

THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing

September 8, 2015

St. Louis, Missouri

Volume 1

Chantel R. Muhammad,
Complainant,

vs.

Laclede Gas Company,
Respondent,

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)
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)
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File No. GC-2016-0010

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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TIGER COURT REPORTING, LLC

A P P E A R A N C E S

(In Person)

Chantel R. Muhammad, Pro Se

RICK ZUCKER, Corporate Counsel
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FOR: Laclede Gas Company

(By Telephone)

STAFF:

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ALSO PRESENT:

JUSTIN EDWARDS

1 JUDGE JONES: Go on the record with Case
2 Number GC-2016-0010, Chantel R. Muhammad versus Laclede
3 Gas Company.

4 I'll note for the record that Mr. Muhammad is
5 present.

6 Mr. Zucker, if you could enter your
7 appearance.

8 MR. ZUCKER: Rick Zucker, 700 Market Street,
9 St. Louis, Missouri 63101, appearing on behalf of Laclede
10 Gas Company.

11 JUDGE JONES: And for the staff of the
12 Commission.

13 MR. KEEVIL: Yes, Judge. Jeff Keevil,
14 K-E-E-V-I-L, PO Box 360, Jefferson City, Missouri 65102,
15 representing the -- or appearing for the staff of the
16 Public Service Commission. And I have with me Justin
17 Edwards from the consumer services staff.

18 JUDGE JONES: Thank you, Mr. Keevil.
19 And I'll note for the record I've explained
20 off the record to Mr. Muhammad what the purpose of the
21 prehearing conference is. And without plowing the record
22 with more of that information, we'll just go right into
23 it.

24 Mr. Muhammad, what primarily is your
25 complaint against Laclede?

1 MR. MUHAMMAD: The biggest complaint is that
2 I believe the disconnection was illegal or inappropriate
3 because they disconnected from the curb to a multitenant
4 dwelling, and the report that was given to the Commission
5 or that I got back from the Commission was not consistent
6 with that fact.

7 JUDGE JONES: Oh, and I'm glad you pointed it
8 out. I know that you filed something in the record.
9 That was a motion to reconsider?

10 MR. MUHAMMAD: Yes, sir.

11 JUDGE JONES: And that was in response to
12 something that staff filed?

13 MR. MUHAMMAD: Yes, sir.

14 JUDGE JONES: Okay. Staff is more of a party
15 to the case. So although they are the staff of the
16 Commission, it's not what the actual Commission has
17 stated.

18 MR. MUHAMMAD: Okay.

19 JUDGE JONES: You understand?

20 MR. MUHAMMAD: Okay. I do.

21 JUDGE JONES: Okay.

22 MR. MUHAMMAD: Thank you.

23 JUDGE JONES: So I probably won't issue any
24 order denying your motion to reconsider, because it's not
25 in response to anything the Commission actually found.

1 MR. MUHAMMAD: Okay.

2 JUDGE JONES: I might enter a notice -- just
3 to make the record clear, I'll issue a notice that just
4 spells it out for you.

5 MR. MUHAMMAD: Yes, sir.

6 JUDGE JONES: Now, do you own the building --

7 MR. MUHAMMAD: No, I do not.

8 JUDGE JONES: You live in the building?

9 MR. MUHAMMAD: I do.

10 JUDGE JONES: And your service was
11 disconnected -- I mean, the service at the curb was
12 disconnected because of your relationship with Laclède
13 and not the other tenants; is that...

14 MR. ZUCKER: Yes.

15 JUDGE JONES: I mean, is that what happened?

16 MR. MUHAMMAD: The entire building was
17 disconnected.

18 MR. ZUCKER: Well, I think, you know, that's
19 a different issue than the money issue.

20 JUDGE JONES: That's a different -- so
21 they're a separate issue?

22 MR. ZUCKER: Yes. Sure. Sure.

23 MR. MUHAMMAD: That is the issue with money.

24 JUDGE JONES: Is service on now?

25 MR. MUHAMMAD: No, sir. It's been off since

1 Monday, June 22nd, at approximately 8:00 a.m.

2 JUDGE JONES: So you haven't had hot water?

3 MR. MUHAMMAD: No. I have an 87-year-old
4 grandmother that comes -- I take care of on a regular
5 basis. I cannot bring her without hot water. I'm her
6 power of attorney. And she's in a nursing home. So I
7 pick her up on the weekends so she can spend time with
8 the family, the children. And without being able to
9 cook, different thing likes that for her, I just haven't
10 been able to do that. So that's been a hindrance as
11 well.

12 JUDGE JONES: And the disconnection was for,
13 Mr. Zucker?

14 MR. ZUCKER: For Mr. Muhammad it was for
15 arrears owed. For the rest of the building, we were
16 trying to get in to do the corrosion inspection, the
17 safety inspection, and couldn't get in. So that's why we
18 were able to cut it at the curb at that time.

19 JUDGE JONES: So for the rest of the building
20 service has been restored?

21 MR. ZUCKER: Should be. Should be.

22 JUDGE JONES: Okay.

23 MR. MUHAMMAD: May I?

24 JUDGE JONES: Sure.

25 MR. MUHAMMAD: What they said in their

1 report --

2 JUDGE JONES: Now, when you say they, you
3 mean staff or Laclede?

4 MR. MUHAMMAD: Laclede said in their report
5 to the Commission that they got into the building on
6 Wednesday, June 24th, and disconnected. That's -- that's
7 my biggest issue, because that's not what happened. They
8 disconnected from the curb on Monday, June 22nd, to a
9 multitenant dwelling, which actually goes against their
10 own rules and regulations.

