pro se*

Rick Zucker, for Laclede Gas Company

Marcella Mueth, for the Staff of the Commission

Judge: Kennard Jones, Senior Regulatory Law Judge

## **RECOMMENDED REPORT AND ORDER**

**Syllabus:** The Commission concludes that Laclede Gas Company has not violated any statute within the Commission's jurisdiction, the company's tariff, or any Commission rule or order.

### **Background**

Candace Taylor (Complainant) lived with her mother at 4656 Lee, in St. Louis. Her mother passed away and Complainant got married and moved out, but assumed responsibility for the house on Lee. Because the home was vacant, she contacted Laclede Gas Company with the apparent intention of minimizing the gas bill. Meanwhile, she also assisted an elderly neighbor with his gas bill at 4658 Lee.

After living at different addresses with her husband over about a two-year period, they moved to a home on Salida. Complainant then contacted Laclede about receiving service in her name on Salida. Laclede informed her about an arrearage from 4656 Lee.

Although she had been making random payments on the account, the arrearage had grown to over \$1,000.

Complainant filed this complaint not only because Laclede transferred that arrearage from 4656 Lee, but also because of the amount of the arrearage given conversations she had with Laclede about minimizing the bill at the vacant home. Complaint requests that the Commission direct Laclede to reduce the balance of the account to zero. Laclede posits that while managing accounts at both 4656 and 4658 Lee, Complainant may have confused her conversations with Laclede about those accounts.

## **Findings of Fact**

Complainant and Laclede agreed to certain facts. Those non-disputed facts are italicized in the findings below, while facts gathered from the record are in standard type.

1. *In 2011, Complainant lived with her mother in a home owned by her mother at 4656 Lee.*
2. *Complainant's mother passed away in 2011.*
3. *Complainant made several payments on the gas account at 4656 Lee in 2012.*
4. *Complainant got married and moved out of 4656 Lee in March of 2012 and moved in with her husband, Mr. Woodard, at 2358 Bramble, where her husband was the customer of record.*
5. *Gas service to 4656 Lee was disconnected in July 2012 with a final balance owed of \$356.19.*
6. *Complainant made a \$100 payment on the account in August 2012, reducing the balance to \$256.19.*
7. On October 8, 2012, Complainant called Laclede and requested that gas service be turned on the next day with budget billing for \$50/month.<sup>1</sup>
8. *In October of 2012, Laclede restored service to 4656 Lee.*
9. Complainant incorrectly assumed the bill would be \$30 per month.<sup>2</sup>
10. After service was initiated in Complainant's name at 4656 Lee, in October of 2012, bills were sent to that address until January 2014, when the post office informed

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<sup>1</sup> Transcript, page 47, lines 12-20 (summation of recorded conversation between Complainant and Laclede).

<sup>2</sup> Exhibit 1, the complaint.

Laclede of a forwarding address on Bramble. But bills mailed by Laclede were returned as undeliverable.<sup>3</sup>

11. When the company restored service in October of 2012, the account was zeroed out and began with a balance of \$50.90.<sup>4</sup>

12. *In the summer of 2013, Complainant and her husband moved to number 4 Laurel Court, which was not served by Laclede.*

13. *In the summer of 2014, Complainant and her husband moved to 3824 Salida, where they currently live, and Complainant opened up a gas account at that address under the name of Candace Woodard (her married name).*

14. With regard to 4656 Lee, from October of 2012 through June of 2014, Complainant was billed a total amount of \$2,094.71, made payments totaling \$1,020.00, leaving a balance on the account of \$1,074.71.<sup>5</sup>

15. The payments Complainant made were irregular and did not reflect the billed amounts.<sup>6</sup>

16. *In June of 2014, Laclede disconnected service at 4656 Lee.*

17. *Laclede alleges that Complainant was the customer at 4656 Lee from 2012 to 2014, and from that account owes \$1074.71. Complainant disputes this debt.*

18. *This complaint was initiated after Laclede transferred the debt of \$1074.71 from the Lee account to Complainant's account on Salida.*

19. *4656 Lee was vacant for the period of 2012 to 2014 covered by the account. Complainant has since leased out the residence.*

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<sup>3</sup> Transcript, page 80, line 23 to page 81, line 25.

<sup>4</sup> Exhibit 2 (spreadsheet showing billed amounts, payments and balances for several addresses).

<sup>5</sup> Exhibit 2 (spreadsheet showing billed amounts, payments and balances for several addresses).

<sup>6</sup> Exhibit 2 (spreadsheet showing billed amounts, payments and balances for several addresses).

