

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Evidentiary Hearing  
8 November 7, 2007  
9 Jefferson City, Missouri  
Volume 1

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12 Cesar M. Alba, )  
 )  
13 Complainant, )  
 )  
14 v. ) Case No. GC-2007-0445  
 )  
15 Laclede Gas Company, )  
 )  
16 Respondent. )

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19 KENNARD L. JONES, Presiding,  
REGULATORY LAW JUDGE.

20

21 ROBERT M. CLAYTON III,  
22 TERRY JARRETT,  
COMMISSIONERS.

23

24 REPORTED BY:

25 KELLENE K. FEDDERSEN, CSR, RPR, CCR

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

2 JUDGE JONES: We're on the record with Case  
3 No. GC-2007-0445, Cesar Alba vs. Laclede Gas Company. My  
4 name is Kennard Jones. I'm the regulatory judge presiding  
5 over this matter.

6 At this time we'll take entries of  
7 appearances. Mr. Alba, could you please state your name  
8 and address to show that you are here?

9 MR. ALBA: My name is Cesar Alba, 3931A  
10 Minnesota Avenue, St. Louis, Missouri 63118.

11 JUDGE JONES: Thank you, sir. Mr. Zucker?

12 MR. ZUCKER: Rick Zucker, Z-u-c-k-e-r,  
13 representing Laclede Gas Company, 720 Olive Street,  
14 St. Louis, Missouri 63101.

15 JUDGE JONES: And for the Staff of the  
16 Commission?

17 MR. REED: Steve Reed for the Staff, P.O.  
18 Box 360, Jefferson City, Missouri 65102.

19 JUDGE JONES: And for the Office of Public  
20 Counsel?

21 MR. POSTON: Marc Poston appearing for the  
22 Office of the Public Counsel, P.O. Box 2230, Jefferson  
23 City, Missouri 65102.

24 JUDGE JONES: Okay. The first thing I  
25 believe we need to deal with is Mr. Alba filed a Motion to

1     Produce.  Mr. Zucker, do you have that?

2                   MR. ZUCKER:  I actually received that on, I  
3     believe, Friday, from Mr. Reed.  I never had -- I was not  
4     aware of it, that it had been sent from Mr. Alba.

5                   JUDGE JONES:  Mr. Alba?

6                   MR. ALBA:  Yes, sir.

7                   JUDGE JONES:  Did you mail a copy of this  
8     motion to Mr. Zucker?

9                   MR. ALBA:  I did not mail a copy to  
10    Mr. Zucker simply because I -- the procedure I used before  
11    is to send it to you and then you do the, what you call,  
12    forward to all the -- all the people who are involved.

13                  JUDGE JONES:  Okay.  Well, that's not  
14    actually how it works.  I don't think that will hurt you,  
15    though.  Mr. Zucker, will you be responding to this  
16    motion?

17                  MR. ZUCKER:  Responding right now you mean?

18                  JUDGE JONES:  I know you can't respond now.  
19    He requests quite a bit of information.  Will you be able  
20    to produce it at some point to supplement the record?

21                  MR. ZUCKER:  If you would like.  I have  
22    done some of that and sent that in to the Judge and the  
23    parties and mailed it to Mr. Alba, but not as complete as  
24    Mr. Alba has requested here.

25                  JUDGE JONES:  But you don't have any

1 opposition to --

2 MR. ZUCKER: Well, let me look at it again.  
3 Since October 3, 1996. I guess my question is, did we  
4 need to go back that far?

5 JUDGE JONES: Mr. Alba, I suppose that  
6 question's directed toward you.

7 MR. ALBA: Yes, sir. The reason why we  
8 want to go that far is because we want to know exactly,  
9 what's called, the records involved, how much -- how much  
10 exactly the, what's called, consumption in four units. To  
11 start with those records we have to go as far as we can  
12 go -- back as we can go.

13 And also I'm concerned about the two units  
14 involved in the second floor are -- seem to be -- there  
15 seems to be a problem, but I was not properly informed  
16 either by the Laclede Gas or the tenant on what the  
17 problems are, and I found -- I just found it when I move  
18 here in the second floor on the 3931A Minnesota.

19 We want to start with facts, we want to  
20 start this record so the judge can make a very accurate  
21 decision exactly what is going on.

22 MR. ZUCKER: I guess for purposes of this  
23 case and Mr. Alba's complaint regarding his usage and his  
24 unit and our leak detection procedures at his unit, I'm  
25 willing to produce these documents for his unit, but I

1 don't see the relevance of producing them for all the  
2 other units regarding all these other customers who  
3 have -- who have nothing to do with this case.

4 JUDGE JONES: And for the record, I'll say  
5 there are four units; is that correct?

6 MR. ALBA: These are four units in one  
7 building which I own. The reason why I am trying to start  
8 this record is simply because that you insist that this --  
9 that the rates -- I mean, the consumption on this  
10 particular -- particular place is pretty much on the  
11 ballpark where you've been charging me. Those people  
12 cannot afford this much high -- very high rate or very  
13 high gas consumption if that will be the case, and I  
14 believe --

15 MR. ZUCKER: Okay. So let me jump in here  
16 and say I'm willing to produce consumption data for all  
17 four places. I don't think that would be too burdensome.  
18 We could go into the records back to '96 and show usage,  
19 and it's really the usage that's important. The prices  
20 change over time, so comparison of -- of bills isn't  
21 really effective, but comparison of usage is effective.

22 MR. ALBA: Yes, yes, and also the second  
23 floor on the other side, 3933A, the same thing happened to  
24 me that you had been turning on and off in an apartment  
25 for my tenant for the last two years that she was there

1 living in the second floor, didn't have any heat, and I  
2 just wonder why don't she can -- she can -- you know, she  
3 was living there without any heat and I got a feeling that  
4 the same thing happened to me happened to her.

5 JUDGE JONES: Okay. Mr. Alba, Mr. Zucker  
6 is willing to submit this information on usage only. Are  
7 you okay with that?

8 MR. ALBA: Well, on the usage only, but I  
9 want to start this record on the other second floor,  
10 3933A.

11 JUDGE JONES: He's agreeing to that.

12 MR. ZUCKER: I'll do usage on all four, and  
13 I'll show when we turned it on and off, so you can see,  
14 you know, if there was no usage during a period, you will  
15 be able to see whether the gas was turned on or whether it  
16 was off and that's why there was no usage.

17 MR. ALBA: Well, let's start from there and  
18 then see how we can -- if we can stop this all the facts  
19 by those usage and probably we can proceed from there.

20 JUDGE JONES: Mr. Zucker, how much time do  
21 you need to produce that information?

22 MR. ZUCKER: I would say -- well, we'll  
23 have to go into microfiche to go back to 1996, organize it  
24 a little bit. I would say two weeks would be plenty.

25 JUDGE JONES: I'll give you three weeks so

1     you don't have a reason not to have it.

2                     MR. ZUCKER:   Okay.   Three weeks would be  
3     better.

4                     JUDGE JONES:   Okay.   Mr. Alba, we will  
5     supplement the record with this information and it will be  
6     in the record in three weeks.

7                     MR. ALBA:   Yes, sir.

8                     JUDGE JONES:   Now we'll move specifically  
9     to the case before us and go off this motion.   Mr. Alba?

10                    MR. ALBA:   Yes, sir.

11                    JUDGE JONES:   At this time I would like for  
12     you to present your case.

13                    MR. ZUCKER:   Is it possible for us to make  
14     opening statements, your Honor?

15                    JUDGE JONES:   It's possible, but I don't  
16     think it's necessary.

17                    MR. ZUCKER:   Okay.

18                    JUDGE JONES:   Mr. Alba, go ahead and  
19     present your case.   Mr. Reed?

20                    MR. REED:   Be sworn.

21                    JUDGE JONES:   I'm sorry.   Mr. Alba, I'm  
22     going to have to swear you in at this time.

23                    MR. ALBA:   Yes, sir.

24                    (Witness sworn.)

25                    JUDGE JONES:   Okay.   Go ahead and give your



1 statement and -- and prove your case.

2 CESAR ALBA testified as follows:

3 MR. ALBA: I first filed my petition of  
4 complaint, I had been trying to emphasize the accuracy of  
5 the testing made by the Laclede Gas on how to detect  
6 leaks, and I -- since I been involved in -- in  
7 construction of this building, I'm very meticulous how  
8 things are being done, not only by the Public Service but  
9 also by the private contractors.

10 So as I said, I notice that spraying with  
11 the aerosol can compared to what my private contractor did  
12 just using a plain dishwashing liquid soap and water, they  
13 were able to find the leak that the Laclede Gas couldn't  
14 find.

15 So in -- in my -- in my opinion, Laclede  
16 Gas -- in my opinion, Laclede Gas I believe has -- didn't  
17 do anything -- did things that are right that make it very  
18 suspicious that -- that something -- something else is  
19 going on besides giving us a good service, accurate and  
20 efficient service.

21 I was aware of this even with my former  
22 customers or my renter, not only at the second floor where  
23 I'm living right now, but also on the second floors on the  
24 other side. Why is it the, what you call, the turning on  
25 and the turning off of the service has been done, had been





1 the second floor, in the other apartment, when my tenant,  
2 when my tenants was living over there, it was turned off,  
3 on and off by Laclede Gas, and I believe that the record  
4 will show that. And let's see what the record shows and  
5 probably we can establish a pattern that the Laclede Gas  
6 is knowledgeable of this leak but ignore it at the expense  
7 of my customer.

8 JUDGE JONES: Okay. Is that all you want  
9 to say?

10 MR. ALBA: Yes, sir. I feel I will  
11 probably continue later on if I feel that there is  
12 something to be said. Thank you, sir.

13 JUDGE JONES: Do you want to admit any  
14 evidence, any records or documents into the record?

15 MR. ALBA: I did all the -- all the  
16 service -- service record that I received from Laclede Gas  
17 was presented, so we're just waiting for the -- for the  
18 Laclede Gas to comply with the Motion to Produce. So  
19 let's see what will happen next after we get those  
20 records.

21 JUDGE JONES: When you say the bills were  
22 presented, do you mean those bills attached to your  
23 complaint?

24 MR. ALBA: The bills attached to my  
25 complaint -- attached to my complaint, yes, sir.

1 JUDGE JONES: Would you like those to be  
2 evidence in the hearing?

3 MR. ALBA: Yes, sir. We have to present  
4 those because those are unusually high bills, and I want  
5 to make a point that that can be presented as an evidence  
6 showing that unusually high bills despite the fact I turn  
7 my -- I turn my, what you call, my thermostat low and  
8 still -- and still the unusual high bills came out.

9 JUDGE JONES: Okay. I will mark these  
10 attachments to your complaint as Exhibit 1.

11 (EXHIBIT NO. 1 WAS MARKED FOR  
12 IDENTIFICATION.)

13 JUDGE JONES: Mr. Zucker, do you have any  
14 objection to them being admitted into the record?  
15 Mr. Zucker?

16 MR. ZUCKER: Yes, sir. Are we talking  
17 about the attachments being the bills that he's attached?

18 JUDGE JONES: Yes, sir.

19 MR. ZUCKER: And that -- and the  
20 contractor's invoice it looks like and his Dartmouth  
21 bills? No, I don't have any objection.

22 JUDGE JONES: Okay. Exhibit 1 is admitted  
23 into the record.

24 (EXHIBIT NO. 1 WAS RECEIVED INTO EVIDENCE.)

25 JUDGE JONES: Mr. Alba?

1 MR. ALBA: Yes, sir.

2 JUDGE JONES: Other than the information  
3 that Mr. Zucker will supplement the record with, are there  
4 any other documents you would like me to pay attention to?

5 MR. ALBA: Not as of now.

6 JUDGE JONES: Okay.

7 MR. ALBA: I don't see any other records,  
8 and all the records of the Laclede Gas that were sent to  
9 me through the service records that they performed are  
10 going to be presented as an exhibit, but we can proceed  
11 from here. And then you said you do have the exhibit that  
12 I presented from my private contractors. That's also the  
13 exhibit from the gas -- from the service record and gas  
14 bill from the Laclede. So that would be fine for now.

15 JUDGE JONES: I will mark as Exhibit 2 the  
16 information that will be supplementing the record in the  
17 next three weeks.

18 MR. ALBA: Yes, sir.

19 JUDGE JONES: Mr. Zucker, any objection?

20 MR. ZUCKER: I don't think so.

21 JUDGE JONES: Exhibit 2 will be admitted  
22 into the record.

23 (EXHIBIT NO. 2 WAS RECEIVED INTO EVIDENCE.)

24 JUDGE JONES: Do we have questions from the  
25 Staff of the Commission?

1 MR. REED: Yes.

2 CROSS-EXAMINATION BY MR. REED:

3 Q. Mr. Alba?

4 A. Yes, sir.

5 Q. Steve Reed with the Staff of the  
6 Commission.

7 A. Yes, sir.

8 Q. As I understand it, Laclede sent a person  
9 to your apartment on October 12, 2006?

10 A. That's what the records -- I believe that's  
11 what my complaint show. It's in my complaint, yes, sir.

12 Q. Your complaint indicates that the man  
13 tested for leaks in the basement apartment and the second  
14 floor apartment, right?

15 A. Yes, sir. The gas line for the second  
16 floor apartment, yes, sir.

17 Q. Which one do you live in?

18 A. 3931A, second floor.

19 Q. You don't live in the basement apartment?

20 A. No. Basement is just all utilities, yes.

21 Q. It's just all utilities? It's not an  
22 apartment where someone lives?

23 A. Oh, no, no, no, no. Those are -- those are  
24 just mainly for storage and also for, what you call, like  
25 water heater and gas furnace.

1 Q. All right. Just wanted to be clear.

2 A. Yes, sir.

3 Q. The service man turned on your furnace?

4 A. Well, before they turn on the furnace, they  
5 perform, what you call, like testing. In other words,  
6 they spray aerosol -- aerosol substance to indicate  
7 whether there are leakage.