11 They put in the report, though, to the
12 Commission that they gained access to the inside of the
13 building and were able to disconnect two days later,
14 which is not -- it's a false statement.

15 JUDGE JONES: Okay.

16 MR. ZUCKER: Mr. Muhammad is -- so
17 Mr. Muhammad is partially correct, at least. We did
18 disconnect from outside on June 22nd.

19 JUDGE JONES: Okay.

20 MR. ZUCKER: We were then able to get inside
21 on June 24th, into the meter -- we were able to access
22 the building and get to the meters on June 24th. And I
23 think that's probably when we turned on the service for
24 the other customers and then turned Mr. Muhammad's
25 service off at the -- at the meter.

1 MR. MUHAMMAD: But that's not reflected in
2 the report. That's my issue.

3 JUDGE JONES: Oh, okay.

4 MR. MUHAMMAD: May be something I'm missing.
5 But that -- that to me is a serious issue, because
6 if there -- is it not appropriate or is it illegal for
7 them to disconnect to a multitenant dwelling from the
8 curb? That's my issue. And that was not put in the
9 report. It seems a little bit -- maybe there's something
10 I'm missing, but it seems a little bit deceptive.

11 MR. ZUCKER: So this doesn't seem to be
12 something that Mr. Muhammad would have standing over. If
13 someone has a complaint over that, it would be the people
14 who may otherwise have had reason not to be disconnected.
15 Because Mr. Muhammad had reason to be disconnected, from
16 a large amount of debt that had been owed over a long
17 amount of time that we were unable to disconnect because
18 we couldn't get access to the building.

19 MR. KEEVIL: Mr. Zucker, this is Jeff Keevil.
20 Could I ask a question, Rick?

21 MR. ZUCKER: Yes, sure, Jeff.

22 MR. KEEVIL: What was the curb cut due to?
23 You said that was a safety-related thing or what?

24 MR. ZUCKER: Right. That was a failure to
25 get access.

1 MR. KEEVIL: And it had to do with the
2 corrosi on i nspecti on?

3 MR. ZUCKER: Yes. And I -- I have not been
4 focusing on that issue, to tell you the truth. I assumed
5 the issue here was the financial issue. But I can get
6 more details on that.

7 MR. KEEVIL: I just wasn't familiar with that
8 side of it. So that's why I was asking. Thanks.

9 MR. MUHAMMAD: Your Honor, if I may?

10 JUDGE JONES: Yes. Sure.

11 MR. MUHAMMAD: With respect to the -- since
12 we're talking about the bill, my issue with that is that
13 I have been in the building since 2005. Mr. Zucker has
14 given me a running history of the billing for where I
15 live of, you know, starting in 2012. But I've requested
16 from the time that I started in 2005 up until now, and I
17 still can't get that. So the issue is that I was there
18 for three years; and when I got this so-called rebilling
19 three-and-a-half years later, I questioned it because I
20 felt it was a possibility that it was owed from another
21 account or something like that.

22 So no one to this day has ever fully
23 explained to me what that rebilling is about. I live in
24 a building where they -- Laclede has come into the
25 building on many occasions for piping, corrosi on because

1 the landlord has allowed them in. And our units are --
2 our meters are in the same place. So that has never been
3 an issue. The times they wanted to get in to do that, if
4 they called me or sent me a -- I just referred them to
5 contact the landlord, because I cannot give them access
6 to do that without him knowing. And that has always been
7 my issue. I've never restricted them or tried to keep
8 them from the meter.

9 But, you know, I asked to give a running --
10 get a running bill of what the rebilling was, and I've
11 never gotten it. I didn't understand why I would have a
12 rebilling, but the person that's in the same building
13 with me wouldn't have, who, by the way, is actually the
14 landlord. Okay? He lives in the building. And so
15 I'm -- I feel strongly that this rebilling that was done
16 was either an issue from a previous bill, from a previous
17 account or person, and it was an issue that does not have
18 anything to do with me. Because up until 2008, 2009 I
19 didn't have an issue paying my bill. Okay? It wasn't
20 until I got that rebilling notice.

21 JUDGE JONES: What's the rebilling? What
22 does that mean? Is that like a fixed meter correction?

23 MR. ZUCKER: Yes. So I have handed
24 Mr. Muhammad about five years' worth of billings and
25 usage. It shows -- and this goes back to 2010 when we

1 got the metering situation straightened out. We got the
2 AMR in and we got readings. And so he has very regular
3 monthly readings for over five years there that I've
4 given him, and his usage is pretty consistent. And I've
5 also given him bills and payments going back to the end
6 of 2010, and what I saw there was he had the balance down
7 under \$100 in -- at the end of 2010, beginning of 2011.
8 And so all of the balance he owes has been accumulated in
9 that period, '11, '12, '13, '14, and now '15.

10 And one thing I would note is that, as you
11 can tell, he's been there since at least 2005, and so the
12 fact that his balance was under \$100 as late as early
13 2011 means that he was basically covering the bills --
14 the bills for that period of time. And then suddenly
15 something must have happened, because the payments really
16 slowed down and the balance correspondingly grew. And so
17 from my standpoint, that's really where the problem is.