20. Gas usage from October 2012 through June 2014 was normal for someone operating a home.<sup>7</sup>

21. The gas usage shown for 4656 Lee on Exhibit 2 is consistent with a thermostat being set at 68 degrees.<sup>8</sup>

22. The winter of 2013/2014 was very cold.<sup>9</sup>

23. On October 10, 2014, the meter at 4656 Lee tested within acceptable standards.<sup>10</sup>

24. Despite any confusion about where bills were to be mailed, of the 21 months comprising October 2012 through June 2014, Complainant made payments on the account in all but 6 months.<sup>11</sup>

25. *Mr. William Butler was the customer of record at 4658 Lee, which is next door to 4656 Lee, the relevant account.*

26. *During 2012 and 2013, Complainant assisted Mr. Butler in maintaining his gas account by making payments on the account. And, during 2013, there was a credit balance to the account.*

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<sup>7</sup> Transcript, page 71, lines 21-24.

<sup>8</sup> Transcript, page 73, lines 8-25.

<sup>9</sup> Transcript, page 74, lines 17-22.

<sup>10</sup> Exhibit 6 (meter test from October 2014); Transcript, page 80, lines 2-5.

<sup>11</sup> Exhibit 2 (spreadsheet showing billed amounts, payments and balances for several addresses).

## **Conclusions of Law**

The Commission has jurisdiction to hear this complaint.<sup>12</sup> The Complainant has the burden of proving that a utility has violated the law, its tariff or is otherwise engaging in unjust or unreasonable action.<sup>13</sup> Although Complainant does not call attention to any specific provision of law that the company may have violated, the facts of the complaint give rise to certain legal issues, which Staff raises: the accuracy of the company's meter at 4656 Lee; and, the transferring of a debt from a previous account to a customer's current account.

### **Meter Accuracy – 4 CSR 240-10.030(18)**

Rule 4 CSR 240-10.030(18) sets standards for meter accuracy. Because Complainant's allegations of overstated usage raise issues as to the accuracy of the bill, meter accuracy is relevant. The rule requires that no meter be mechanically defective or show an error in measurement in excess of 2% when passing gas. Further, two consecutive tests must not vary by more than 1/2 %.

A special meter test and supporting testimony shows that the meter tested within acceptable limits. The Staff of the Commission opines that Laclede has not violated any Commission rules. And moreover, Complainant, who has the burden of showing that the meter was defective, has not done so. The Commission concludes that Laclede has not violated 4 CSR 240-10.030(18).

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<sup>12</sup> Section 386.390.1, RSMo.

<sup>13</sup> *State ex rel GS Technologies Operating Co. Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 693 (Mo. App 2003).



Transfer of an unpaid balance to a subsequent account – 4 CSR 240-13.050(2)(B).

The rule, in part, states that, “. . . in the event of disconnection or termination of service at a separate residential metering point, . . . a utility may transfer and bill any unpaid balance to any other residential service account of the customer . . .”

An arrearage of \$1074.71 was recorded in June of 2014 at 4656 Lee. When the Lee account was terminated, that amount was transferred to Complainant's account on Salida. Laclede's transfer of the arrearage is not in violation of the Commission's rules.

Time in processing small complaints – 4 CSR 240-2.070(15)(G)

Delayed scheduling of prehearing conferences and efforts by the parties to resolve this complaint constitute good cause to extend the time for issuing this recommended report and order.<sup>14</sup>

**Discussion**

The Commission first notes that the findings concerning Mr. William Butler at 4658 Lee are relevant only to the extent that Laclede's theory is that Complainant, while managing the two accounts on Lee, has confused transactions and telephone conversations with Laclede about those accounts. Although that may be true, a determination in that regard is unnecessary to dispose of this complaint.

Complainant's position is that she understood that monthly payments for 4656 Lee would be around \$30. However, without the benefit of viewing the actual bills, Complainant made monthly payments in excess of \$30/month. That Complainant and the company agreed her monthly payments at 4656 Lee would be \$30/month is not supported by Complainant's actions or the record.

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<sup>14</sup> 4 CSR 240-2.070(15)(G).

What is apparent from the record is that Complainant requested service in October of 2012 and made irregular payments that did not reflect the billed amounts. After October of 2012, Complainant moved to two addresses where her name was not associated with Laclede gas service. The company therefore had no opportunity to transfer the arrearage from 4656 Lee to Complainant. Upon Complainant moving to Salida and requesting service in her name, Laclede then transferred the Lee arrearage to the Salida account.

Finally, 4656 Lee may have been vacant during the relevant time period. However, there is no evidence that Laclede did anything other than supply the amount of gas that was demanded. The cost of such is \$1074.71, which Complainant now owes. Although Complainant posits that the bill should not be that high because the property was vacant, an abnormally cold winter and evidence supporting the fact that there was usage, belies Complainant's position.

### **Decision**

The Complainant has not shown that Laclede violated the law, its tariff or any Commission rule. Complainant's request for relief is therefore denied.

**THE COMMISSION ORDERS THAT:**

1. The relief requested through this complaint is denied.
2. This order shall become effective on [issue date + 30 days].
3. This file shall be closed on [issue date + 31 days].

**BY THE COMMISSION**

Morris L. Woodruff  
Secretary

( S E A L )

[voting notation]  
and certify compliance with the  
provisions of Section 536.080, RSMo.

Dated at Jefferson City, Missouri,  
on this [DATE], 2016.