8 Q. Did he light your water heater also?

9 A. I have also a gas water heater. Yes, they  
10 did all -- perform all of those not only on the gas  
11 furnace but also on the water heater.

12 Q. What about the stove?

13 A. Well, he -- they went up here and then and  
14 to check whether there's any leakage in the second floor  
15 stove, yes, sir.

16 Q. I guess the furnace and the water heater  
17 are in the basement?

18 A. The furnace and the water heaters are all  
19 in the basement. That's pretty much like a very  
20 standard --

21 Q. All right. Only the stove is actually in  
22 your apartment where you live?

23 A. That was before, but I have decided to let  
24 my private contractor disconnect those just in case --  
25 because the lines are going through the walls and we don't



1 have a way of checking it.

2 Q. I wanted to get to that because  
3 December 20th, a private contractor came and apparently  
4 recommended that you disconnect the stove in your  
5 apartment?

6 A. Yes, sir. Yes, sir, exactly. I think  
7 he -- he believes that because we cannot go through the  
8 lines behind the walls, we might as well disconnect it  
9 right now 'til -- 'til we have a way to find out whether  
10 there's a leak over there.

11 Q. Where was -- where is the disconnection  
12 point for the line that goes to the stove?

13 A. That is in the basement, in the basement,  
14 going up to the second floor.

15 Q. So the pipe runs from the basement up  
16 through the first floor into the second floor?

17 A. Yeah. It goes to the, what's called, the  
18 stairways going up to the second floor. In other words,  
19 the -- behind the, what's called, the walls on the  
20 stairway.

21 Q. Going up through the walls?

22 A. Up through -- through the walls, yes.

23 Q. All right. Are you -- in your direct  
24 testimony, you said that something else was going on here,  
25 and that's a quote from part of what you said. Do you

1 believe that Laclede is intentionally leaving leaks in  
2 pipes in a place like your house so they can sell more  
3 gas?

4 A. Well, I don't know if they want to sell  
5 more gas. I don't really know if they want to sell more  
6 gas, but it's city -- I live here only since May of last  
7 year, but I was live in University City for -- since 1995  
8 'til last year, but this is a very weird and funny place  
9 to live, but I just could sell it but I don't have any  
10 facts to substantiate it.

11 The only time that I was able to  
12 substantiate it when somebody broke into my apartment and  
13 stole my computer, but I was able to catch them simply  
14 because I had a software that can detect where my computer  
15 is when we -- when we -- when we used technology to find  
16 out exactly where it is, and we caught the person who  
17 stole my computer. But anyway, that's irrelevant.

18 MR. REED: Mr. Alba, that's all the  
19 questions I have. Thank you.

20 MR. ALBA: Yes, sir. Thank you.

21 JUDGE JONES: Any questions from Office of  
22 the Public Counsel?

23 MR. POSTON: Just a few.

24 CROSS-EXAMINATION BY MR. POSTON:

25 Q. Mr. Alba, the meter for this apartment, is

1 it on the outside or the inside?

2 A. It's inside the building. Inside the  
3 building.

4 Q. Okay. And the leaks, were they between --  
5 were they on the service line that comes from the outside  
6 to the meter or were they -- or were they between the  
7 meter and your appliances?

8 A. Between the gas meter and my appliances,  
9 yes, sir.

10 Q. Okay. And were you -- were you present  
11 when the Laclede personnel in October -- on October 12th,  
12 sprayed for the leak? Did you watch them do this?

13 A. Yes, sir. I -- I am interested in what's  
14 going on in my property. I watched them like a hawk. I  
15 just wish that I don't do that anymore, but I did. I'm  
16 very, very observant when it comes to anybody trying to  
17 make repairs or do some inspections in my property to make  
18 sure that they do things right.

19 Q. And did they spray in the same location  
20 where the leak was later detected by Vitt, I think it was?

21 A. Yes, they do spray, not only in one or  
22 three or four points, I think every crucial joint or  
23 connections, they did spray it. They should know better  
24 where to spray as far as I'm concerned. They did spray  
25 all the right angles and all the right joints.

1           Q.       And when you say they, you mean Laclede  
2    did?

3           A.       Laclede Gas, yeah.

4                   MR. POSTON: That's all the questions.

5    Thank you.

6                   MR. ALBA: Thank you.

7                   JUDGE JONES: Now questions from Laclede?

8                   MR. ZUCKER: Okay. Did you call on us,  
9    your Honor?

10                  JUDGE JONES: Yes, sir.

11   CROSS-EXAMINATION BY MR. ZUCKER:

12           Q.       Okay. Mr. Alba, on December 20th, the Vitt  
13   Company came out and repaired your leak; is that correct?

14           A.       Well, they did the same thing. They went  
15   through the procedure by spraying -- by asking me, Cesar,  
16   do you have any liquid soap? Well, yeah, liquid soap,  
17   that's standard. Yes, I do have. And then water, and  
18   they mix it with -- in, what you call, like, in a spray  
19   bottle, and spray all over, and you can see the bubbles  
20   pretty much like a kid playing with a bubble gun, you  
21   know.

22           Q.       And the spray bottle, is that a plastic  
23   bottle?

24           A.       A regular plastic bottle that you use for  
25   your hairspray or, what you call, for your, what you call,

1     like, for your fragrance for your skin. That's very  
2     regular.

3             Q.     It has a little lever and you squeeze the  
4     lever together?

5             A.     You push it and then you push the, what you  
6     call, the lever and then it squirts out of the bottle,  
7     yes.

8             Q.     And so it's like something that I might use  
9     to water a plant with, for example?

10            A.     Similar. Similar. Only this one has a  
11     fine spray. See, some -- when you water the plant  
12     there's, what you call, degree of fineness, you know. So  
13     in other words it's pretty much similar, I would say  
14     similar to that that you use for your hairspray.

15            Q.     Well, a hairspray I might use either an  
16     aerosol can or a nonaerosol spray bottle.

17            A.     Aerosol, that's what the Laclede Gas use,  
18     the aerosol, what you call, the aerosol can. It is not  
19     nonaerosol. The one that my contractor did use is a  
20     nonaerosol.

21            Q.     And you're saying Laclede Gas used an  
22     aerosol can?

23            A.     Aerosol can, yes, sir.

24            Q.     And if I were to tell you that Laclede Gas  
25     does not carry an aerosol can for this, would you be

1 surprised?

2 A. Well, you know, I would not be surprised  
3 because -- I wouldn't be surprised because it's the  
4 Laclede Gas serviceman who was doing the spraying. I  
5 don't know.

6 Q. Okay. So I guess what I'm saying is if  
7 Laclede Gas doesn't have an aerosol can, we wouldn't have  
8 used one?

9 A. Well, you know, I -- you have to ask the  
10 serviceman who performed it, because I might be not very  
11 100 percent accurate in what I saw, so -- but what I know  
12 is they did spray an aerosol can -- from the aerosol can,  
13 yeah.

14 Q. Okay. But you're not sure?

15 A. Well, you know, you established the benefit  
16 of the doubt, so you might as well check with your  
17 serviceman.

18 Q. Okay. Fair enough. We will do that.

19 A. That's why we want the records, you know.

20 Q. Right. We will hopefully give you better  
21 than that today.

22 A. Exactly. Right. I appreciate that.  
23 Whatever it's worth, I don't really care whether he used  
24 aerosol -- aerosol can or just plain nonaerosol plastic  
25 bottle, you know.

1           Q.       Did Mr. Vitt have any kind of a device on  
2 him that detected --

3           A.       Yes, he had the bottle with him.

4           Q.       Right. Did he have any kind of device that  
5 detected leaks?

6           A.       No. What he used is, what you call, like  
7 after -- after you see the aerosol, what you call, the  
8 aerosol solution with liquid -- with liquid soap, what he  
9 did is he placed a compression test to verify his  
10 findings.

11          Q.       Okay. And how did he do this compression  
12 test? Can you describe it?

13          A.       Compression test is very similar to what  
14 you put -- find in other, like, car or whatever. What he  
15 did is just -- he disengaged one of the connections from  
16 the -- from the front part of the gas meter and I think  
17 underneath the gas meter, and then put his compression,  
18 what you call, I would say testing machine, and then --  
19 and then get the proper reading, whether there's, what you  
20 call, leak or not. And then he said, yes, it's just a  
21 confirmation of what came out from the joints and the,  
22 what you call, the -- the pipes, pipe joints, that there  
23 are leaks. That's why he performed, what you call, the  
24 replacement of the pipes.

25          Q.       So he used this piece of equipment to

1     determine if there are leaks or not?

2             A.       Yes, sir.

3             Q.       Okay. But you're not exactly sure how that  
4     works?

5             A.       Well, you know, compression test is trying  
6     to find whether the pressure is -- is going out of the,  
7     what you call, of the -- of the pipelines, in other words,  
8     whether there's a leak. That's exactly what it is.  
9     That's very simple, simple, very simple test that -- that  
10    I think even the plumber or the gas, what you call,  
11    private, what you call, heating and cooling company has  
12    been doing.

13            Q.       Okay. On December 18th, according to your  
14    complaint, you requested a meter reading from Laclede Gas  
15    Company, do you recall that?

16            A.       You know what, there's any -- my -- my  
17    complaint shows that I -- what I did. When I said in my  
18    complaint should be accurate, very accurate.

19            Q.       Okay. Did you keep notes from these events  
20    that you discuss in your complaint, did you make notes at  
21    the time these things happened?

22            A.       I have the copy of my complaint here.

23            Q.       Yes, but what I'm saying is, you -- is --  
24    you wrote the complaint in May of 2007; is that correct?

25            A.       Let me check. My first complaint was --



1 let me see. I've got it here. My records here -- May 18,  
2 2007 is my -- the date that I signed my complaint.

3 Q. Okay. And is that about when you wrote the  
4 complaint?

5 A. That's most likely when the time I not  
6 wrote, but sent the complaint, yes.

7 Q. So when would you have written it?

8 A. About -- most likely about -- let's see.  
9 Few days before that. Few days before that I did it. I  
10 did it quite fast when I wrote this complaint.

11 Q. Okay. So about sometime in mid May you  
12 wrote this complaint?

13 A. Somewhere before the time -- before I  
14 signed the complaint, yes, May 18.

15 Q. A few days before?

16 A. May 18 and I sent it on May 21st, yeah.

17 Q. Okay.

18 A. Yeah.

19 Q. And in that complaint, you describe events  
20 that happened in October and in December of 2006, and then  
21 you talk about what happened in February and March of  
22 2007. Were you working from notes that you had taken at  
23 the time these events happened or were you working from  
24 your own memory?

25 A. No. I'm whatever I -- whatever -- if

1     there's a date that I place over there, I always -- I work  
2     on my records. In fact, I -- whatever records that I got,  
3     I just -- I send it as an attachment. Here are the  
4     attachments here, Appendix 1, Appendix 2.

5             Q.       Okay. So that's the written information  
6     you have, the bills and -- and the statements and things  
7     like that?

8             A.       Yes, sir, Appendix 4, all the statements  
9     and, what you call, the records.

10            Q.       Okay. So you had -- did you have -- for  
11     example, you describe events of December 18, 19th, 20th of  
12     2006. Did you have any notes you were working from on  
13     that, other than what's in your attachments?

14            A.       I called -- on December 20th, 2006, I  
15     called a private contractor.

16            Q.       Yes. I'm asking you when you wrote this  
17     complaint --

18            A.       Yes.

19            Q.       -- did you have -- did you just write it  
20     on -- from memory and the attachments that you have here?

21            A.       Exactly what I gave -- the Appendix A, I  
22     did submit the, what you call, the Vitt Heating and Air  
23     Conditioning private contractor as Appendix A, so  
24     that's -- I do not --

25                    JUDGE JONES: Mr. Zucker?

1 MR. ZUCKER: Yes, sir.

2 JUDGE JONES: Let me jump in here for a  
3 moment. Mr. Alba?

4 MR. ALBA: Yes, sir.

5 JUDGE JONES: At the time when these events  
6 were happening, did you make notes? Did you take a paper  
7 and write down notes about what was going on?

8 MR. ALBA: What you're talking about is at  
9 the time that this is happening, what you call, like  
10 the -- when the Vitt Heating Company Air Conditioning came  
11 over, I have records simply because I asked for receipts  
12 and records.

13 JUDGE JONES: Let me ask it again. Did you  
14 keep a journal of some sort? Did you write down what  
15 happened?

16 MR. ALBA: Oh, yes. When I -- when you say  
17 did I write down what happened to this when the private  
18 contractor came over?

19 JUDGE JONES: Yes. Did you take a pen and  
20 paper and write down what happened?

21 MR. ALBA: No. I mean, when I say --  
22 exactly -- what you say what happened exactly, you're  
23 talking about what happened when the private contractor  
24 came over here?

25 JUDGE JONES: Right.

1                   MR. ALBA: Definitely I -- the same time  
2     that they gave -- performed the service is only within few  
3     hours they did -- they did replace my, what you call, they  
4     did make the inspection, they did make the testing, and  
5     they did perform the, what you call, all the -- all the --  
6     all the necessary replacement of parts and services, and  
7     accompanied with the receipt that pretty much good enough  
8     for me to find out exactly what had gone -- what happened  
9     that time. So I didn't make any, what you call, like  
10    notes at all, no.

11                  MR. ZUCKER: Your Honor, that's good for  
12    me. I'm ready to move on.

13    BY MR. ZUCKER:

14                  Q.     So on December 18th, you requested a meter  
15    reading from Laclede Gas Company. That's in your  
16    complaint. Do you recall that?

17                  A.     Yes. I requested the meter reading from  
18    Laclede Company, yes.

19                  Q.     And did a meter reader come to your home on  
20    December 18th?

21                  A.     On December 19 a serviceman came to my  
22    apartment and perform another test for gas leak. That's  
23    also in my complaint.