18 Now, if you go back farther, there were
19 issues with us trying to get the AMR in. We couldn't get
20 access, and so we couldn't get the AMR in because it was
21 an inside meter. We had a lot of estimated bills. And
22 eventually when we got a read, we did have an adjustment,
23 and we had an under billing.

24 But that -- between Mr. Muhammad and some
25 heat grants that he was able to get and his own payments,

1 as I said, years after that took place, in 2008, 2009
2 period he had the balance well under control. And -- and
3 so, you know, I really don't want to go back into the
4 ancient history to go over that, when he was really in
5 good shape as late as early 2011. It's really been these
6 last five years that the balance has grown because of --
7 and I don't know what happened, but because the payments
8 really slowed down.

9 JUDGE JONES: But you're contesting even
10 those -- even though you paid -- I'm assuming it's true
11 that you were -- in two thousand -- early 2011 and 2010
12 you were under a hundred-dollar balance. But are you --
13 are you contesting those charges prior to that time?

14 MR. MUHAMMAD: Yes, sir, because even though
15 I --

16 JUDGE JONES: Even though you paid it?

17 MR. MUHAMMAD: Yes, sir, I did. Because I
18 wrote the Commission in -- when I first got this
19 rebilling around December 2008, I didn't understand it,
20 and I tried to work it out with Laclede then, and we
21 couldn't come to an agreement. And so I wrote the
22 Commission then, and they sent me a packet back. And
23 I'll be honest with you, I didn't understand a lot of it.
24 Okay? And around that time, I'm married with four
25 children, take care of my grandmother, one house -- one

1 income for the household. And so that has -- that -- as
2 Mr. Zucker has mentioned, I've consistently had to go to
3 different agencies to get utility assistance to help with
4 this type. But, yes, to answer your question, even
5 though I was paying it, I was still contesting it,
6 because I thought that was the right thing to do.

7 JUDGE JONES: Right. But did you think that
8 the bills were wrong for some reason?

9 MR. MUHAMMAD: Well, going -- the initial
10 rebilling that I got in 2008, I thought and I still think
11 to this day that that is wrong. That's the portion that
12 I have an issue with, that rebilling that --

13 JUDGE JONES: Is that when the meter was
14 changed in 2008?

15 MR. ZUCKER: We actually got a read shortly
16 before the meter was changed. Somehow we got in. I
17 haven't, again, looked in great detail at this. But once
18 we got in, after a long period of estimates, we saw that
19 we had significantly under billed, and we did give a
20 billing adjustment.

21 JUDGE JONES: Well, how did you determine
22 that you under billed?

23 MR. ZUCKER: Because once we got in and got a
24 read, we could see that where we were estimating the bill
25 was way below where the read actually was.

1 JUDGE JONES: Okay.

2 MR. MUHAMMAD: And my --

3 MR. ZUCKER: And --

4 MR. MUHAMMAD: -- issue -- I'm sorry.

5 MR. ZUCKER: I'll be glad to look into that
6 adjustment and see -- and find the math on that, see if
7 there's anything untoward --

8 MR. MUHAMMAD: Yes, sir.

9 MR. ZUCKER: -- in that. I'll be glad to do
10 that, if I can find the records. This does go back to
11 2008.

12 MR. MUHAMMAD: Well, I actually, Attorney,
13 would like the history that goes all the way back before
14 that, if I can get that, because that would give me an
15 opportunity to look to see exactly, you know -- I mean, I
16 want the information, you know, that goes --

17 JUDGE JONES: Do you all have the
18 information, Rick?

19 MR. ZUCKER: I think we can get it out of
20 archives.

21 MR. MUHAMMAD: All the way back to
22 October 2005 when I first moved there.

23 JUDGE JONES: So what's the -- what's the
24 total bill now?

25 MR. ZUCKER: The balance currently is right

1 around \$4,000.

2 MR. MUHAMMAD: And if I may, Your Honor,
3 Laclede has gotten into the building on several occasions
4 for piping inspections, for -- for all these different
5 things. It is my -- and I just want to go on record to
6 say this: It is my belief that what I did earlier in
7 this year, because I wanted to resolve this, I asked
8 Laclede if they could show me -- because it's still in my
9 mind -- show me where this billing, I owe this, all
10 right, show me how it's done. And I asked them to
11 validate the bill on three different occasions, and I put
12 it in writing.

13 JUDGE JONES: What does that mean?

14 MR. MUHAMMAD: Just saying that I don't
15 know -- in other words, I believe that the bill belongs
16 to someone else. So I'm asking them to show this to me
17 and explain it to me to validate that I owe this or even
18 validate that this is not an amount that has already been
19 paid off maybe by a third party. I don't know.

20 JUDGE JONES: Well, what makes you think that
21 the bill is someone else's, though?

22 MR. MUHAMMAD: Because I was there for
23 three-and-a-half years, and out of nowhere I get a bill
24 saying we've undercharged. And my landlord, who lives
25 right next to me, nothing similar. It would seem to me

1 we would have similar -- and I talked to him about that
2 when I first got it. I said, you know, have you gotten
3 something like this? No. So I just trying to show that
4 there was a little unfairness with that, there were some
5 mistakes that were made, and I was being held accountable
6 for something.

7 I'm not the landlord. So if this was an
8 issue prior to me moving in, then I wanted to know. If
9 this was a bill that somebody had prior or something like
10 that, then I should as a tenant be able to know that. I
11 don't think it's fair that I get hit with a bill
12 three-and-a-half years later and nobody explains to me.

