

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

Gwenda Allen,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2007-0007</u></b>
	)	
Laclede Gas Company,	)	
	)	
Respondent.	)	

**STAFF INVESTIGATION REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through the Commission's General Counsel, and hereby submits Staff's Report of its investigation of the complaint brought herein by Complainant.

**WHEREFORE**, Staff moves the Commission to accept the attached Report.

Respectfully submitted,

/s/ Kevin A. Thompson  
**KEVIN A. THOMPSON**  
Missouri Bar Number 36288  
General Counsel

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
573-751-6514 (Voice)  
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kevin.thompson@psc.mo.gov

Attorney for Staff

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was mailed, hand delivered, transmitted by facsimile or electronic mail to all counsel of record, as shown below on this **4<sup>th</sup> day of January, 2007**.

Gwenda Allen  
4540 Lexington Ave., Apt. B  
St. Louis, MO 63166

Laclede Gas Company  
rzucker@lacledegas.com

Office of the Public Counsel  
opcservice@ded.mo.gov

/s/ Kevin A. Thompson

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

Gwenda Allen,

Complainant,

v.

Laclede Gas Company,

Respondent.

Case No. GC-2007-0007

**AFFIDAVIT OF CAROL GAY FRED**

STATE OF MISSOURI

COUNTY OF COLE

) ss

Carol Gay Fred, of lawful age, on her oath states: that she has knowledge of the matters set forth, in the Staff's Report; and that such matters are true to the best of her knowledge and belief.

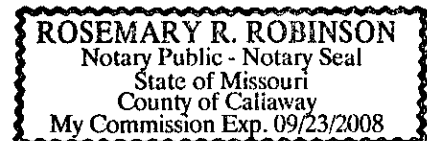
Carol Gay Fred  
Carol Gay Fred

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 2007.

My commission expires

9-23-2008

Rosemary R. Robinson  
Notary Public



## **REPORT OF THE STAFF**

TO: Missouri Public Service Commission Official Case File  
Case No.GC-2007-0007, Gwenda Allen, vs. Laclede Gas Company

FROM: /s/Carol (Gay) Fred, Consumer Service Department Manager

DATE: January 4, 2007

<u>/s/ Carol Gay Fred / 01/04/07</u>	<u>/s/ Kevin A. Thompson / 01/04/07</u>
Consumer Service Department/Date	General Counsel's Office/Date

On July 5, 2006, Gwenda Allen filed a formal complaint case against Laclede Gas Company (Laclede). However, Ms. Allen failed to clearly state the basis of her complaint and the relief she was requesting.

On July 6, 2006, A Notice of Deficiency was issued which listed the requirements under 4 CSR 240.070(5) for filing a formal complaint. The notice stated that until the complaint was brought into compliance no action would be taken on the complaint.

On August 31, 2006, a Notice of Pending Dismissal was issued, which stated that fifty-six days had passed since the Commission's Notice of Deficiency and Ms. Allen had not yet brought her complaint into compliance with the Commission Rule 4 CSR 240-070(5). The Notice of Pending Dismissal, however, allowed Ms. Allen thirty-four days to further prosecute her claim or to request a continuance or face possible dismissal on October 4, 2006.

On September 26, 2006, General Counsel filed a Motion For Staff Investigation And To Set Aside Notice Of Deficiency And Notice of Pending Dismissal And To Issue Notice Of Complaint, stating that the complaint may be a matter of public interest and potential danger to the health and welfare of the complainant and her family, with a winter without heat. The motion went on to state that the Commission should order the Staff investigate and report in this matter and to set aside the Notice of Deficiency and Notice of Pending Dismissal previously issued.

October 3, 2006, Laclede filed a Response To Motion For Staff Investigation, whereby, Laclede stated that it believe that Ms. Allen was aware and had availed herself of adequate resources for assistance in maintaining gas service. Laclede continued to explain that Ms. Allen had received the benefit of the heating assistance grant pledge in the amount of \$329.21 from the Great Things Incorporated Foundation which was applied to her account.

October 4, 2006, the Commission issued an order directing Ms. Allen to file a supplement to her filing by November 6, 2006, stating the nature of her complaint and her interest in the complaint in a clear and concise manner, stating the relief requested, and stating whether she has directly contacted Laclede about her complaint.

