

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Timothy M. Woodbury,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2007-0198</u>
)	
Laclede Gas Company,)	
)	
Respondent.)	

ORDER DIRECTING FILING

Issue Date: January 12, 2007

Effective Date: January 12, 2007

On November 27, 2006, Timothy M. Woodbury filed a formal complaint against Laclede Gas Company ("Laclede"), in which he requested the removal of an "extra unexpected charge" from his account. Mr. Woodbury's complaint states that Laclede imposed this charge in an adjusted "back bill" it issued him after the remote meter reading device attached to the gas meter located inside his home failed and he let Laclede representatives into his home to read the meter. Mr. Woodbury claims he should not have to pay Laclede for any charge associated with Laclede's failure to keep its remote meter reading device in proper working condition.

On November 29, 2006, the Commission notified Laclede of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The following day, the Commission ordered its Staff to commence an investigation and file a report concerning the results of that investigation no later than two weeks after Laclede filed its answer, which was due no later than December 29, 2006.

On December 28, 2006, Laclede filed its answer to Mr. Woodbury's complaint. Laclede's answer indicates that a remote meter reading device attached to the gas meter located inside Mr. Woodbury's home failed. According to Laclede, it sent Mr. Woodbury a notice in September 2005 which sought access to the home to read the meter. Laclede's answer further states that Laclede was able to access to the interior of Mr. Woodbury's home and obtain an actual meter reading on February 24, 2006, at which time it installed an automated meter reading module featuring newer technology. Shortly thereafter, Laclede sent Mr. Woodbury an adjusted bill reflecting his actual gas usage for the twelve-month period from March 1, 2005 to March 1, 2006, which Laclede had underestimated by approximately \$213.00.

Laclede's answer also states that this billing adjustment procedure was consistent with the Stipulation and Agreement approved for Laclede in Case No. GC-2006-0318; that Laclede would afford Mr. Woodbury the benefits of that Stipulation and Agreement by offering him the opportunity to spread payment of the undercharges over a period of twelve months; and that Laclede had spoken with Mr. Woodbury and was working with him concerning payment arrangements as to certain undisputed but unpaid billings for the months of May, June, August, and October 2006.

After performing its investigation, on January 10, 2007, Staff filed a verified report recommending that the Commission dismiss Mr. Woodbury's complaint. Among other things,¹ Staff concluded that there is no legal basis for granting the relief sought in the complaint since Laclede did not violate Commission Rule 4 CSR 240-13.025, which governs the issuance of billing adjustments by a utility in the event of an undercharge.

¹ For example, Staff reports that on March 24, 2006, Mr. Woodbury filed an informal complaint against Laclede raising the same issues involved in this case, and that the informal complaint was closed on June 30, 2006.

The Commission would like to hear from Mr. Woodbury before proceeding any further. Accordingly, Mr. Woodbury will be given twenty days from the date of this order to file a pleading in which he addresses the contents of Laclede's answer and Staff's report and sets forth the legal or factual reasons why the Commission should not accept the recommendation of its Staff that his formal complaint be dismissed.²

IT IS ORDERED THAT:

1. Timothy M. Woodbury shall file a pleading, not later than 5:00 p.m. on Thursday, February 1, 2007, which addresses the contents of Laclede's answer and Staff's report in this matter and sets forth the legal or factual reasons why the Commission should not accept the recommendation of its Staff that his formal complaint be dismissed.
2. This order shall become effective on January 12, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of January, 2007.

² See 4 CSR 240-2.080(15), which provides that "unless otherwise ordered by the commission," parties "shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading."