

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Chantel R. Muhammad,	)	
Complainant,	)	
	)	
v.	)	File No. GC-2016-0010
	)	
Laclede Gas Company,	)	
Respondent.	)	

## ORDER AND NOTICE OF HEARING

Issue Date: May 26, 2016

Effective Date: May 26, 2016

The Missouri Public Service Commission is defining the scope of the issues in accordance with Staff's recommendation <sup>1</sup> and the more definite and certain statement of Chantel R. Muhammad <sup>2</sup> and setting the date for the evidentiary hearing on the merits of Mr. Muhammad's complaint. <sup>3</sup>

The complaint procedure determines whether Laclede Gas Company ("Laclede") violated a statute that the Commission has authority to enforce, or a Commission regulation, order, or tariff:

Complaint may be made by [Mr. Muhammad] in writing, setting forth any act or thing done or omitted to be done by [Laclede] claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission [. <sup>4</sup>]

At the evidentiary hearing, the Commission must exclude any evidence that does not tend to prove, or tend to disprove, Mr. Muhammad's claims. <sup>5</sup>

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<sup>1</sup> Electronic Filing Information System ("EFIS") No. 6 (August 21, 2015) *Staff Recommendation*.

<sup>2</sup> EFIS No. 41 (May 25, 2016) *Response to Order to File a More Definitive and Certain Statement*.

<sup>3</sup> EFIS No. 1 (July 8, 2015) *Formal Complaint*.

<sup>4</sup> Section 386.390.1, RSMo 2000.

<sup>5</sup> Section 536.070(7), RSMo Supp. 2014.

Mr. Muhammad's complaint charges Laclede with unlawful disconnection. Staff cites the Commission regulation that allows disconnection for:

(A) Nonpayment of an undisputed delinquent charge [. <sup>6</sup>]

But failure to pay is not cause for disconnection under provisions of Laclede's tariff<sup>7</sup> setting forth specific facts. The first two cited provisions specify bills not related to Mr. Muhammad but related to to:

(D) . . . another customer, unless [Mr. Muhammad] received substantial benefit and use of the service;

(E) . . . a previous owner or occupant of the premises . . . except where the previous occupant remains an occupant or user [. <sup>8</sup>]

The third cited provision specifies a bill addressed to Mr. Muhammad that is:

(F) . . . correcting a previous underbilling, whenever [Mr. Muhammad] claims an inability to pay the corrected amount, unless [Laclede] has offered [Mr. Muhammad] a payment arrangement equal to the period of underbilling. [<sup>9</sup>]

As to underbilling, undercharging, and other errors, Staff cites the Commission's regulation setting forth the procedure for correction or adjustment:

(1) For all billing errors, the utility will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period as follows:

\* \* \*

(B) In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods or four (4) quarterly billing periods, calculated from the

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<sup>6</sup> 4 CSR 240-13.050(1).

<sup>7</sup> P.S.C. Mo. No. 5 Consolidated.

<sup>8</sup> Laclede's tariff, P.S.C. Mo. No. 5 Consolidated page R-12a, subsection 14(2).

<sup>9</sup> Laclede's tariff, P.S.C. Mo. No. 5 Consolidated page R-12a, subsection 14(2).

date of discovery, inquiry or actual notification of the utility,  
whichever was first [. <sup>10</sup>]

Those provisions determine the evidence admissible at the evidentiary hearing, which will convene as set forth in the ordered paragraphs below.

**THE COMMISSION ORDERS THAT:**

1. The Commission will convene the evidentiary hearing on June 27, 2016 at the Wainwright State Office Building, 111 North 7th Street, Suite 105, St. Louis, Missouri beginning at 10:00 a.m. The assigned room meets accessibility standards required by the Americans with Disabilities Act and any person who needs additional accommodations to participate in the pre-hearing conference shall alert the Public Service Commission before the hearing by calling the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.

2. At the hearing, the issues shall be as described in the body of this order.

3. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26<sup>th</sup> day of May, 2016.

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<sup>10</sup> 4 CSR 240-13.025.