On November 6, 2006, the deadline for Ms. Allen's response passed and she failed to bring her complaint into compliance. She did not request a continuance, and did not file a pleading, as ordered, indicating any intention to further prosecute her complaint with the Commission.

On November 7, 2006, an order was issued ordering Gwenda Allen to file a pleading, no later than November 17, 2006, showing cause why her complaint against Laclede Gas Company should not be dismissed.

On November 28, 2006, Staff was order to contact Gwenda Allen and report by no later than December 7, 2006, if Ms. Allen wishes to further prosecute her complaint and state Ms. Allen's position in this matter

On December 14, 2006, Staff filed its report out of time due to the difficulty it had in reaching Ms. Allen. Staff stated in its report the number of attempts and other parties reached when attempting to contact Ms. Allen. Staff's report concluded that Ms. Allen was reached on December 8, 2006. Ms. Allen indicated she would like to pursue her formal complaint against the company. Her position is that the company is overcharging her. The company transferred \$1,143.81 to her current account from a prior account and she feels the amount is incorrect. Her service is currently shut off. Ms. Allen was advised that the energy assistance she referenced in her formal complaint was posted to her account. Ms. Allen stated she was in transit mode therefore she was unable to review the information she provided. Ms. Allen asked if it was okay to call Staff after she gets home and reviewed her account information. She was advised that yes she could and our office business hours; she agreed to call Staff before 5:00 p.m. To date, Ms Allen has not called the Staff back.

On December 14, 2006, an order was issued asking that Staff investigate and file a report no later than January 4, 2007.

On December 26, 2006, Laclede reported in their Answer and Motion To Dismiss Complaint, that Ms. Allen has also received additional assistance of \$300 from Dollar-Help and \$491 from the LIHEAP ECIP Program. Currently Ms. Allen's balance is \$394.59. Laclede also stated that Ms. Allen could have her services re-connected under the CWR with an initial payment of \$197.30 and the remaining balance placed on a CWR payment plan, however, given Laclede has been unsuccessful in contacting Ms. Allen, she may not be aware of this possibility.

On December 29, 2006, Staff again attempted to contact Ms. Allen to advise her of her current account balance and Laclede's offer of an initial payment of \$197.30 and the remaining balance on a cold weather rule payment arrangement, however, once the call connected it was immediately disconnected.

Staff found during its investigation of Ms. Gwenda Allen's current account that Staff had previously handled a complaint for Ms. Allen in 2003 that involved unauthorized usage of service and a defaulted accounted balance of \$1574.70. Staff, however, has investigated and reviewed all current account information of Ms. Gwenda Allen for both her previous residence of 4540 Lexington Ave., 1<sup>st</sup> Floor and her current residence of 3228 W. Milton Ave. In Staff's review of Ms. Allen's account at the 4540 Lexington Ave. location, it was determined that service terminated July 22, 2005 with an account

balance of \$1237.15, which later transferred to the 3228 W. Milton Ave. location when service was established there on December 20, 2005, by Ms. Allen. From December 20, 2005 to May 15, 2006, there have been five payments made on the account totaling \$778.78; therefore as of May 15, 2006, Ms. Allen's account balance was \$1,114.81.

Since May 15, 2006, Laclede has received funding of \$300 from Dollar-Help and \$491 from the LIHEAP ECIP program, which leaves a current balance of \$394.59. Laclede has stated in their answer and motion to dismiss complaint filed December 26, 2006, that Ms. Allen can re-connect her service under the cold weather rule with an initial payment of \$197.30, which is considerably less than the eighty percent (\$315), that could be requested by the company, under the Commission's cold weather rule.

Staff concludes, based on the information provided by Laclede and the lack of any addition information or contact by Ms. Allen, that it does not appear that Laclede is in violation of any Commission rule, nor does it appear that Ms. Allen has submitted any information to deny either the facts discovered by Staff or the allegations made by Laclede. Staff therefore recommends that the Commission dismiss this complaint case based on the processes and procedures followed, which are in compliance with Laclede's filed and approved tariff as well as with the Commission's Rules.