24                  Q.     Mr. Alba, that's not what I asked. I asked  
25    on December 18th, did a meter reader come to your home to

1 read your meter?

2 A. December 18 I requested for meter reading  
3 due to unusual high gas bill.

4 Q. And did you get a meter reading on  
5 December 18th?

6 A. No. On December 19, a serviceman came to  
7 my apartment.

8 Q. Okay. If I told you Laclede's records show  
9 that on December 12th you requested the meter reading and  
10 on December 18th the meter reader came to your apartment,  
11 would that refresh your memory?

12 A. Well, as I said, I put in my complaint is  
13 very accurate. On October 12th I had requested gas  
14 service from Laclede Gas.

15 Q. Not October 12th. I'm asking about  
16 December 18th right now.

17 A. Again, I requested a meter reading because  
18 of the unusual high bill.

19 Q. Okay. So do you recall a meter reader  
20 coming to your home on December 18th, yes or no?

21 A. Yes.

22 Q. Excuse me?

23 A. Let me see. Oh, no. It was on  
24 December 19. December 19 a serviceman came to my  
25 apartment and perform another -- another test for gas

1 leak.

2 Q. Okay. So are you saying you do not recall  
3 a meter reader coming to your home on December 18th --

4 A. I don't recall.

5 Q. -- for a meter reading?

6 A. Any, what you call, on December 18, that's  
7 why I put it in my complaint on December 19, a serviceman  
8 came to my apartment.

9 Q. Okay. And so this was a serviceman, not a  
10 meter reader?

11 A. A serviceman, yes.

12 Q. Okay. And why did this serviceman come to  
13 your apartment on December 19th, do you know?

14 A. That's exactly what I -- I indicated in  
15 my -- in my complaint on December 19, a serviceman came to  
16 my apartment and perform another test for gas leak by  
17 spraying aerosol solution again and found no leaks, and he  
18 proceeded to install a new AMR meter. They want to find  
19 out, they put a new AMR meter.

20 Q. So do you have any idea why a serviceman  
21 came? Was it to install the meter?

22 A. Yes, to proceed to install a new AMR meter.

23 Q. Okay. Okay. And do you recall on the  
24 morning of December 19th smelling gas in your apartment or  
25 anywhere in your building, in the basement?

1           A.       After he did -- after he did install the,  
2   what you call, the new meter, I smell gas on the  
3   connections where he connected the new meter, and I called  
4   the serviceman right away.

5           Q.       Who did you call?

6           A.       Your -- your -- your -- this Laclede  
7   service.

8           Q.       Okay. And do you recall what time the man  
9   came to your home to install the AMR meter?

10          A.       No. Let me see. Let me check my record  
11   here. I have all the records here.

12          Q.       Okay. Good.

13          A.       I just want to see if my records will give  
14   me the -- the, what you call, the answer to what you're  
15   asking now. Okay.

16                    You know, I don't know exactly what time,  
17   but when I smell the gas near the newly installed meter, I  
18   immediately called Laclede Gas to report the gas odor.  
19   Immediately the same day, Laclede Gas service came,  
20   serviceman came and turn off the gas, and he told me to  
21   call the private contractor. I don't know exactly what  
22   time is it, but I did call -- I did call them up for the  
23   reason that I smell the leak. Hello. Hello.

24                    JUDGE JONES: Mr. Zucker? Mr. Zucker?

25                    MR. ZUCKER: Yes, sir.

1 JUDGE JONES: He doesn't remember what time  
2 it was.

3 MR. ZUCKER: What?

4 JUDGE JONES: He doesn't remember what time  
5 it was.

6 BY MR. ZUCKER:

7 Q. Okay. When the person came out to do the  
8 meter change, did they just put an AMR unit on the meter  
9 or did they change the entire meter? Do you remember  
10 that, Mr. --

11 A. An AMR meter is a, what you call, exactly a  
12 new meter. That's what I know.

13 Q. Was an entire meter then?

14 A. Entire meter, yes.

15 Q. Okay. And when -- and when you called --  
16 when you smelled the gas and called in the leak, did a  
17 serviceman come out then?

18 A. Yes, sir. Yes, sir. I think that's the  
19 standard procedure when you smell gas, somebody have to  
20 come over.

21 Q. And did he come over quickly?

22 A. I believe so.

23 Q. Okay. And what did he do? Do you recall?

24 A. Just turned off the gas, the gas line from  
25 the -- from the -- from the meter that it will not flow to



1 my lines all over the basement and the second floor.

2 Q. Okay. And did he advise you then to call a  
3 contractor?

4 A. Yes, sir. He told me to call the  
5 contractor, yes. Private contractor.

6 Q. Okay. All right. You say in your -- in  
7 your complaint that you received a bill for the period  
8 January 2nd to January 31st. It says an unusual high bill  
9 of \$516.60. Do you see that?

10 A. Well, I -- if you want to check the  
11 attachment and the appendix, it should have all of those  
12 records.

13 Q. Okay. Do you have that in front of you?

14 A. I think it's Appendix 2 you're talking  
15 about now?

16 Q. Talking about Appendix 5?

17 A. Appendix 5. Okay. Appendix 4, Appendix --  
18 Appendix 5, yes, sir.

19 Q. Okay. And do you see on there where it  
20 says charge for gas service, January 2 to January 31?

21 A. Yes, sir. Yes, sir.

22 Q. And how much is that charge?

23 A. 279.37.

24 Q. Okay. And then there's tax that goes with  
25 that?

1           A.     Yes, sir.

2           Q.     Of how much?

3           A.     The St. Louis sales tax is 11.64.

4           Q.     And what did that bring the account balance

5 to?

6           A.     500.73.

7           Q.     Okay. Thank you. On Dartmouth, you're

8 saying your bills were lower at your apartment on

9 Dartmouth; is that correct?

10          A.     You know, I have a three bedroom, one bath.

11          Q.     That's a yes or no question.

12          A.     A lot, lot lower, yes, a lot lower, simply

13 because of the way I --

14          Q.     Okay. Thank you, Mr. Alba. And that's --

15 and you have bills from Dartmouth on Appendix B and

16 Appendix C, right?

17          A.     Let me check again so I can make a -- yes,

18 sir. Yes, sir.

19          Q.     Okay. And your bill on Appendix B looks

20 like it was about \$79.91, correct?

21          A.     Yes, sir.

22          Q.     And that covers the period 11/17/04 to

23 12/17/04, correct?

24          A.     Appendix C, it's --

25          Q.     That's Appendix B I'm on.

1           A.       Appendix B, it covers 11th to December,  
2   yes, 11/17 to 12/17, yes, sir.

3           Q.       And then you also have Appendix C, and that  
4   looks like a bill with taxes of about \$87?

5           A.       Yes, sir. Including -- 79.75 including  
6   7.87. Yes, sir, you are pretty much accurate in that.

7           Q.       In fact, on the left side of that bill, it  
8   says current charges \$87.64, right?

9           A.       Yes, sir.

10          Q.       And it also says that that covers 1/20/05  
11   to 2/18/05; is that correct?

12          A.       You're talking about on the left side?

13          Q.       On the right side now?

14          A.       Right side, it covers January 20th to  
15   February 18, '05.

16          Q.       Okay. And so we're missing there the part  
17   in between 12/17/04 to 1/20/05; is that correct?

18          A.       You mean the dates in between?

19          Q.       Yes. There's a bill in between those two  
20   bills?

21          A.       Yeah. When I was -- when -- when I move  
22   from my apartment, so many -- a lot of records have gotten  
23   lost, but I'm quite sure Laclede Gas, if you want to place  
24   an issue on that, you can retrieve those records without  
25   any problem.

1 Q. Okay.

2 A. Please do that.

3 Q. Okay. Thank you.

4 A. Yes, sir.

5 Q. I will. And you believe your gas usage is

6 unusually high at -- at your apartment on Minnesota,

7 correct?

8 A. Definitely. Definitely. Correct. Yes,

9 sir. Definitely.

10 Q. And you moved into that apartment in

11 October of 2006?

12 A. No. I moved -- I moved in my apartment on

13 May 2006.

14 Q. Okay. And you turned -- first turned the

15 gas on in October --

16 A. Yes, sir.

17 Q. -- of 2006; is that correct?

18 A. Yes, sir.

19 Q. And you had never had service in that

20 apartment before, gas service yourself?

21 A. No service, no gas service, because it was

22 warm and I feel comfortable without having any incurring

23 gas expenses by that period of May 6 to the time it was

24 turned on October.

25 Q. Okay. But before 2006, you never had gas

1 service at that apartment; is that correct?

2 A. None. You are accurately correct, sir.

3 Q. And do you have any idea what the usage  
4 history has been at that apartment?

5 A. That's what I've been telling you guys,  
6 that -- that my -- my, what you call, my tenant, although  
7 he doesn't -- she doesn't say anything, there was a record  
8 of turning off -- off and on. That's why the city has  
9 penalized me and they thought that my-- I been receiving  
10 or letting a tenant without any permit on the second floor  
11 property unit.

12 Q. But my question is, you're not familiar  
13 with the usage history at that apartment?

14 A. No, sir. No.

15 Q. But you'll find out as soon as we provide  
16 it to you?

17 A. The only time I can find out as soon as you  
18 can provide me all those records.

19 Q. And I sent you in the mail a document with  
20 the usage history at -- at your apartment. Did you  
21 receive that yet?

22 A. Yeah. You called me -- I talked to you  
23 yesterday. No, I didn't receive it.

24 Q. Okay. So it did not come in yesterday's  
25 mail either?

1           A.       No. You know, if you mailed it to  
2   St. Louis, I should have it by the next day.

3           Q.       Right. I agree. Okay. Getting back to  
4   your complaint, on March 13th, 2007, you say a serviceman  
5   came to your apartment and -- for a high bill inspection  
6   at your request. Do you recall that?

7           A.       As I mentioned, in March 13th a serviceman  
8   came to my apartment to make another inspection as to  
9   credit by the Missouri Public's Commission. Now it is the  
10  Missouri Public Commission who demanded this inspection.

11          Q.       And this serviceman checked your appliances  
12  and took notes on kilowatt usage?

13          A.       Yes, sir.

14          Q.       Is that what you said?

15          A.       Yes, sir.

16          Q.       Are you aware that kilowatt usage has to do  
17  with electric usage?

18          A.       I might -- I might be use -- I might use  
19  the wrong terminology. Correct me. I'm glad that you are  
20  educated on this matter.

21          Q.       I guess what I'm asking, was this an Ameren  
22  person that came out or a Laclede person?

23          A.       No, Laclede.

24          Q.       Okay.

25          A.       Correct me. I think I just misuse the

1 terminology wrong.

2 Q. So you might mean BTU capacity --

3 A. Right.

4 Q. -- of appliances?

5 A. Yeah. I'm not really very much educated  
6 when it comes to terminology, so pardon me for my mistake.

7 Q. Okay. Okay. And toward the bottom of this  
8 same page in your complaint, you talk about that Laclede  
9 Gas Company did not diligently and effectively test the  
10 leak and on one occasion you mention October 19th, 2006.

11 A. October 19th serviceman perform another --  
12 yes. Yes, sir. If you make a second testing and still  
13 didn't find the leak, there's got to be some kind of -- I  
14 don't want to jump to a conclusion, but, you know --

15 Q. So there was not any test in our records on  
16 October 19. Are you referring to the October 12th test  
17 there?

18 A. No. On the October 12th, you perform a  
19 gas, what you call, like an aerosol test on the, what you  
20 call, on the joints and connections.

21 Q. So are you saying there was another test on  
22 October 19th?

23 A. Another one December 19.

24 Q. I'm talking October 19th.

25 A. October 19th?

1           Q.       In other words, on the -- at the bottom of  
2     the second page of your complaint, you refer to an  
3     October 19th test. Did you mean to say the October 12th  
4     test?

5           A.       You know, I did make mistake. That's  
6     December -- there's a test on October 19th. There's a  
7     test on October 12th and also December 19, that's December  
8     19th, I think. I believe I made a mistake. I made a big  
9     -- there are only -- hello.

10    BY MR. ZUCKER:

11           Q.       Yes, sir. Keep going.

12           A.       Yes. There are only two occasions, and I  
13     believe that I made a mistake, one is on October 12 and  
14     the other one is on December 19th.

15           Q.       Okay. Got it. That's clear now. And  
16     you've said that you smelled yourself a gas odor on  
17     December 19th?

18           A.       On December 19, I smelled a gas near the  
19     newly installed meter, and I immediately called Laclede  
20     Gas to report the gas odor.

21           Q.       But the leak that was found was not on the  
22     meter or at the meter, was it?

23           A.       The leak -- the leak was found was pretty  
24     much in several joints. Exactly where it is, I don't  
25     really know, but they did pretty much, what you call,



1     replace a lot of lines going towards my -- my, what you  
2     call, my appliances, so --

3             Q.       So the leak was on your -- your lines going  
4     to your appliances, not at or around the meter; is that  
5     correct?

6             A.       You know, the smell, the one that I smell  
7     is on the gas meter, but the leak is all over the place.

8             Q.       Okay. But before December 19th, you didn't  
9     smell any leaks?

10            A.       Let me see. No.

11                   MR. ZUCKER: Okay. That's all the  
12     questions I have. Thank you, Mr. Alba.

13                   THE WITNESS: Yes, sir. Thank you very  
14     much, sir.

15                   JUDGE JONES: Okay. Let's move to Staff.  
16     Do you have a witness?

17                   MR. REED: Yes.

18                   JUDGE JONES: Call your witness.

19                   MR. REED: Marilyn Doerhoff for the Staff,  
20     judge.

21                   (Witness sworn.)

22                   JUDGE JONES: Thank you. You may proceed,  
23     Mr. Reed.

24                   MR. REED: Thank you.

25     MARILYN DOERHOFF testified as follows:

1 DIRECT EXAMINATION BY MR. REED:

2 Q. Ms. Doerhoff, tell us what your current job  
3 position is.

4 A. My current job position is consumer  
5 services coordinator for the Missouri Public Service  
6 Commission.

7 Q. How long have you held that job?

8 A. For about a year. Prior to that, I was a  
9 consumer service specialist for five years.

10 Q. What kind of work do you do as a consumer  
11 services employee?

12 A. I basically take the information that a  
13 customer provides, if they have a problem with the  
14 utility, and take that information and provide it to the  
15 utility and ask them to respond to the issues that are  
16 brought up by the complainant.

17 Q. If there's a formal complaint filed, what's  
18 your --

19 A. Well, with a formal complaint, I take the  
20 information, request -- look at the informal complaint  
21 that was filed, and then request for the company to  
22 provide documentation to -- for me to make an  
23 investigation on the complaint.

24 Q. In your investigation, are you -- can you  
25 tell us, are you trying to determine whether there's been

1 a tariff or rules violation?

2 A. Yes, sir. Yes, sir.

3 Q. Anything else?

4 A. Basically, just tariff and rule violation  
5 to be sure that the company is following the rules and  
6 tariffs that are on file.

7 Q. In this case today, involving Mr. Alba's  
8 formal complaint, did you prepare a written report?

9 A. Yes, I did.

10 Q. Was that based upon records you obtained  
11 from Mr. Alba and from Laclede?

12 A. Yes.

13 MR. REED: Can I have that marked as an  
14 exhibit, judge? I have -- what number should it be?

15 JUDGE JONES: Exhibit 3.

16 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)

17 BY MR. REED:

18 Q. Let me hand you what's marked as Exhibit 3,  
19 Ms. Doerhoff. Can you identify this report?

20 A. Yes, sir. That is the report that I  
21 prepared for this formal complaint.

22 Q. And it includes -- I think it includes your  
23 electronic signature, correct?

24 A. Yes, sir.

25 Q. And attachments?

1 A. Yes.

2 Q. Make sure -- make sure they're all there,  
3 please.

4 A. Yes, sir.

5 Q. Did you determine based upon the  
6 information that you reviewed whether there was a tariff  
7 or rule violation?

8 A. From the information that I reviewed, I  
9 could find no tariff or rule violation by the company.

10 MR. REED: Judge, I'd like to offer  
11 Exhibit 3 at this time.

12 JUDGE JONES: Mr. Alba?

13 MR. ALBA: Yes, sir.

14 JUDGE JONES: Can you hear what's going on?

15 MR. ALBA: Yes, sir. I've been following  
16 what you're saying, yes, sir.

17 JUDGE JONES: Do you have any objection to  
18 the Staff recommendation -- or memorandum rather being in  
19 evidence in this case?

20 MR. ALBA: No, sir. I don't really think  
21 that you can mess around with the tariff, but that's not  
22 the tariff -- I'm not questioning about the tariff. I'm  
23 questioning about the leakage that has not been taken care  
24 of by the Laclede Gas in the very beginning of the two  
25 times that inspected and performed a spray test. I don't

1 have any objection, sir.

2 JUDGE JONES: Any objection, Mr. Zucker?

3 MR. ZUCKER: No objection, your Honor.

4 JUDGE JONES: Mr. Poston?

5 MR. POSTON: No objection.

6 JUDGE JONES: Exhibit 3 is admitted.

7 (EXHIBIT NO. 3 WAS RECEIVED INTO EVIDENCE.)

8 MR. REED: Thank you, judge. That's all I  
9 have.

10 JUDGE JONES: Mr. Zucker, do you have  
11 questions of Staff's witness?

12 MR. ZUCKER: Just a few.

13 CROSS-EXAMINATION BY MR. ZUCKER:

14 Q. Ms. Doerhoff?

15 A. Yes.

16 Q. In Staff's opinion, from the records you  
17 reviewed, was Mr. Alba billed accurately for his gas usage  
18 in 2006-2007 at 3931 Minnesota?

19 A. Yes.

20 Q. Is it Staff's opinion that Laclede's leak  
21 detection practices are safe and adequate?

22 A. I'm not really familiar with that portion  
23 of what's done. That's usually done by our gas safety.  
24 So I really can't -- I really can't comment.

25 Q. Okay. Is it Staff's position that the

1 testing solution used by Laclede in leak testing is  
2 comparable to the liquid soap and water method described  
3 by Mr. Alba?

4 A. There again, I'm not really an expert on  
5 that. I don't deal with that portion. I would have to  
6 ask our gas safety area.

7 Q. So at the bottom of page 1 of your -- of  
8 the report of the Staff, Exhibit 3, under Staff finding --

9 A. Yes.

10 Q. -- would you take a moment and read the  
11 last -- the last sentence there at the bottom of page 1  
12 and on to the top of page 2.

13 A. Yes. Okay. Yes. I did review that work  
14 order and the special reads and the gas odor reports, and  
15 I did talk with our gas safety area, now that you -- that  
16 you say that, and they did say that it is a sufficient  
17 method. I did check with gas safety on that.

18 Q. Okay.

19 A. Yes, I checked with our gas safety area.  
20 Thank you.

21 Q. Okay. Thank you. Given the -- are you  
22 familiar at all with the usage history at this location?

23 MR. ALBA: Are you referring to the  
24 complainant?

25 MR. ZUCKER: I'm asking a question of

1 Ms. Doerhoff.

2 THE WITNESS: With the usage history, only  
3 from what Mr. Alba's account shows. I did not go into  
4 prior history on that.

5 BY MR. ZUCKER:

6 Q. Okay. In your experience, are the bills  
7 issued to Mr. Alba during the winter of '06-'07 unusually  
8 high?

9 A. From my experience with other -- with other  
10 areas that I look into, no, I did not think that they were  
11 high.

12 Q. And -- and do you support today Staff's  
13 recommendation that the complaint be dismissed?

14 A. Yes, sir.

15 MR. ZUCKER: No further questions, your  
16 Honor.

17 JUDGE JONES: Mr. Poston, do you have any  
18 questions?

19 MR. POSTON: No.

20 JUDGE JONES: Mr. Alba, would you like to  
21 ask Staff's witness questions?

22 MR. ALBA: Yes.

23 CROSS-EXAMINATION BY MR. ALBA:

24 Q. What's your name again?

25 A. Marilyn.

1 Q. It's what?

2 A. Marilyn.

3 Q. Still didn't -- anyway, are you -- are you  
4 in charge of customer service on one particular area here  
5 only in St. Louis, or --

6 A. No. We handle complaints from all over the  
7 state.

8 Q. Are you familiar with University City,  
9 Missouri?

10 A. I am aware of the area, yes, sir.

11 Q. Okay. Have you checked my records or my  
12 usage records from my prior residence at 17050 Dartmouth  
13 Avenue?

14 A. No, sir, I did not, because that wasn't  
15 part of the issue that I was looking into.

16 Q. Okay. So anyway -- if, for example, a  
17 resident, especially if he's alone and turns down the  
18 thermostat below 60 degrees, would it make a big change or  
19 difference for the usage?

20 A. I would assume so, yes.

21 Q. Especially if it's only one bedroom  
22 compared to the three bedroom?

23 A. Yes, sir, I would assume that that would  
24 possibly make the usage lower. There again, it would  
25 depend upon other conditions as well as just the turning



1 down of the thermostat.

2 Q. Okay. So you're not very sure whether  
3 the -- with the, what you call, with the diligence of the  
4 tenants to turn down the thermostat and still the usage is  
5 very -- is unusually -- is, what you call, compared to  
6 other -- other units that I live on is a lot higher  
7 than -- than I used to have in my other apartment at  
8 University City?

9 A. Well, you know, there are other factors  
10 besides just the turning down of a thermostat that can  
11 cause your usage to be higher.

12 Q. This doesn't indicate whether the usage is  
13 correct simply because everybody is turning the thermostat  
14 high or low? In other words, it all depends the factors,  
15 right?

16 A. Yes. There are other factors in addition  
17 to the thermostat settings, yes.

18 Q. Well, I don't think I -- thank you very  
19 much, ma'am, and I appreciate your testimony.

20 A. You're welcome.

21 JUDGE JONES: Mr. Reed, any follow-up  
22 questions?

23 MR. REED: No, thank you.

24 JUDGE JONES: Mr. Poston, any witnesses?

25 MR. POSTON: No.

1 JUDGE JONES: Mr. Zucker, you may call your  
2 first witness.

3 COMMISSIONER CLAYTON: No questions, Judge.

4 JUDGE JONES: Sorry.

5 MR. ZUCKER: Are there any questions from  
6 Commissioners?

7 JUDGE JONES: No, there aren't.

8 COMMISSIONER CLAYTON: But thanks for  
9 asking.

10 MR. ZUCKER: My first witness is  
11 Mr. Jeffrey Schlote.

12 JUDGE JONES: Could you spell his last name  
13 for us?

14 THE WITNESS: S-c-h-l-o-t-e.

15 JUDGE JONES: Mr. Schlote, you may have to  
16 move closer to the phone.

17 MR. ZUCKER: I'll move the phone closer to  
18 Mr. Schlote.

19 (Witness sworn.)

20 JUDGE JONES: Mr. Zucker, you may proceed.

21 JEFFREY SCHLOTE testified as follows:

22 DIRECT EXAMINATION BY MR. ZUCKER:

23 Q. Mr. Schlote, who are you employed by?

24 A. Laclede Gas Company.

25 Q. And what is your title at Laclede?

1           A.     I'm a foreman in the service department.

2           Q.     Okay. And is the service department also

3 known as SAID?

4           A.     Yes, it is.

5           Q.     And do you know what that stands for?

6           A.     Service and installation department.

7           Q.     Okay. And how long have you been with

8 Laclede?

9           A.     15 years.

10          Q.     And before you were a foreman -- what job

11 did you first hold when you came to Laclede?

12          A.     Service tech on the street.

13          Q.     Okay. And would that be the same type of

14 job that -- or same position that visited Mr. Alba on

15 December 19th?

16          A.     Yes.

17          Q.     Okay. And then what -- how long were you a

18 service tech?

19          A.     Nine years.

20          Q.     And then what did you do after -- after

21 that?

22          A.     Six years as a foreman in the service

23 department.

24          Q.     And are you responsible for a certain area

25 of town?

1           A.       Yes.

2           Q.       What is your area?

3           A.       The West County location.

4           Q.       Okay. Can you describe Laclede's leak  
5 testing procedures when Laclede turns on gas for a  
6 customer?

7           A.       For a turn on, we would use a C-- or CGI  
8 equipment at the inside wall when service comes in.

9           Q.       Can you explain what CGI equipment is?

10          A.       I'm sorry. It's combustible gas indicator.  
11 The particular brand that we use is known as the Gas  
12 Ranger that pulls a sample in and tells you if there's any  
13 leaks, any combustible gas in the air. And then we would  
14 pressure test the customer fuel runs, and if the pressure  
15 test holds, we would light the appliances up, you know,  
16 the pressure test indicator. If it holds, then  
17 everything's good.

18          Q.       And -- and how do you do the pressure test?

19          A.       We use what's known as a manometer, also  
20 called U gauge or U tube, that's referred to as well. We  
21 would install that on the customer fuel runs isolating our  
22 equipment and pressurizing it, and if the U gauge drops,  
23 that would indicate a leak. If it holds, it indicates  
24 it's okay.

25          Q.       Okay. Does Laclede also do leak testing

1 using a liquid?

2 A. Yes.

3 Q. And -- and what kind of a -- how is that  
4 applied? Is it applied using an aerosol can?

5 A. No.

6 Q. Does -- I'm sorry. Go ahead.

7 A. It's a spray bottle.

8 Q. Does Laclede issue aerosol cans to its  
9 service technicians?

10 A. No, they do not.

11 Q. And the spray bottle, would you say that  
12 the spray bottle you're talking about is the same one  
13 described by Mr. Alba as having been used by his  
14 contractor?

15 A. Similar, yes.

16 MR. ZUCKER: I have previously sent a  
17 picture of a spray bottle and -- and a leak detection  
18 fluid to the judge, the parties, and also mailed it to  
19 Mr. Alba. Has everyone received that?

20 JUDGE JONES: Yes.

21 MR. ZUCKER: Okay.

22 MR. ALBA: I did not receive it.

23 MR. ZUCKER: Everyone except Mr. Alba has  
24 received it. Could we mark this as Exhibit 4?

25 JUDGE JONES: Yes, we can.

1 (EXHIBIT NO. 4 WAS MARKED FOR  
2 IDENTIFICATION.)

3 BY MR. ZUCKER:

4 Q. Are you familiar with the items on  
5 Exhibit 4, Mr. Schlote?

6 A. Yes.

7 Q. And is the -- the item that looks like a  
8 spray bottle there the spray bottle that Laclede Gas uses?

9 A. Yes.

10 Q. Did you take this picture?

11 A. Yes.

12 Q. With your camera?

13 A. Yes.

14 Q. Okay. And is the bottle on the right the  
15 leak detection fluid Laclede uses?

16 A. Yes, it is.

17 Q. And what is that fluid? What is it called?

18 A. It's a liquid leak detection fluid. It's  
19 Centraz Leak slash D, Centraz being the manufacturer.

20 Q. Okay. And is that fluid manufactured in  
21 St. Louis?

22 A. Yes, it is.

23 Q. And that's the fluid that goes in that  
24 bottle that stands next to it; is that correct?

25 A. Yes.

1           Q.       And that's the fluid that Laclede uses to  
2    spray onto the pipes to detect leaks?

3           A.       Yes.

4                   MR. ZUCKER:   Okay.   I would like -- I move  
5    for admission of Exhibit 4.

6                   JUDGE JONES:   Mr. Alba?

7                   MR. ALBA:   How do you know if you spray  
8    that, what you call, spray -- you spray that aerosol or  
9    bottle you're referring, how do you know that there is a  
10   leak or not?

11                  JUDGE JONES:   Mr. Alba, I wasn't suggesting  
12   that you ask questions.   I was just trying to get your  
13   attention.   Can you hear me?

14                  MR. ALBA:   Yeah.   I can hear you, sir.

15                  JUDGE JONES:   I realize you don't have a  
16   picture of the spray bottle.

17                  MR. ALBA:   Well, I have a picture of what  
18   you're talking about.   Looks like you're talking about is  
19   a, what you call, is a bottle, not an aerosol.

20                  MR. ZUCKER:   Okay.   Now --

21                  MR. ALBA:   It's my -- since I seen it  
22   twice, it's -- for me it's an aerosol, but I will -- I  
23   will give myself the benefit of the doubt because it is  
24   your word against mine.

25                  JUDGE JONES:   Do you have any objection to





1 saw used was an aerosol can. Is that right, Mr. Alba?

2 MR. ALBA: What I saw is an aerosol can.

3 JUDGE JONES: Something that if you  
4 punctured it it might explode?

5 MR. ALBA: Simply because the way it's  
6 sprayed, it's pretty much like an aerosol hair can, what  
7 you put in your hair -- in your hair to hold -- to hold  
8 the permanence of the hair. Anyway, this is overruled.  
9 Let's proceed then.

10 JUDGE JONES: Mr. Poston?

11 MR. POSTON: I just object that he hasn't  
12 seen this piece of evidence, so that's my --

13 JUDGE JONES: That's the basis of your  
14 objection? Both objections are overruled, Exhibit 4 is  
15 admitted into the record.

16 (EXHIBIT NO. 4 WAS RECEIVED INTO EVIDENCE.)

17 MR. ZUCKER: Thank you, your Honor.

18 BY MR. ZUCKER:

19 Q. Looking again at Exhibit 4, the -- the item  
20 on the left that is the spray bottle, that is not clear,  
21 correct?

22 A. Correct.

23 Q. It looks like it's -- well, what color is  
24 it?

25 A. Gray.

1           Q.       It's gray, and -- and what is it -- what is  
2 it made out of?

3           A.       Plastic.

4           Q.       Okay. So it is a plastic bottle?

5           A.       Yes.

6           Q.       Okay. And it is not aerosol; is that  
7 correct?

8           A.       Correct.

9           Q.       Okay.

10                  MR. ALBA: Is it clear, you can see inside  
11 of the bottle or it's like, what you call, solid gray  
12 color that you cannot see inside?

13                  MR. ZUCKER: I'll ask that question for  
14 you, Mr. Alba.

15 BY MR. ZUCKER:

16           Q.       Is it transparent that you can see inside  
17 or is it just a gray color?

18           A.       Just a gray color, not transparent.

19           Q.       And the solution on the right, the leak  
20 detection fluid, how does that compare to the soapy water  
21 that Mr. Alba described?

22           A.       It's similar in the fact that it will  
23 bubble. So it actually adheres to the pipes better than  
24 what soap does. Soapy water has a tendency to drip off.  
25 This adheres to the pipe, sticks a little better, which

1 actually makes the bubbles show up even better than soap.

2 Q. So are you saying it's as good as the soapy  
3 water, worse or better than the soapy water for detecting  
4 leaks?

5 A. It's better than soapy water.

6 Q. Are there any other -- are there any other  
7 benefits to it?

8 A. No.

9 Q. Does it tend to make more or less of a mess  
10 in the customer's home compared to the soapy water?

11 A. It's less messy.

12 Q. Okay.

13 MR. ALBA: Can I make a comment?

14 JUDGE JONES: Mr. Alba?

15 MR. ALBA: Yes, sir.

16 JUDGE JONES: After the Staff of the  
17 Commission and the Office of Public Counsel and myself or  
18 the Commissioners have questions of this witness, then you  
19 will have the last opportunity to ask questions. Okay?

20 MR. ALBA: Thank you, sir.

21 JUDGE JONES: Okay.

22 MR. ZUCKER: I also sent around to the  
23 parties a -- an item that's several pages long made up of  
24 service order tickets from Laclede, Laclede's visit to  
25 Mr. Alba's residence. Have the -- everyone received that?

1 JUDGE JONES: I suppose everyone except  
2 Mr. Alba.

3 MR. ZUCKER: You did not receive it,  
4 Mr. Alba?

5 MR. ALBA: That's the reason why I'm in the  
6 habit to use the P.O. box, simply because around here I  
7 just don't really know what's going on, so I have a P.O.  
8 box. Probably I should give it to you next time.

9 MR. ZUCKER: Do people sometimes take your  
10 mail?

11 MR. ALBA: I beg your pardon?

12 MR. ZUCKER: Do people sometimes take your  
13 mail?

14 MR. ALBA: The mailman so many times has  
15 been delivering mail from other apartment nearby.

16 MR. ZUCKER: Okay.

17 MR. ALBA: And then they drop it in my  
18 slot, and also --

19 MR. ZUCKER: So they may be dropping your  
20 mail in someone else's slot?

21 MR. ALBA: You know what, I just don't want  
22 to make any comment, but looks like that's the way it goes  
23 around here. That's why I have the P.O. box number.

24 MR. ZUCKER: Can you give me the P.O. real  
25 quickly?

1 MR. ALBA: P.O. Box 220548.

2 MR. ZUCKER: St. Louis, Missouri?

3 MR. ALBA: St. Louis, Missouri, 63130.

4 It's not here in this town. It's in my old residence.

5 MR. ZUCKER: In U City?

6 MR. ALBA: The city, right.

7 BY MR. ZUCKER:

8 Q. All right. Mr. Schlote, have you had an  
9 opportunity to review this list of service tickets?

10 A. Yes, I have.

11 Q. And do those service tickets and  
12 information appear to be made in the ordinary course of  
13 Laclede's business?

14 A. Yes.

15 Q. Are you familiar with those service  
16 tickets?

17 A. Yes.

18 Q. Are those -- were those made on  
19 Laclede's -- standard Laclede forms?

20 A. Yes.

21 Q. And do they appear to have been filled out  
22 in the way Laclede trains its people to fill out those  
23 forms?

24 A. Yes.

25 Q. Okay. I would like to have that, these

1 documents marked as Exhibit 5, and move for their  
2 admission.

3 JUDGE JONES: How many pages are you  
4 talking about, Mr. Zucker?

5 MR. ZUCKER: They're front and back, so  
6 it's a little --

7 JUDGE JONES: Well, is it everything that  
8 you sent?

9 MR. ZUCKER: Yes. Let's see. I sent it on  
10 Friday, I think.

11 JUDGE JONES: Well, there's --

12 MR. ZUCKER: It's not everything.

13 JUDGE JONES: Oh. Well, how many pages  
14 front and back do you have?

15 MR. ZUCKER: I think it's 11 pages.

16 JUDGE JONES: Front and back?

17 MR. ZUCKER: Well, I mean, the backs are  
18 attached also, they're part of the 11 total.

19 JUDGE JONES: We'll mark this as Exhibit 5.  
20 Mr. Alba?

21 MR. ALBA: Yes, sir.

22 JUDGE JONES: I'm looking at these papers,  
23 and it appears that these are orders that are to 3931  
24 Minnesota under your name.

25 MR. ALBA: 3931A, sir. 3931 Minnesota is

1 the first floor.

2 MR. ZUCKER: Right. It says second floor  
3 on it.

4 MR. ALBA: Okay. If that would be second  
5 floor, that would be fine.

6 JUDGE JONES: Okay. Well, one page doesn't  
7 have anything written on it. It's just a form. The  
8 second page --

9 MR. ZUCKER: Right. That would be the back  
10 of a front page.

11 JUDGE JONES: Okay. And we have another  
12 dispatch time of 12 -- date of 12/19/2006 to the same  
13 apartment. The first page says that there was -- I guess  
14 the detector that's used, a combustible gas indicator, I  
15 suppose says there was no gas. The next page also  
16 identifies the same address and your name, Mr. Alba, and  
17 has meter numbers on them, index readings rather, and  
18 talks about the detection of -- of a leak, or the attempt  
19 to detect a leak I should say. The back, there at the  
20 back of that page, that's here, what these are, Mr. Alba,  
21 are work orders from December 19th.

22 MS. DOERHOFF: There's several different  
23 dates, judge.

24 JUDGE JONES: And December 18th.

25 MR. ZUCKER: Your Honor, would it be

1 helpful if we just kind of went through some questioning  
2 of them and then that would identify what they were and I  
3 can ask for admission at the end?

4 JUDGE JONES: Okay. That's fine.

5 (EXHIBIT NO. 5 WAS MARKED FOR  
6 IDENTIFICATION.)

7 BY MR. ZUCKER:

8 Q. Mr. Schlote, you said that you're familiar  
9 with these tickets?

10 A. Yes.

11 Q. Can you tell me about the first ticket?  
12 What is the date on that ticket?

13 A. 12/18.

14 Q. Yes.

15 A. The meter read only.

16 Q. Right. And what was that -- what was  
17 that -- what service did we provide on that ticket?

18 A. To obtain a gas meter reading.

19 Q. Okay. And what kind of a Laclede worker  
20 would we have sent out for that?

21 A. A meter reader.

22 Q. Would that have been a service technician?

23 A. No.

24 Q. Okay. And does it appear that the meter  
25 reader did get a meter reading that day?



1           A.       Yes.

2           Q.       Okay. And does a meter reader when he goes  
3 to get a meter reading, does he do a leak check?

4           A.       No.

5           Q.       Is the meter reader trained to do a leak  
6 check?

7           A.       No.

8           Q.       Does the meter reader carry a leak detector  
9 on him?

10          A.       Yes.

11          Q.       Is it the same as a CGI or something else?

12          A.       It's a CGI, but not the same as our service  
13 tech's. It's a pocket CGI.

14          Q.       So he carries that in his pocket?

15          A.       Yes.

16          Q.       And as he's reading the meter, if there's a  
17 leak in that area, would his detector go off?

18          A.       Yes.

19          Q.       Okay. And -- and did the meter reader's  
20 detector alarm on December 18th?

21          A.       No.

22          Q.       And how do you know that?

23          A.       There's documentation. The detector alarm  
24 on the CIS, it says yes or no, and it's documented as no.

25          Q.       By the CIS, do you mean the service ticket

1 we're looking at?

2 A. Service ticket, yes.

3 Q. All right. And what time was the meter

4 reader there on December 18th, can you tell that?

5 A. From 10 o'clock to 10:10.

6 Q. Okay. Is it kind of hard to read?

7 A. Yes.

8 Q. But somewhere in the ten o'clock a.m. hour?

9 A. Yes.

10 Q. And what meter reading did he get?

11 A. 6185.

12 Q. Skipping page 2, which is blank, and going

13 on to page 3, can you explain what this -- what page 3

14 purports to be?

15 A. Yes. The order that is given to the

16 leak -- to our service tech is that there was a slight

17 odor in the basement. No service work to be performed.

18 Q. Okay. So -- so Laclede received a report

19 that there was a -- an odor of gas in the basement --

20 A. Yes.

21 Q. -- at 3931 Minnesota?

22 A. Yes.

23 Q. Second floor?

24 A. Yes.

25 Q. And who would have called that leak in?

1 Can you tell from that?

2 A. This one would be ordered by -- it says  
3 Cesar, ordered by Cesar.

4 Q. And would that be Cesar Alba as it says  
5 above that?

6 A. Yes.

7 Q. And what time would he have called that  
8 leak in? Can you tell that?

9 A. 8:42.

10 Q. 8:42 in the morning?

11 A. Yes.

12 Q. On December 19?

13 A. Yes.

14 Q. Okay. And did Laclede then dispatch a  
15 service technician to investigate this leak order or gas  
16 odor?

17 A. Yes.

18 Q. And what time was that person dispatched?

19 A. Dispatch time was 8:50.

20 Q. Okay. 8:50 a.m.?

21 A. Yes.

22 Q. Okay. And can you tell what time the --  
23 the service technician arrived at Mr. Alba's residence?

24 A. 9:05 a.m.

25 Q. Okay. Moving on to page 4. The next page,

1 can you tell me what page 4 purports to be?

2 A. This would be the service tech's service  
3 ticket that he completed on the job.

4 Q. So this is what the service tech filled out  
5 after he got to Mr. Alba's apartment and did his work?

6 A. Yes.

7 Q. And what does it indicate? I guess we're  
8 looking at pages 4 and 5, the front and back.

9 A. On the front he has that he completed,  
10 checked service set Ranger, liquid leak detector. U tube  
11 wouldn't hold. Unable to cut off at curb. Issued a form  
12 F686 and F627. Those would be -- the F627 would be a  
13 hazard report on the fuel run, and the F686 would be a  
14 report for our street department for the curb box.

15 Q. So am I to understand, then, that he did  
16 identify a leak?

17 A. Yes.

18 Q. And is that because that U tube wouldn't  
19 hold pressure?

20 A. Yes.

21 Q. And can you explain that test again?

22 A. That would be a test on the customer's fuel  
23 runs. It's -- you would inject pressure into the customer  
24 fuel runs and isolate that, and if it dropped, it would  
25 indicate a leak.

1 MR. ALBA: I object to that.

2 JUDGE JONES: What do you object to?

3 MR. ALBA: The serviceman didn't do any  
4 pressure testing on -- based on what the testimony that  
5 this person is saying.

6 JUDGE JONES: Okay. So you're objecting  
7 because you disagree with what he says?

8 MR. ALBA: I strongly possibly disagree  
9 with what he was saying. They said that those testing are  
10 not being performed by Laclede Gas, I have to use my  
11 private contractor for that. Never, never during the time  
12 and even before they have been doing some pressure testing  
13 for the customer. They said it's not their business, I  
14 have to call my private contractor.

15 JUDGE JONES: Okay. Well, from a legal  
16 standpoint, Mr. Alba, I have to overrule your objection,  
17 but that you disagree with what this Mr. Schlote is  
18 testifying to is in the record.

19 MR. ALBA: You put in the record, but as I  
20 said, I object to that but you overruled me, so I -- I  
21 will abide by your ruling.

22 JUDGE JONES: You may continue, Mr. Zucker.

23 BY MR. ZUCKER:

24 Q. You previously said that Mr. -- well, do  
25 you know who the service technician was who went there?

1           A.     Employee No. 6993.

2           Q.     Do you know who that is?

3           A.     Yes.

4           Q.     You can say his name?

5           A.     Jeff Boesh.

6           Q.     When did Mr. Boesh complete his work on the

7     leak?

8           A.     The leak was completed at ten o'clock.

9           Q.     Okay. And when he got there, did he find

10    the gas on or off?

11          A.     He found the gas on.

12          Q.     And when he finished his work at ten

13    o'clock, did he leave the gas on or off?

14          A.     Off.

15          Q.     Did he take measurements for how much gas

16    there was in the air?

17          A.     Yes.

18          Q.     And what did he find?

19          A.     Zero percent at the inside and outside

20    wall, and zero percent outside in the bar hole, the extra

21    bar hole.

22          Q.     And what does that indicate?

23          A.     That means no gas found at those locations.

24                 MR. ALBA: I object. I have to object to

25    the testimony simply because, although I might be

1     overruled, but there was no testing done except the  
2     aerosol or, what you call, the spraying of liquids.

3                     JUDGE JONES:   Mr. Alba?

4                     MR. ALBA:   Yes, sir.

5                     JUDGE JONES:   If you disagree with what  
6     Mr. Schlote is saying, you will have the opportunity to  
7     cross-examine him.

8                     THE WITNESS:   Yes, sir.

9                     JUDGE JONES:   And in that way, you can  
10    bring out your concerns about disagreeing with his  
11    testimony.   Okay?

12                    THE WITNESS:   Thank you, sir.

13   BY MR. ZUCKER:

14                    Q.       How did -- how would Mr. Boesh have  
15    determined that the gas in air reading was zero percent?

16                    A.       Using the combustible gas indicator.

17                    Q.       And so that's just a piece of equipment  
18    that gets a reading?

19                    A.       Yes.

20                    Q.       Okay.   So he didn't have to spray anything  
21    to do that?

22                    A.       No.

23                    Q.       Or hook up any particular piece of  
24    equipment?

25                    A.       No.

1           Q.       Okay. So moving on to page 6, this looks  
2 like another order ticket. What is this page about?

3           A.       This is to inform -- this was the -- from  
4 our dispatchers, dispatched to Mr. Boesh a meter change  
5 order there to install an AMR device meter.

6           Q.       Okay. And did Mr. Boesh have one on him?

7           A.       Yes.

8           Q.       Okay. And so what did -- and so did he  
9 then do a meter change?

10          A.       Yes.

11          Q.       And when did he start the meter change?

12          A.       At ten o'clock.

13          Q.       And how do you know that?

14          A.       It's documented on the next page.

15          Q.       Okay. Page 7?

16          A.       Yes.

17          Q.       Okay. And this is a -- this would be  
18 another ticket filled out by Mr. Boesh at the time?

19          A.       Yes.

20          Q.       Okay. And -- and we're still on December  
21 19th; is that correct?

22          A.       Correct.

23          Q.       And when did he complete the meter change?

24          A.       At 10:15 a.m.

25          Q.       And did he write down the last reading of



1 old meter?

2 A. Yes.

3 Q. And what was that reading?

4 A. The old meter would be 6190.

5 Q. And then did he write down the beginning  
6 reading of the new meter?

7 A. Yes.

8 Q. Okay. Did he fix the leaks in the  
9 customer -- in the customer's fuel runs at that time?

10 A. No.

11 Q. Okay. And so there's still a leak problem,  
12 then; is that correct?

13 A. Yes.

14 Q. And so did he turn the gas back on after he  
15 completed the meter change?

16 A. No.

17 Q. He left the gas off?

18 A. Yes.

19 Q. How do you know that?

20 A. The next page, page 8, it indicates meter  
21 left locked with an X next to it.

22 Q. Okay. All right. And so Laclede did not  
23 repair the leak?

24 A. No.

25 Q. Okay. And were the leaks repaired

1 ultimately?

2 A. Eventually, yes.

3 Q. Okay. And how do you know that?

4 A. Because we performed a, what we call a no  
5 gas, which is restoring the gas on 12/21, and it was leak  
6 checked at that time with the same procedure using a  
7 U gauge or manometer doing a pressure test.

8 Q. Are you on page 9 now, 9, 10 and 11?

9 A. Yes.

10 Q. So on page 9, what does that indicate?  
11 This is -- looks like another job request?

12 A. Yeah. It's dispatch order to our service  
13 tech, employee 7655 on 12/21.

14 Q. And that's Mr. Fugerio?

15 A. Yes.

16 Q. And what was the -- what was the work that  
17 was ordered?

18 A. To restore gas service, known as a no gas.

19 Q. Okay. I see two lines under special  
20 instructions?

21 A. Okay.

22 Q. Can you tell me what that means?

23 A. Yes, Laclede out at 12/19/06. A No. 3 leak  
24 issued 6/27 on fuel runs. This one states repaired or  
25 completed. Needs gas on. For access knock on front door.

1 Here to 12 p.m. only.

2 Q. Okay. So does that mean that after we left  
3 the gas off on December 19th, by December 21st Mr. Alba  
4 had the leak repaired and had called us to come out and  
5 turn on the gas?

6 A. Yes.

7 Q. And I guess he's wanting us to come out in  
8 the morning?

9 A. Yes.

10 Q. Okay. And when did Mr. Fugerio arrive?

11 A. At 10:15 a.m.

12 Q. Okay. And how do you know that?

13 A. On the next page, time started the job,  
14 arrival time of 10:15.

15 Q. Okay. And what does this -- and now you're  
16 on pages 10 and 11?

17 A. Yes.

18 Q. And is that a service order ticket also?

19 A. Yes.

20 Q. And that would have been filled out by the  
21 service technician?

22 A. Yes.

23 Q. Who arrived at -- the service technician  
24 that came to Mr. Alba's apartment on December 21st?

25 A. Yes.

1 Q. And what does that ticket show?

2 A. This shows that he received the no gas,  
3 went out and completed the same, checked pressure, okay,  
4 no adjacent copper services on the back of it. That's for  
5 our leak checks outside. But it indicates up at the top,  
6 meter found locked, often locked. Meter left on. He  
7 spotted -- in other words, this spotted meter he actually  
8 used U gauge, which is the pressure test. It indicates  
9 that he found the range capped. The water heater he lit,  
10 okay. The vent was okay. Same for central HH, which is  
11 the furnace.

12 Q. Okay. So are you saying that he used the  
13 manometer pressure test that we discussed?

14 A. Yes.

15 Q. And he found it to be okay?

16 A. Yes.

17 Q. So the leaks were repaired?

18 A. Yes.

19 Q. And then he turned the gas on?

20 A. Yes.

21 Q. And he activated the water heater and the  
22 furnace?

23 A. Yes.

24 Q. Okay. And that -- that concludes  
25 apparently three to four days of activity there? Is that

1 correct; is the last page you have?

2 A. Yes.

3 MR. ZUCKER: Okay. I guess I now would  
4 offer Exhibit 5 for admission.

5 JUDGE JONES: Mr. Alba?

6 MR. ALBA: Yes, sir.

7 JUDGE JONES: What I'm going to do is I'll  
8 admit this into the record now, and when you receive it, I  
9 want you to go over it and --

10 MR. ALBA: I have the right to object and  
11 once I see any discrepancy on the record.

12 JUDGE JONES: Okay. When you get it, you  
13 send something in that says how you feel about whether it  
14 should be evidence. Okay?

15 MR. ALBA: Yes, sir.

16 JUDGE JONES: I just have a couple of  
17 questions, Mr. Schlote.

18 MR. ZUCKER: Judge, before you ask your  
19 questions, will there be some kind of a deadline for  
20 Mr. Alba to respond?

21 JUDGE JONES: Depends on when he gets it.  
22 I don't know how to handle the U.S. Mail. They aren't a  
23 party. I can't order them to deliver his mail. Maybe --  
24 I guess you should send it to the P.O. box he gave you.

25 MR. ZUCKER: Okay. I will resend it by

1 tomorrow to the P.O. Box, and if he gets it twice, he gets  
2 it twice. Better than getting it zero times.

3 JUDGE JONES: And I will issue -- I'll  
4 contact Mr. Alba to see when and if he receives that  
5 information, and upon that knowledge, I'll issue something  
6 that gives him a deadline to respond.

7 MR. ZUCKER: Okay.

8 QUESTIONS BY JUDGE JONES:

9 Q. Mr. Schlote?

10 A. Yes.

11 Q. From this December 19th report, that shows  
12 the meter was left locked?

13 A. Yes.

14 Q. The meter was locked because there was a  
15 leak?

16 A. Yes.

17 Q. But on that same page it has zero percent,  
18 zero percent, zero percent for leak detections. I don't  
19 understand that.

20 A. Those would be leaks checked outside, you  
21 know, at the building wall, at the street, at the service  
22 coming in. Those were all indications that our equipment  
23 coming in to the gas service itself are not leaking.

24 Q. What does inside mean?

25 A. Inside would actually mean the inside wall

1 where the service comes through the wall before the meter.  
2 They check that with their combustible gas indicator for  
3 readings as well to make sure it's not migrating in from a  
4 leak that would be outside.

5 Q. Now -- so there was no testing inside of  
6 Mr. Alba's apartment?

7 A. With the CGI, no. The test for that would  
8 have been the pressure test on the fuel runs.

9 Q. And then, in that case, there was no leak  
10 detected or there was?

11 A. There was. On the pressure test there was,  
12 that's why the meter was left off.

13 JUDGE JONES: Okay. Questions from Staff?

14 MR. REED: No, thank you.

15 JUDGE JONES: Office of Public Counsel?

16 MR. POSTON: No, thank you.

17 JUDGE JONES: Mr. Alba, this is your  
18 opportunity now to ask Mr. Schlote questions.

19 MR. ALBA: Yes, sir.

20 CROSS-EXAMINATION BY MR. ALBA:

21 Q. Mr. Schlote, you did perform gas leak test  
22 on two separate occasions, isn't that right? That would  
23 be October 12th, 2006; is that right?

24 A. October 12th?

25 Q. October 12, 2006, yes, sir.

1           A.       That's when we -- I believe is when we  
2       established gas service. I don't have all the paperwork  
3       in front of me at the time.

4           Q.       But you do have it right now? Do you have  
5       the paperwork right now?

6           A.       We established gas service on October 12th,  
7       yes.

8           Q.       But you did perform a gas leak spraying --  
9       by spraying a substance on the joints and connections?

10          A.       No. We don't do that on a turn on. We do  
11       not spray your fittings. We do a pressure test on the  
12       fuel runs.

13          Q.       What do you mean by pressure test?

14          A.       We use a manometer and isolate your fuel  
15       runs and look for a pressure drop on that manometer. If  
16       it shows a drop, then it indicates a leak.

17          Q.       What is this manometer?

18          A.       Manometer, it's the same as the U gauge or  
19       U tube, it's also slang words for it, but yes, manometer.

20          Q.       Is it -- how long does it take to put that  
21       manometer on?

22          A.       Oh, a couple minutes.

23          Q.       In other words, you have to disengage the  
24       joints in order to put it on and that'll get the pressure?

25          A.       There are two ways you can install it. We



1 can -- there's a tool that the servicemen have that they  
2 can actually swing the meter out of the way and go to the  
3 outlet side of the meter, the swivel, and they can install  
4 a special -- a specially made tool and they can pressurize  
5 it with an aspirator bulb, and it has a manometer keyed  
6 into it, and that way it's isolating your fuel runs alone.

7 Or they can have the gas meter off and they  
8 can go to a drip leg or any outlet on your fuel runs that  
9 they can get into and they can hook on to it that way.  
10 They can then gas it up with gas and turn the gas back off  
11 or they can do the same thing, either with an aspirator  
12 bulb. Some guys actually blow into the hose using lung  
13 pressure. There's several ways it can be installed.

14 Q. Which one is the most accurate?

15 A. All the same. No matter where that U gauge  
16 would be installed, it would show the same. If it drops  
17 there's a leak. If it doesn't, then it's good.

18 Q. You mean to tell me that on October 12,  
19 despite the fact you spray some substance in the joints  
20 and also did some compression test, that -- that you found  
21 there's no leak at all?

22 A. On October 12th?

23 Q. Yes.

24 A. We -- if we turned your gas on, then there  
25 was no leaks on your fuel runs at that time, because there

1 was a pressure test done during the turn on.

2 Q. Because the only -- the -- with my  
3 observations, which is very vivid and very clear to me,  
4 that the only test that you did is spray something on, but  
5 never did perform any compression test, that you connect  
6 the -- the compression testing, that's -- that's what I,  
7 you know, I observed twice, not only October 12 but also  
8 on October 19.

9 MR. ZUCKER: I'm going to object to the  
10 question, testifying during questioning.

11 JUDGE JONES: The objection's sustained.  
12 Mr. Alba?

13 MR. ALBA: Yes, sir.

14 JUDGE JONES: Do you have a question for  
15 Mr. Schlote?

16 BY MR. ALBA:

17 Q. On December 19, the same thing, you said it  
18 will only take few to switch it on and off and put the  
19 compression test. Exactly how many minutes is that, five  
20 minutes, ten minutes, twenty minutes?

21 A. Depending on the service tech. I would say  
22 on average a guy could install the pressure test tool in  
23 about two minutes, and he can observe it over a period of  
24 time, you know, maybe five minutes, they would leave that  
25 pressure test on. A leak -- it would start dropping right

1 away, so as soon as you, you know, started the test, it's  
2 a very sensitive test, the manometer, the U gauge would  
3 actually show the droppage right away. So five minutes  
4 they would test it. If it holds, then it indicates no  
5 leak. If they see any droppage on it -- as soon as they  
6 see a droppage on it, that could be the end of the test.  
7 The test could take ten seconds as soon as they install  
8 the tool.

9 Q. If you -- when you spray that substance to  
10 the pipes and joints, would an ordinary person see it with  
11 my own eyes?

12 A. Yes.

13 Q. Is it thick or not?

14 A. You could. You could. Sure. You could  
15 you see bubbles where there's a leak.

16 Q. Bubbles. Oh, my god, I never seen any  
17 bubbles at all.

18 A. You're indicating using a leak -- you were  
19 indicating leak detection liquid? Liquid leak detention  
20 or --

21 Q. Vitt Heating and Cooling did use this, what  
22 you call, liquid soap and water, and I seen -- and I seen  
23 bubbles pretty much like a kid playing with a bubble gun,  
24 all over the place.

25 A. Okay. Do you have a question?

1           Q.       That's a question. Yeah. How come I  
2       didn't see your serviceman spraying and resorting to  
3       bubbles? I would be very much concerned about that.

4           A.       Well, because that is actually a good test  
5       to locate the leak, but we actually want to find out if  
6       there's a leak in your system. We test the entire system,  
7       and by soaping fittings, there's concealed parts of that  
8       fuel run that you cannot get to, so that's not an accurate  
9       test to tell you if there's leaks there or not.

10          Q.       Well, you know, that's the reason why you  
11       do the preliminary test, that's why you also do the  
12       compression test.

13                 MR. ZUCKER: Objection. Let the witness  
14       finish his answer, please.

15                 THE WITNESS: The pressure test would  
16       indicate if there's a leak in the entire system, and if it  
17       dropped, which it did in this case, that indicated that  
18       there was a leak, so there's -- the same as the  
19       contractor, they said there was a leak, we told them there  
20       was a leak. We didn't locate the leak, the soap would be  
21       what you would use. That's what contractors use to locate  
22       the leaks. That's what --

23                 MR. ALBA: I do object because when the  
24       serviceman on the 19th came over to my place, he never  
25       bothered to spray again. I mean, he never bothered to put

1 the compression test, he just -- I mean, after I reported  
2 it on the 19th and when the person came back the second  
3 time around --

4 MR. ZUCKER: Objection.

5 JUDGE JONES: Mr. Alba, what you're saying  
6 is you're disagreeing with Mr. Schlote's testimony.

7 MR. ALBA: I see on December 19, when the  
8 serviceman came to my apartment to perform another test  
9 for gas leak by spraying aerosol, he found no leak. So he  
10 then installed the new AMR. He did not perform any  
11 compression test, because when I see him putting, what you  
12 call, like compression test by swiveling the meter, I  
13 would notice it simply because he had to do some readings,  
14 which he didn't do.

15 JUDGE JONES: Mr. Alba, are you disagreeing  
16 with Mr. Schlote?

17 MR. ALBA: I disagree. I disagreed with  
18 Mr. Schlote on that basis. And immediately, the same day  
19 when I smelled the gas is the time I called -- I called  
20 the service -- your service person again, and also that's  
21 the time that you said there's a leak and he didn't even  
22 perform a second -- well, the time he found the leak he  
23 didn't perform anything at all. He just smelled it and  
24 then -- and verified it by smell. It's only by smell he  
25 found out there's a leak.

1 JUDGE JONES: Okay. Mr. Alba, your  
2 objection is overruled. Mr. Zucker, your objection is  
3 sustained.

4 Mr. Alba, if you disagree with what a  
5 witness is saying, in other words, if you think what he's  
6 saying is not true, then it's your burden to prove that.

7 MR. ALBA: Well, and --

8 JUDGE JONES: And you've already stated in  
9 your testimony what you think happened.

10 BY MR. ALBA:

11 Q. That's the reason why I called the private  
12 contractors, to make sure that -- what I -- what I know  
13 and what I see can be proven otherwise. It was proven  
14 that there was a leak by -- and the bubble came out all  
15 over the place, that's why he replace all the, you know --  
16 although I feel that I am against the wall, simply because  
17 you have to -- you have to, what you call, like, any  
18 time -- time element when the, what you call, when -- when  
19 the -- when the serviceman came to my -- to my apartment  
20 and performed the test, and how -- and how long he did  
21 perform the test? Is there any time that you indicate  
22 there in your service records?

23 A. The time of the --

24 Q. When he came over to my place and performed  
25 all the tests that you said?

1           A.       Yes.

2           Q.       And how long did it take exactly?

3           A.       The leak investigation took 55 minutes,  
4   from 9:05 in the morning 'til 10 o'clock.

5           Q.       Okay. And then in other words, could it be  
6   your -- my word against yours if I tell you that on the  
7   first time and the second time around, that you came over  
8   to perform the test?

9                   MR. ZUCKER: Objection again.

10                  JUDGE JONES: That's a good question. It's  
11   his word against the witness'. Objection overruled.  
12   Mr. Schlote, you can answer the question.

13                  THE WITNESS: Your word against mine, I  
14   guess. Sure.

15   BY MR. ALBA:

16           Q.       Well, this has become a matter of  
17   credibility now. I guess we have to take into  
18   consideration the credibility of a person who is  
19   testifying, to make sure that you are not just protecting  
20   your job or your -- your -- your -- the people under you  
21   who are doing this and then -- and then how come that --  
22   that it takes such a long time and several service calls  
23   to make -- to make corrections or to make repairs so that  
24   this thing will not happen again.

25                  JUDGE JONES: Okay. Mr. Alba?

1 MR. ALBA: Yes, sir.

2 JUDGE JONES: Do you have more questions of  
3 Mr. Schlote?

4 MR. ALBA: Well, I guess for now -- that  
5 would be -- would be sufficient enough 'til I check all  
6 the records that you send me by mail.

7 JUDGE JONES: Okay. Mr. Zucker, do you  
8 have redirect?

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

10 REDIRECT EXAMINATION BY MR. ZUCKER:

11 Q. Mr. Schlote, the judge asked a question  
12 that before the gas in air reading, and I think that where  
13 he was going was, if the gas in air reading is zero  
14 percent, does that mean there's no leak? Could there be a  
15 leak with -- and even if you try to get a reading, get a  
16 measurement of zero percent?

17 A. Zero percent readings are indications of  
18 our facilities, not the customer's fuel runs. The  
19 customer fuels runs are tested by the pressure test.

20 Q. Okay. So there was a reading of zero  
21 percent on our facilities?

22 A. Correct.

23 Q. And the U gauge test indicated that there  
24 was a leak somewhere on the customer's facility?

25 A. Yes.



1           Q.       And was it -- is it your testimony, then,  
2   that -- that Laclede did not identify where on the  
3   customer's facilities the leak was?

4           A.       Yes.

5           Q.       Just that there was a leak that did exist  
6   on the customer's side of the -- of the meter?

7           A.       Yes.

8           Q.       And then the customer hired his contractor  
9   who found the leak himself?

10          A.       Yes.

11          Q.       Okay. And --

12                 MR. ALBA: Sir, this particular test, the  
13   compression test, you did perform it on October 12, and  
14   also you did perform it on October 19th -- on October  
15   19th, and not unless that I called your serviceman on the  
16   October 19, that's the time that you found that there is a  
17   leak due to your compression test. In other words, you  
18   didn't perform before that I called the second time around  
19   on December 19 after your serviceman came over, but you  
20   didn't find any leak at all, right?

21                 MR. ZUCKER: Objection, your Honor.

22                 JUDGE JONES: Objection sustained.

23   Mr. Alba?

24                 MR. ALBA: Yes, sir.

25                 JUDGE JONES: Mr. Zucker's asking questions

1 right now. You have to wait your turn, although you've  
2 had your turn.

3 MR. ALBA: Okay.

4 JUDGE JONES: Okay. Continue, Mr. Zucker.

5 BY MR. ZUCKER:

6 Q. Just one last area. Mr. Alba indicated  
7 that this was your word against his word. In reality, you  
8 were not even -- you were not the service technician who  
9 went to Mr. Alba's home to deal with these leaks, were  
10 you?

11 A. No, I was not the service tech there.

12 Q. And are you just reviewing the -- the  
13 documents that Laclede prepared at the time that these  
14 service matters occurred?

15 A. Yes.

16 Q. And -- and so in reality, it's really a --  
17 the competition is really between Laclede's  
18 contemporaneous records and Mr. Alba's memory, is that --  
19 would you agree with that?

20 A. Yes, I would.

21 MR. ZUCKER: I don't have any other  
22 questions.

23 JUDGE JONES: Okay. Mr. Schlote, you're  
24 excused. Mr. Zucker, do you have another witness?

25 MR. ZUCKER: I do have one more witness. I

1     need to go get her from her office, if we could maybe take  
2     a five or ten minute break.

3                     JUDGE JONES:   Okay.

4                     MR. ZUCKER:    Would that be acceptable?

5                     JUDGE JONES:   Well, just go get her and  
6     bring her back.   Instead of taking a break, we'll just  
7     wait for you.

8                     MR. ZUCKER:    You'll just wait for me?

9     Okay.   Hold please.

10                    Okay.   Are you still all there?   I'm back,  
11     and we call to the stand our witness Ms. Rhonda O'Farrell.

12                    (Witness sworn.)

13                    JUDGE JONES:   Thank you, you may proceed.

14     RHONDA O'FARRELL testified as follows:

15     DIRECT EXAMINATION BY MR. ZUCKER:   Ms. O'Farrell, who are  
16     you employed by?

17                    A.       Laclede Gas Company.

18                    Q.       What is your title?

19                    A.       I'm the assistant manager in the community  
20     services department.

21                    Q.       Okay.   And how long have you been with  
22     Laclede?

23                    A.       12 years this past September.

24                    Q.       And can you describe what positions you've  
25     held during those 12 years?

1           A.       Yes, sir. I was in customer relations as a  
2 telephone representative for about a year and a half. I  
3 then transferred to the commercial/industrial sales  
4 department for approximately a year. Then I was the  
5 assistant manager of customer accounting for five years,  
6 and I've been the assistant manager of community services  
7 for five years.

8           Q.       Okay. And are you familiar with Laclede's  
9 records in Laclede's system -- customer information system  
10 and the data that Laclede keeps on customer usage and  
11 bills?

12          A.       Yes, I am.

13          Q.       Okay. Have you reviewed the usage history  
14 for Mr. Alba's apartment, 3931 Minnesota on the second  
15 floor?

16          A.       Yes, I have.

17          Q.       And what have you found?

18          A.       I have found that Mr. Alba's usage since  
19 his turn on in October of '06 is consistent with copies of  
20 history at that premise.

21          Q.       And have you prepared a document or was one  
22 prepared under your supervision that shows this usage?

23          A.       Yes.

24                   MR. ZUCKER: And is -- this is a document  
25 that I sent again, to the parties, and on the top it says

1 Cesar Alba 3931 Minnesota second floor, St. Louis,  
2 Missouri 63118, account No. 574751-011. Did everyone --  
3 it's a one page document. Did everyone receive that?

4 JUDGE JONES: We have it.

5 MR. ZUCKER: I would like that marked as  
6 Exhibit 6.

7 (EXHIBIT NO. 6 WAS MARKED FOR  
8 IDENTIFICATION.)

9 MR. ZUCKER: Mr. Alba, did you receive  
10 that?

11 MR. ALBA: No, sir.

12 MR. ZUCKER: Not yet. Okay.

13 BY MR. ZUCKER:

14 Q. And so is that information off of Laclede's  
15 customer information system, the information that's in  
16 this document?

17 A. Yes, it is.

18 Q. And the readings that are shown on this  
19 document for the corresponding dates are accurate  
20 readings?

21 A. Yes, sir.

22 Q. Can you tell me what the -- what they show  
23 as a history of usage at Mr. Alba's location?

24 A. Mr. Alba's usage since turn on, the yearly  
25 usage is about a thousand feed of gas, which compared to

1 prior use history, going all the way back to 1990, is  
2 consistent with the prior tenants' usage.

3 Q. Okay. And so what is the approximate usage  
4 at the -- at Mr. Alba's apartment over the years?

5 A. Historically it's been between 1,000 and  
6 1,200 feet of gas per year.

7 Q. And what was Mr. Alba's annualized amount?

8 A. 1,075 feet of gas.

9 Q. And that contains an assumption for usage  
10 that he would have had between June and October?

11 A. Yeah, approximately 90 feet of gas.

12 Q. Do you think that's a reasonable  
13 assumption?

14 A. Yes.

15 Q. Does this document also show some usage of  
16 other units in Mr. Alba's building?

17 A. Yes, the first floor unit at 3931  
18 Minnesota.

19 Q. And what time period was covered in this --  
20 in this analysis?

21 A. A turn on of October 1st through April of  
22 '03.

23 Q. October 1st of what year?

24 A. October of 2001. I'm sorry.

25 Q. October 2001 to April of 2003?

1           A.       That's correct.

2           Q.       And what kind of annualized usage would we  
3 have found at 3931 Minnesota on the first floor?

4           A.       The average usage per year is about 1,350  
5 feet of gas.

6           Q.       And that's more than what was used in  
7 Mr. Alba's apartment; is that correct?

8           A.       On the second floor? You're asking on  
9 the --

10          Q.       Yes.

11          A.       Yes, sir.

12          Q.       And what about the unit next door to that  
13 one, 3933 Minnesota first floor?

14          A.       The historical annual usage, about 1,675  
15 feet of gas per year.

16          Q.       And again, more than Mr. Alba used?

17          A.       That is correct.

18          Q.       Did you look at the heating degree days  
19 that corresponded with the usage for Mr. Alba's apartment?

20          A.       Yes, I did.

21          Q.       And what did you find?

22          A.       That since Mr. -- the gas service at 3931  
23 second floor that's in Mr. Alba's name, he's averaged  
24 approximately .2306 BCFs per heating degree day, which is  
25 in line with past usage history at that premise.

1 Q. .2306?

2 A. Yes, BCFs per heating degree day.

3 Q. And what was used in '98, between '98 and

4 '99, for example?

5 A. '98 to '99, it was .2899 BCFs per heating

6 degree day.

7 Q. And what about before that?

8 A. Prior to that, it ranged anywhere from

9 .2212 to .2688 BCFs per heating degree day.

10 Q. So Mr. Alba's on the very low end of the

11 range of this history; is that correct?

12 A. Yes, he's at the low end.

13 Q. And does usage per heating degree day

14 indicate how much is used based on the weather?

15 A. Yes, based on an average temperature.

16 Q. Did you also look at Mr. Alba's previous

17 location on Dartmouth?

18 A. Yes, I did.

19 Q. Mr. Alba says that he used less on

20 Dartmouth than he did on Minnesota. Is he correct?

21 A. Yes, he is.

22 Q. Okay. And why would that be?

23 A. Why he used less gas there?

24 Q. Yeah.

25 A. I don't know. It's a different location.



1 There could be various reasons depending on the quality  
2 and the amount of insulation, the weatherproofing  
3 materials installed, efficiency and age of the gas  
4 equipment, the thermostat setting. There could be various  
5 reasons why different people use different amounts of gas,  
6 or same people use different amounts of gas at different  
7 locations.

8 Q. Okay. The review of Mr. -- of the usage  
9 history at Mr. Alba's apartment ends in 1999. Why -- what  
10 happened between 1999 and 2006?

11 A. You're at 3931 Minnesota second floor?

12 Q. Yes, ma'am.

13 A. Okay. One moment. Between 2000 and 2001,  
14 Laclede was trying to get access to cut off the meter.  
15 There's no readily available -- there are other parties  
16 residing there at the time. We finally did get the gas  
17 turned off in September of '01 and obtained a meter  
18 reading. Then it was turned back on December of '02,  
19 turned off again in February of '03. Turned on for a  
20 different party then in April of '03, but not the furnace,  
21 that was left off, and it was eventually terminated, cut  
22 at the curb in August of '04.

23 Q. So there's not a smooth level of usage  
24 between 1999 and 2004; is that what you're saying?

25 A. That's correct.

1           Q.       And Staff's recommendation says the meter  
2   was off from -- or the gas service was off between August  
3   of '04 and when Mr. Alba turned on in October of 2006; is  
4   that correct?

5           A.       Yes.

6           Q.       That was a yes?

7           A.       Yes.

8           Q.       Okay. Do you believe Mr. Alba's usage  
9   there in 2006-2007 is unusually high?

10          A.       Not really, no. No, it's slightly above  
11   the average for a typical customer, but it's not unusual  
12   for older buildings.

13          Q.       Mr. Alba says he received a bill for  
14   service January 31st to March 2nd of \$286, but his bill  
15   for service from March 2nd to April 2nd was only about  
16   \$70. Is that correct?

17          A.       That is correct.

18          Q.       And how could that be?

19          A.       Well, because of the temperature difference  
20   between January 31st, '07 and March 2nd of '07, there were  
21   1,027 heating degrees days for an average temperature of  
22   about 31 degrees, compared to March 2nd to April 2nd, of  
23   '07, there were only 351 heating degree days for an  
24   average temperature of about 54 degrees, so it was much  
25   much colder on the February 2007 billing than it was on

1 the March 2007 billing.

2 Q. And you believe that would explain the  
3 difference in the sizes of the two bills?

4 A. Yes, sir.

5 Q. Okay. Mr. Alba says his bill for the  
6 period January 2nd to January 31st was \$516.60. Is that  
7 correct?

8 A. The actual bill for service during that  
9 time period was \$291, but his actual balance was just over  
10 \$500.

11 Q. Was it 516.60?

12 A. No. It was \$500.73.

13 Q. Do you see anything unusual about  
14 Mr. Alba's usage at 3931 Minnesota second floor?

15 A. No, sir.

16 Q. Mr. Alba points out that his only  
17 appliances are a gas furnace and a water heater. Should  
18 his usage be -- based on that, should his usage be lower  
19 than Laclede recorded?

20 A. No. The gas furnace and water heater,  
21 those are the two major types of appliances that account  
22 for most gas usage. So even if there's more appliances,  
23 those are still the big consumers of the gas.

24 Q. Okay. Mr. Alba had a meter change  
25 performed on December 19th, 2006. Before you got here,

1 Ms. O'Farrell, we had quite a discussion about that day.  
2 Do you see any change in the usage pattern on the old  
3 meter versus the newer -- the new meter after  
4 installation?

5 A. On the first meter he used 344 CCF for the  
6 early part of the winter, approximately October 12th to  
7 December 19th, but on the second meter he used 593 CCF  
8 from the rest of the winter until April 2nd 2007. So, no,  
9 in my experience, that usage is fairly consistent.

10 MR. ZUCKER: Okay. I move for admittance  
11 at this time of Exhibit 6, the -- the usage history for  
12 Mr. Alba's unit, and other units.

13 JUDGE JONES: Again, it will be admitted  
14 subject to his objection.

15 (EXHIBIT NO. 6 WAS RECEIVED INTO EVIDENCE.)

16 MR. REED: With that in mind, Judge, can I  
17 add something with regard to the foundation for this  
18 exhibit? It just concerns me that the information about  
19 which the witness is testifying is exclusively at this  
20 time within the possession of Laclede. It would seem fair  
21 that Mr. Alba, if he were able to see the information that  
22 leads to these totals and calculations, so those -- that's  
23 my two cents worth with regard to Mr. Alba's opportunity  
24 to object to this exhibit.

25 JUDGE JONES: Well, he won't be able to see

1 it 'til he gets it.

2 MR. ZUCKER: We'll be glad to send  
3 information confirming all of this along with what  
4 Mr. Alba has asked us to produce.

5 JUDGE JONES: Okay.

6 MR. ZUCKER: I have no further questions.

7 JUDGE JONES: Mr. Reed, do you have  
8 questions?

9 MR. REED: No thank you, Judge.

10 JUDGE JONES: Mr. Poston?

11 MR. POSTON: No judge.

12 JUDGE JONES: Mr. Alba?

13 CROSS-EXAMINATION BY MR. ALBA:

14 Q. Yes, what's your name again?

15 A. My name Rhonda O'Farrell.

16 Q. Rhonda O'Farrell. Are you aware of the  
17 repairs that my private contractor did on my gas lines?

18 A. No.

19 Q. On December 20th?

20 A. No, sir.

21 Q. And you said that the usage is still  
22 consistent even though there has been repairs on this  
23 particular -- on my lines that were leaking and they  
24 fixed, is still consistent with the usage of -- with this  
25 unit on the second floor?

1           A.       Yes, sir.

2           Q.       So it doesn't make any difference whether  
3 we fixed the leakage or not, is it? If it's consistent,  
4 in other words, it doesn't make any difference whether we  
5 fixed the leak or not, it will be the same thing?

6           MR. ZUCKER: Is that your question,  
7 Mr. Alba? Are you saying why do we bother fixing the  
8 leaks if it doesn't make a difference in the usage?

9           MR. ALBA: Exactly. Why would I bother the  
10 leaks -- to fix the leaks if it's the same usage and will  
11 be -- will be, what you call -- would be -- would be, what  
12 you call, like, the same usage to conserve gas will be  
13 carry all over again?

14          MR. ZUCKER: Ms. O'Farrell, do you have any  
15 idea why we fix leaks?

16          THE WITNESS: It's a safety issue.

17          JUDGE JONES: That's not the question. The  
18 questions is, how is it -- how is the usage consistent  
19 considering the leaks that were fixed?

20          Mr. Alba, did I state your question  
21 correctly?

22          MR. ALBA: My question is very clear. You  
23 always have been telling me that the usage not only on my  
24 unit but other units are consistent, even though there  
25 were leakage on this particular unit.

1 JUDGE JONES: Ms. O'Farrell, do you  
2 understand the question?

3 THE WITNESS: The leak may have had an  
4 impact, but it would have been a small impact.

5 JUDGE JONES: Mr. Alba?

6 MR. ALBA: Yes. I guess I have to call my  
7 serviceman as a witness if he -- he's ready to testify  
8 because there is quite a bit of leakage that I have  
9 personally have seen or witnessed all the bubbles coming  
10 up.

11 JUDGE JONES: Is your serviceman available  
12 now?

13 MR. ALBA: I can check. Probably you can  
14 call him over the phone if I give you the phone number.  
15 Is it possible that you can make another phone call?

16 JUDGE JONES: What we're going to do  
17 instead, if you want to, because the record will be held  
18 open to receive information from Laclede --

19 MR. ALBA: Okay.

20 JUDGE JONES: -- you can get a sworn  
21 statement from your serviceman and have it notarized and  
22 send it in and that will be considered as testimony.

23 MR. ALBA: Okay. Well, I will try to --  
24 what I'm saying is that -- is it possible that you also --  
25 you also send him a letter in that regards?

1 JUDGE JONES: No, I'm not going to send him  
2 a letter. He's your -- if you want him to be a witness,  
3 his testimony is going to be your responsibility.

4 MR. ALBA: Oh. I will try the best I  
5 could.

6 JUDGE JONES: Okay.

7 MR. ALBA: Is there any way we can subpoena  
8 him if he decides not to testify?

9 JUDGE JONES: Well, I will say this, in all  
10 fairness to Laclede, this is -- this is the time for which  
11 you would have subpoenaed him had you wanted to do that  
12 for today. This is your day in court, so to speak.

13 MR. ALBA: Okay.

14 JUDGE JONES: Do you understand? And I am  
15 hesitant even to -- to have sworn statements made by him  
16 because if he makes that sworn statement, Laclede in some  
17 way will have to have an ability to respond to it.

18 MR. ALBA: Oh, as you said, probably the  
19 only thing I can do is just let him prepare a sworn  
20 statement and see how far -- how he's going to cooperate  
21 and -- or how diligent he is in trying to solve the  
22 problem here.

23 JUDGE JONES: And when you say serviceman,  
24 do you mean the serviceman from Laclede or the person from  
25 the contractor?



7 JUDGE JONES: I understand what you're  
8 saying, Mr. Alba. Today, as I said, would have been the  
9 day to have done that. Now, with regard to Laclede's  
10 serviceman, he may or may not cooperate with you. No,  
11 we're not going to subpoena him. That would have had to  
12 have happened for today.

18 JUDGE JONES: Well, that's not something  
19 that -- for lack of a better word, that's not my problem.  
20 It's your problem. It's your witness. And I'm allowing  
21 you an opportunity to contact him, see if you can get a  
22 sworn statement from him, have it notarized, and because  
23 the record will be held open you'll be allowed to submit  
24 that.

1 if he cooperates.

2 JUDGE JONES: Okay. Do you have any more  
3 questions for this witness?

4 MR. ALBA: Well, let's wait for the record,  
5 and then if I kept the record and see what the record  
6 shows and I will make the statement later on.

7 JUDGE JONES: Okay. While we're still on  
8 the record I'll go ahead and discuss the briefing  
9 schedule. Because it seems, Mr. Alba, you will have  
10 further arguments to make and you will want to challenge  
11 the evidence that has been submitted by Laclede, I will  
12 allow you-all -- after you receive the transcript and all  
13 the evidence that is submitted, then you will be able to  
14 write what we call a brief, basically your argument about  
15 why you should win this case based on the testimony and  
16 all the evidence. You understand?

17 MR. ALBA: Yes, sir.

18 JUDGE JONES: Mr. Zucker, do you have any  
19 redirect for your witness?

20 MR. ZUCKER: Just real briefly.

21 REDIRECT EXAMINATION BY MR. ZUCKER:

22 Q. Ms. O'Farrell, are you familiar with the  
23 leak that Mr. Alba -- Mr. Alba called in a gas odor on  
24 December 19th and a leak was identified. Are you familiar  
25 with that leak? If I were to tell you that that was a --

1 just leaks on his fuel runs, would you be aware of whether  
2 that would tend to affect his usage amount? You have to  
3 say the answer out loud.

4 A. No.

5 MR. ZUCKER: Okay. So that's all I have.

6 JUDGE JONES: Mr. Zucker, your witness  
7 needs to spell her name.

8 MR. ZUCKER: Please spell your name for the  
9 record.

10 THE WITNESS: Rhonda, R-h-o-n-d-a,  
11 O'Farrell, O apostrophe F-a-r-r-e-l-l.

12 JUDGE JONES: Okay. Thank you. With that  
13 then we'll go off the record.

14 WHEREUPON, the hearing of this case was  
15 concluded.

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## 1 C E R T I F I C A T E

2 STATE OF MISSOURI )  
3 ) ss.  
4 COUNTY OF COLE )

5 I, Kellene K. Feddersen, Certified  
6 Shorthand Reporter with the firm of Midwest Litigation  
7 Services, and Notary Public within and for the State of  
8 Missouri, do hereby certify that I was personally present  
9 at the proceedings had in the above-entitled cause at the  
10 time and place set forth in the caption sheet thereof;  
11 that I then and there took down in Stenotype the  
12 proceedings had; and that the foregoing is a full, true  
13 and correct transcript of such Stenotype notes so made at  
14 such time and place.

15 Given at my office in the City of  
16 Jefferson, County of Cole, State of Missouri.

17 Kellene K. Feddersen, RPR, CSR, CCR  
18 Notary Public (County of Cole)  
19 My commission expires March 28, 2009.  
20  
21  
22  
23  
24  
25