

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

Lynne P. Shewmaker,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2006-0549</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

**List of Issues, List of Witnesses, Order Of
Cross-Examination, and Statement of Positions on the Issues**

COMES NOW the Staff of the Missouri Public Service Commission, by and through the General Counsel and files its List of Issues, List of Witnesses, Order of Cross-Examination, and Statement of Positions on the Issues.

List of Issues

- 1. Has Complainant, Ms. Shewmaker, overpaid for gas service and is she due a refund?**

Staff's Position - Staff's review indicates that Laclede may have actually underestimated Ms. Shewmaker's usage. (See Fred Dir., Schedule 1.)

- 2. Did Laclede comply with the Commission's Rules for Billing and Payment Standards?**

Staff's Position - Yes and No. Rule 4 CSR 240-13.020 Billing and Payment Standards (2) (A) (3) states: "A utility may render a bill based on estimated usage – When the utility is unable to obtain access to the customer's premises for the purpose of reading the meter or when the customer makes reading the meter unnecessarily difficult. If the utility is unable to obtain an actual meter reading for these reasons, where practicable it shall undertake reasonable alternatives to obtain a customer reading of the

meter, such as mailing or leaving postpaid, preaddressed postcards upon which the customer may note the reading unless the customer requests others;”

Laclede was unable to gain access to the customer’s premises for the purpose of reading the meter, but failed to send notices and to leave postpaid preaddressed postcards for Ms. Shewmaker to conduct self-meter reads.

Commission Rule 4 CSR 240-13.020 (2) (B) states, “A utility shall not render a bill based on estimated usage for more than three (3) consecutive billing periods or one (1) year, whichever is less, except under conditions described in subsection (2) (A) of this rule;”. In the case of Ms. Shewmaker, the company rendered estimated bills for a period that exceeded the one (1) year timeframe allowed by Commission rule.

It is common for all utilities to estimate bills when access to a meter cannot be obtained. The company will continue to estimate the customer’s usage based on prior usage history of the customer rather than following their other alternative allowed by Commission rule 4 CSR 240-13-045 (3)¹ which would be to disconnect a customer’s service. During the winter, Staff prefers a customer’s usage be estimated rather than the customer being disconnected during cold weather.

3. Should Laclede be required to remove late fees from Complainant’s account?

Staff’s Position – No. Ms. Shewmaker has paid her bill late twenty-four (24) out of forty-one (41) months. Late fees are used to encourage customers to pay their bills on time and in full.

¹ Failure of a customer to participate with the utility in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer’s right to continuance of service and the utility, not less than five (5) days after provision of the notification required by section (9), may proceed to discontinue service unless the customer files an informal complaint with the commission within the five (5)-day period.

4. Is it necessary to have Ms. Shewmaker's meter tested by a third party?

Staff's Position – Not in Staff's opinion. Staff is satisfied with the meter testing done by company personnel.

Order of Witnesses

Lynne Shewmaker

John R. Chickey

Carol Gay Fred

James Gray

Order of Cross

OPC, Staff, Company

Staff, OPC, Complainant

Company, OPC, Complainant

Company, OPC, Complainant

WHEREFORE, Staff prays the Commission will by Order issue its Order of Witnesses and Order of Cross-examination.

Respectfully submitted,

/s/ Kevin A. Thompson

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Attorney for Staff

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been mailed, hand-delivered, transmitted by facsimile or electronically served this 25th day of June, 2007.

/s/ Kevin A. Thompson