13 JUDGE JONES: Well, when you say a tenant
14 prior to you, you mean prior to 2005?

15 MR. MUHAMMAD: Yes, sir. And I know that
16 that has happened before.

17 JUDGE JONES: But estimates weren't happening
18 in 2005, were they? Has it always been estimated ever
19 since he's been there.

20 MR. ZUCKER: Well, I think we got an actual
21 read when he started, because we -- there was a new --
22 the new account, and after that there were estimates.

23 JUDGE JONES: Okay.

24 MR. ZUCKER: And so -- and so then eventually
25 there was what we call a catch-up bill, once we got an

1 actual read. But it all applies to Mr. Muhammad's
2 account. It isn't anyone else's.

3 JUDGE JONES: Okay. \$4,000. So you haven't
4 been paying -- because -- I'm getting the feeling that
5 because you've been contesting this, you haven't been
6 paying at all?

7 MR. MUHAMMAD: At some point I did stop, and
8 I'll be honest, because I was taking on other
9 responsibilities and at the same time still trying -- as
10 he mentioned, in 2011 I was at 100 bucks.

11 JUDGE JONES: Right. So between -- in the
12 last four years, that's a thousand dollars --

13 MR. MUHAMMAD: But I have -- I have, Your
14 Honor, excuse me -- in that time, in the last four or
15 five years, I have been getting utility assistance grants
16 from different agencies that have been paying on that
17 bill. So I don't want you to think that --

18 JUDGE JONES: No, no, I mean, I'm just trying
19 to figure out how the arrearage got so huge. That's like
20 a small -- that's like a huge car.

21 MR. MUHAMMAD: I agree.

22 JUDGE JONES: And that leads me to believe
23 that little -- very little has been paid. And you're in
24 an apartment?

25 MR. MUHAMMAD: It's a duplex.

1 JUDGE JONES: Okay. Duplex is side by side.

2 MR. MUHAMMAD: It's two family.

3 JUDGE JONES: Is it flat or is it side by
4 side?

5 MR. MUHAMMAD: No, I live on the first level
6 and the landlord lives upstairs.

7 JUDGE JONES: Two. Got it. So if you live
8 on the first level, the heating would be less for you
9 because you don't have a roof. I'm sure there were
10 charges and there were certain payments made and that
11 resulted in this amount.

12 I have a feeling this -- because this is so
13 much, you're not willing to put the gas on now while we
14 resolve this thing.

15 MR. ZUCKER: Well, I did receive a call from
16 someone representing them, and I said we're willing to
17 make some kind of an arrangement. But, you know, not an
18 I'll promise -- I'm getting nothing now but promise to
19 pay type of arrangements. No, we would need --
20 definitely need something up front.

21 JUDGE JONES: Well, that's something you all
22 can figure out --

23 MR. ZUCKER: Yeah.

24 JUDGE JONES: -- because, I mean, I don't
25 think it will be cold before we resolve this complaint,

1 but I like hot showers.

2 MR. MUHAMMAD: I do too. And hot cooked
3 food.

4 JUDGE JONES: I can understand that.

5 MR. ZUCKER: Do you have a gas stove?

6 MR. MUHAMMAD: Yes, sir. Everything in there
7 is pretty much gas. Everything there is gas.

8 JUDGE JONES: So from what I'm gathering,
9 your concern is that you're possibly paying -- being
10 responsible for someone else's usage?

11 MR. MUHAMMAD: Yes, sir.

12 JUDGE JONES: In 2005 when you started
13 service, you know, they come in and read the meter,
14 that's a clean start. So that's -- I'm not saying that
15 you're not paying for anyone else's responsibility. I
16 don't know. But that's a good indication that you
17 aren't. I'm just trying to relieve some of your
18 suspicion.

19 Now, it's possible that something else is
20 going on. I don't know. We'll figure all that out if we
21 have to during the hearing process. But they come in
22 when you first move in in 2005, see what the numbers are,
23 then there may be estimates and things in between. How
24 they would actually bill you for someone else's usage, I
25 don't know.

1 Just so you understand, when I first moved
2 into where I am, Mr. Zucker's company dealt with the
3 situation, there was an arrearage on the premise that I
4 moved in.

5 MR. MUHAMMAD: Yes, sir.

6 JUDGE JONES: But it's not mine, you know.
7 And I actually know the person -- I don't know her
8 personally, but it's a person my dad was renting to. So
9 this is where she lives; get your money from her over
10 there; it's not my arrearage.

11 MR. MUHAMMAD: Yes, sir.

12 JUDGE JONES: That could have been where it
13 might have carried over to my account.

14 MR. MUHAMMAD: Yes. But my suspicion is that
15 because I live in the building where no one -- where the
16 other person wasn't affected similarly, that's kind what
17 makes me kind of suspicious of it, because how do I
18 three-and-a-half years later get almost a 16, 17, \$1,800
19 rebilling bill?

20 JUDGE JONES: Is that what it was at the
21 time --

22 MR. MUHAMMAD: Yes, sir.

23 JUDGE JONES: -- when you got it?

24 MR. MUHAMMAD: And the person that lives in
25 the same unit with me doesn't even -- does nothing

1 even -- ever mention of -- we're on the same -- we have
2 the same type of unit, we have meters on the same
3 location, the piping runs through the basement the same.
4 So I'm thinking that -- you know, I just felt like I was
5 being singled out. And I just -- I wanted to know -- I
6 want answers about it. And --

7 JUDGE JONES: Mr. Muhammad, there's an answer
8 to that. I mean, I don't know what it is. But there is
9 an answer to why -- your landlord is who you're talking
10 about, who lives upstairs; right?

11 MR. MUHAMMAD: Yes, sir.

12 JUDGE JONES: He wasn't rebilled?

13 MR. MUHAMMAD: Right.

14 JUDGE JONES: I mean, maybe he has an
15 automatic meter reading system on his. Maybe he doesn't.
16 I mean, we don't know -- I don't know what his account is
17 like. We'd have -- I mean, Mr. Muhammad is assuming he
18 wasn't rebilled. I don't know whether --

19 MR. MUHAMMAD: I'm not assuming.

20 JUDGE JONES: -- or not --

21 MR. MUHAMMAD: I talked to him --

22 JUDGE JONES: Okay.

23 MR. MUHAMMAD: -- when I first got it and I
24 asked him -- we compared, you know, the billing. And
25 he's saying, I've never seen or heard anything like this.

1 Okay? And so that has been an issue for me, and still an
2 issue for me.

3 JUDGE JONES: Well, I live on the first floor
4 of a family -- two-family flat. I have cousins that live
5 upstairs. I don't know what's going on with their bill.
6 I mean, Laclede and Ameren. I don't know what's going on
7 with theirs. And I don't know that -- that there should
8 be any similarity between, because they really are two
9 different accounts, different units. He's on the top
10 floor. His bill is probably higher than yours in the
11 winters, I would guess. I don't know.

12 MR. MUHAMMAD: If I may -- I'm sorry, go
13 ahead.

14 JUDGE JONES: No, go ahead.

15 MR. MUHAMMAD: If you got that rebilling,
16 you'd want to know too.

17 JUDGE JONES: Yeah --

18 MR. MUHAMMAD: And -- and --

19 JUDGE JONES: -- I would. If all the sudden
20 I got a \$1,600 bill, I can't pay \$1,600.

21 MR. MUHAMMAD: You would contact possibly the
22 company, and then you would want to do a comparative
23 analysis with maybe some of the people that are in the
24 building, asking -- you know, and that's what I did. So
25 I think I did the thing that any human would do when they

1 get a bill for almost \$2,000 three-and-a-half years
2 later, is to inquire about it and to perhaps challenge
3 it. And if you're saying I owe this, okay, at least show
4 it to me, explain it to me, because I'm saying I don't
5 understand it. Been here three-and-a-half years, I
6 haven't had a problem. So that --

7 JUDGE JONES: So everything started in 2008,
8 about 2008?

9 MR. MUHAMMAD: Going into 2009, yes, sir.

10 JUDGE JONES: Well, if you -- if something
11 Laclède has done wrong can be shown through the
12 inconsistency of your bill and your landlord's bill,
13 that's evidence that you're certainly welcome to submit.
14 Call him as a witness. I don't -- that's a connection
15 you have. That's an argument that you would have to
16 make.

17 MR. MUHAMMAD: Yes, sir.

18 JUDGE JONES: Let's see. Well, now, so the
19 June 22nd, June 24th issue you're okay with that. Do you
20 understand what was going on with that?

21 MR. MUHAMMAD: No, I'm not okay with that.

22 JUDGE JONES: Well, he's saying that they cut
23 off at the curb and they got in on the 24th and cut
24 everyone else on.

25 MR. ZUCKER: Right.

1 MR. MUHAMMAD: He was cutting off at the curb
2 to a multitenant dwelling. Is that proper?

3 MR. ZUCKER: Multitenant meaning there's two
4 people -- there's two units in your building; right?

5 MR. MUHAMMAD: Um-hum.

6 MR. ZUCKER: So we would not -- in fact,
7 that's how the bill got to \$4,000. We would not have cut
8 off at the curb unless we had some reason to turn off
9 both units. So obviously we had reason to turn off for
10 Mr. Muhammad's unit since 2012, at least. But if we
11 didn't have reason to get to the -- to turn off the other
12 unit, we wouldn't have been turning off at the curb; we
13 would have kept coming out trying to get into the
14 building. But eventually, from what I understand, we
15 sent notices that said we need to get access to the meter
16 from the other unit. And when we didn't get access
17 there, then that allowed us to -- to cut at the curb.

18 MR. MUHAMMAD: I wouldn't have a problem with
19 that if you put that in the report, because it seems very
20 deceptive when you say that you got into the -- it's
21 here.

22 MR. ZUCKER: Yeah. Yeah.

23 MR. MUHAMMAD: We got into the building on
24 Wednesday, June 24th.

25 MR. ZUCKER: Right.

1 MR. MUHAMMAD: We -- we couldn't -- we could
2 not gain access to the building. When we finally got
3 access to the building on Wednesday, June 24th, we were
4 able to disconnect services. It even said in the report
5 we could not disconnect from the curb because it is a
6 multitenant dwelling. So --

7 MR. ZUCKER: Right.

8 MR. MUHAMMAD: -- that's important. And I
9 don't want to -- I don't want to go away from that fact.

10 JUDGE JONES: Okay. Now, I know when you
11 talk about standing, the damage would be to your landlord
12 in this case, the other person in the building. And
13 you're talking about standing. Well, there's been some
14 complaint cases come out of the Commission recently
15 that -- that says, in other words, if I'm aware that a
16 utility has done something wrong to someone who I don't
17 even know, I still have standing to file a complaint just
18 to make the Commission aware that a utility has violated
19 some law or rule. So I don't -- that was the Commission
20 before Robert Kenney left. So it could be a different
21 Commission now. I don't know.

22 MR. ZUCKER: Well, regardless, I have not
23 focused on this issue.

24 JUDGE JONES: On that issue?

25 MR. ZUCKER: And Mr. Muhammad points out that

1 maybe I wasn't 100 percent accurate on that point.
2 Because I wasn't really focused on it. And as we -- you
3 know, we can all agree that it's not his -- his claim,
4 but I'm glad to follow up on it and get the facts to back
5 that up.

6 JUDGE JONES: Will you -- the more practical
7 issue is the arrearage. That's really the thing that
8 affects you more. The other is a legal theory kind of
9 issue. And now think about it. Play it all the way out
10 to its logical conclusion from your standpoint. I'm just
11 trying to -- I'm not trying to belie your efforts. But
12 let's say you show that Laclede violated some rule or
13 statute by their actions on June 22nd. What results for
14 you? I mean, what does it -- that conclusion of law,
15 that fact is made that they disconnected June 22nd -- and
16 I don't know what -- are you familiar with the
17 Commission's rules?

18 MR. MUHAMMAD: I've seen them.

19 JUDGE JONES: Code of State Regulations?

20 MR. MUHAMMAD: I don't know them verbatim.

21 JUDGE JONES: Well, me either. But I'm just
22 saying -- I just want to know if you're aware of them.
23 There may be a statute or revised statute in Missouri,
24 maybe a Code of State Regulation that was violated by
25 their act --

1 MR. MUHAMMAD: Yeah.

2 JUDGE JONES: -- I don't know.

3 MR. MUHAMMAD: There are regulations 12R.

4 JUDGE JONES: 12R. What is that?

5 MR. ZUCKER: I think he's referring to a
6 tariff.

7 JUDGE JONES: Is that a tariff that you...

8 MR. MUHAMMAD: It's when you go to Laclede's
9 page, they have rules and regulations. And under this
10 particular regulation 12R, it talks about disconnecting a
11 multi-tenant dwelling.

12 JUDGE JONES: Okay.

13 MR. ZUCKER: I believe he's referring to R12.

14 JUDGE JONES: R12.

15 MR. ZUCKER: Which is a tariff page.

16 JUDGE JONES: Okay. Well, let's say the
17 Commission finds that Laclede is in violation of its
18 tariff R12. That's a win for you. But you're not going
19 to get compensated for that. It's a win. I just want
20 to -- I just want to --

21 MR. MUHAMMAD: That's a start.

22 JUDGE JONES: I don't know -- right. I want
23 you to see how that will play out for you.

24 MR. MUHAMMAD: Okay.

25 JUDGE JONES: You're not going to get damages

1 for it. You do win. You show that they violated their
2 tariff. And then the Commission will decide how to react
3 to that. That's the five-member Commission. And what
4 they actually do about that, I have no idea --

5 MR. MUHAMMAD: Well --

6 JUDGE JONES: -- because five different
7 people would have to agree on something, if they're going
8 to do anything about that violation, because it's more
9 academic.

10 MR. MUHAMMAD: If at that time that is a win,
11 okay -- and I just want to say I do want to resolve this.
12 But if at that time it is found that that is a violation,
13 then I will proceed with a small claims with the court.

14 JUDGE JONES: Okay. I'm not going to advise
15 you on that --

16 MR. MUHAMMAD: That's fine. But I just want
17 to know -- I just want to tell you that I do realize that
18 that's a start. Okay? And the fact that I feel strongly
19 about this whole situation, I will -- I will proceed as
20 such.

21 JUDGE JONES: Did your landlord give you some
22 kind of grief or something about this? I mean --

23 MR. MUHAMMAD: Not until when -- not until
24 when they turned off the utilities for the whole
25 building.

1 JUDGE JONES: Right, that's what I'm talking
2 about.

3 MR. MUHAMMAD: Yeah. Absolutely.

4 JUDGE JONES: Okay. I'm trying to figure out
5 where your motivation is coming from, if you all had some
6 words about that.

7 MR. MUHAMMAD: Yeah.

8 JUDGE JONES: You caused his gas to get shut
9 off.

10 MR. MUHAMMAD: And even when I first got the
11 bill in 2008, you know, I made him aware of things,
12 because I wanted to be transparent with this guy I've
13 been dealing with since 2005, everything is on the up and
14 up. And so, you know, when I -- when I contacted Laclede
15 in the early part of the year, it might have been asking
16 them to validate or show me -- give me some understanding
17 of this, it wasn't until then that this became an issue.

18 I'd been there all of these years, and the
19 bill was to this point, and all the sudden -- I'm saying
20 why did you wait until this point. And I feel strongly
21 it's because I started making an issue about it, and I
22 started putting it in writing. I started saying that I
23 was going to do certain things, in terms of reporting it
24 to people that I thought could help consumers. And I
25 think then that's when it became -- you know, got their

1 attention. And so they started contacting the landlord,
2 saying, hey, you got to do this, you got to do that. And
3 I don't know what those, you know, end results were. But
4 to answer your question, yeah, that created a problem.

5 JUDGE JONES: Okay. Well, I don't know how
6 you all are going to deal with these adjustments between
7 2008 -- or 2005 up to 2008 or '9.

8 Mr. Keevil, do you have anything you'd like
9 to add?

10 MR. KEEVIL: Not really, Judge. It sounds to
11 me like there's some confusion as to what happened when.
12 I mean, if the bill was paid down to \$100 in 2010, I
13 guess I'm having a little difficulty understanding what
14 the bill before them has to do with the current balance,
15 but...

16 JUDGE JONES: Well, he -- Mr. Muhammad's
17 contention is that, even though he paid during those
18 times of adjustments and estimates, he still feels like
19 he was improperly billed somehow.

20 MR. KEEVIL: After that point in time?

21 JUDGE JONES: No, before.

22 MR. KEEVIL: Before that point in time?

23 JUDGE JONES: Right. So even though --
24 because the bill was paid down so low, it would appear
25 that things -- problems occurred after it was at its

1 lowest point of a hundred dollars. But payments were
2 made or weren't -- payments were made prior to 2010 and,
3 I mean, apparently not formally contested. But they were
4 paid. But he still feels like he may have been
5 improperly billed, even during the time that he was
6 making payments. And that's why he wants to go back to
7 2005 to get information.

8 MR. KEEVIL: Does Laclede still have that
9 information, Mr. Zucker, or would that...

10 MR. ZUCKER: I will check on it. I'm sure we
11 have some basic information. The question is do we have
12 the -- the backup for the adjustment. And -- and I'll
13 have to look into that.

14 JUDGE JONES: What's a backup for the
15 adjustment?

16 MR. ZUCKER: Well, in other words, you know,
17 I can find the readings, probably, and I can see the
18 estimates and some -- there will be some low amounts that
19 we must have estimated. Then there will be the catch-up
20 bill. Okay? But in order to get the catch-up bill, we
21 had to do some kind of calculation.

22 JUDGE JONES: To come to that amount?

23 MR. ZUCKER: Right. And, you know, I think
24 that will tell the rest of the story. I mean, you can
25 see where we were okay; we're, you know, 1,500 CCF off or

1 something like that; and then where is the -- and then
2 how did we determine how much the catch-up bill would be.

3 JUDGE JONES: And why were you all estimating
4 in the first place?

5 MR. ZUCKER: Because it was an inside meter.

6 JUDGE JONES: Yeah.

7 MR. ZUCKER: There was just, probably like
8 your place --

9 JUDGE JONES: Right.

10 MR. ZUCKER: -- the meter is inside the
11 basement, and we couldn't get access. So we were
12 estimating normally. We used to have a ton of estimated
13 bills. But at the time when he started, around 2005,
14 2006, we started putting in the AMR network.

15 JUDGE JONES: Right.

16 MR. ZUCKER: And so then --

17 JUDGE JONES: Do you know what that is?

18 MR. MUHAMMAD: Yes.

19 MR. ZUCKER: The automated meter reader. And
20 the issue there was getting into the buildings. Instead
21 of needing to get in every month, we just needed to get
22 in one time to get the AMR on. And then if it worked
23 right, then we were done. If it didn't work right, we
24 needed to get in again. Some places, because of the way
25 the walls were or the access to the -- the transmitter

1 that hangs somewhere on a pole, it might not have worked.
2 But, you know, we put in a lot of work over a short
3 period of time to put in 600,000 of those things.

4 JUDGE JONES: And eventually -- I mean, when
5 did you try to get into Mr. Muhammad's unit?

6 MR. ZUCKER: I think what our records show is
7 we tried --

8 JUDGE JONES: I mean initially?

9 MR. ZUCKER: Initially, you know, late '05,
10 early '06, something like that.

11 JUDGE JONES: Is that -- I mean, you're
12 reacting in a way that --

13 MR. MUHAMMAD: Yeah, because if you tried to
14 get in in late '05, I just moved into the building.

15 MR. ZUCKER: Right.

16 MR. MUHAMMAD: My issue is that, okay, that's
17 something maybe that should have been done before I got
18 there. But the prob -- but the issue is that nobody has
19 ever restricted Laclede from coming in. That's my --
20 that's what I'm saying.

21 JUDGE JONES: Are you all -- is that what
22 you're saying, that --

23 MR. MUHAMMAD: And they've been in several
24 times since that time to do piping inspections, to do
25 corrosion. So it's --

1 JUDGE JONES: Was that an issue, though, is
2 that they were denied access?

3 MR. MUHAMMAD: It would be, if that was the
4 case. The only thing that I would suggest to them is
5 sending correspondence would be to -- you know, I don't
6 have a problem with that. But you will need to contact
7 the landlord, because when you tell me -- and the other
8 thing is when you tell me I need to be home between the
9 hours of 8:00 and 2:00 or whatever, I work. I can't.
10 You got to be able to kind of give me something that
11 works. So if we don't have that, then you can contact
12 the landlord. He owns the building. You can get in at
13 9:00 p.m., if that's what you want to do, if he allows
14 you to do it.

15 So nobody's ever -- I mean, what -- it
16 doesn't even make sense logically to deny him coming into
17 the building to do an inspection or to add a meter. Why
18 have -- being on there for a month, why would I deny
19 access to it? It doesn't even make sense.

20 MR. ZUCKER: Well, what Mr. Muhammad said
21 earlier was that he declined to give us access because he
22 felt like it wasn't up to him, but it was up to the
23 landlord. Now --

24 MR. MUHAMMAD: I didn't say I declined. I
25 said I deferred you -- or referred you to the landlord.

1 MR. ZUCKER: Same results.

2 MR. MUHAMMAD: No. I want to be clear. I
3 didn't decline.

4 MR. ZUCKER: Same result.

5 MR. MUHAMMAD: But I didn't decline getting
6 in. The only thing I said is speak with the landlord,
7 because if you can't give me --

8 MR. ZUCKER: Same results.

9 MR. MUHAMMAD: If you can't give me --

10 MR. ZUCKER: We asked. You said, in effect,
11 no, go talk to somebody else.

12 MR. MUHAMMAD: No, sir.

13 MR. ZUCKER: Whether you say, yes, you can
14 get in as soon as you talk to somebody else, or, no, go
15 talk to somebody else, same -- same result.

16 MR. MUHAMMAD: That's --

17 MR. ZUCKER: Other --

18 MR. MUHAMMAD: -- semantics.

19 MR. ZUCKER: -- tenants have let us into
20 their basements, because they have access to the
21 basement.

22 MR. MUHAMMAD: The only thing --

23 MR. ZUCKER: But that just made it more
24 difficult.

25 JUDGE JONES: And that -- and that --

1 regardless of why you weren't able to get access, your
2 inability to get access is what led to the estimates?

3 MR. ZUCKER: Right.

4 JUDGE JONES: And the estimate's then based
5 on what?

6 MR. ZUCKER: Well, our system would calculate
7 an estimate based on a history.

8 JUDGE JONES: Of that -- the use at that
9 dwelling?

10 MR. ZUCKER: At that dwelling. And if there
11 was something off about the history -- maybe there wasn't
12 much usage there before -- our system would think, okay,
13 it's a pretty low-usage unit, and our estimates would be
14 low.

15 MR. MUHAMMAD: And I need to see that from
16 2005, and I've been asking for it all the way up until --
17 see, you gave me some --

18 MR. ZUCKER: You would have had the bills
19 with the estimate -- estimated usage on it. I don't know
20 if you kept them or not.

21 MR. MUHAMMAD: You know I didn't keep those.
22 But I'm asking you for them.

23 MR. ZUCKER: Okay. All right.

24 MR. MUHAMMAD: And I've been asking for it.

25 MR. ZUCKER: I think I can get that.

1 JUDGE JONES: It's easier to ask for them in
2 this setting than it is to ask for them through consumer
3 services. I just want to point that out to you. Why, I
4 don't know. But that's just how it is.

5 MR. ZUCKER: I'm glad to get that
6 information.

7 MR. MUHAMMAD: Thank you.

8 MR. ZUCKER: And I'll look at the other unit
9 also and see what happened there.

10 MR. KEEVIL: Mr. Zucker, you did eventually
11 get an AMR in there; right?

12 MR. ZUCKER: Yes.

13 MR. KEEVIL: And that was roughly when?

14 MR. ZUCKER: We put the AMR in in the spring
15 of 2009.

16 MR. KEEVIL: Okay. So it was after that then
17 that the balance got down to around a hundred dollars?

18 MR. ZUCKER: Yes. At the -- right around
19 January of 2011 the balance was under \$100.

20 MR. KEEVIL: Okay.

21 MR. ZUCKER: And I guess my -- my biggest
22 concern here, regardless of all the other things or, you
23 know, the other technicalities, is how are we going to
24 get this balance into a manageable position where we can
25 get service on for Mr. Muhammad and he can pay enough

1 between himself and whatever energy assistance he can get
2 to keep things going?

3 JUDGE JONES: Well, I'm sure that's his
4 concern too. I mean, he wants service, and it's getting
5 ready to be cold out eventually.

6 And your bill is going to probably be higher,
7 because you heat with gas; right?

8 MR. MUHAMMAD: Yes, sir. But I know how to
9 manage it.

10 JUDGE JONES: Okay. Well, I mean, that's --
11 that's good.

12 MR. MUHAMMAD: I don't have a choice.

13 JUDGE JONES: Right. Right. Well, that's,
14 like I said, something you all can figure out. I mean, I
15 don't know what you have access to, but -- and I don't
16 know that from -- you all can talk about how you can work
17 with this figure.

18 And -- and maybe when you get the information
19 from Mr. Zucker going back to 2005, you can see how the
20 estimates were made, payments were made.

21 Do you think your bills were too high -- I
22 mean, when you were getting billed, did you think they
23 were too low?

24 MR. MUHAMMAD: Well, to be honest with you,
25 once that meter was put in, I did note -- for instance,

1 there may have been a bill I got -- had gotten, and it
2 wasn't even cold, maybe close to \$300. So I did have
3 some concerns at some point about the inconsistency in
4 the bill after the meter was put in. A very large
5 disparity between maybe a bill before that, which was
6 140, and then another one was 350. Okay? So, yes, I did
7 have some concerns even after this so-called AMR that was
8 put in in the spring of 2009.

9 JUDGE JONES: The history of your bill you
10 looked at and analyzed --

11 MR. MUHAMMAD: Yeah, that's why I want it.

12 MR. ZUCKER: Hey, Jeff?

13 MR. KEEVIL: Yeah.

14 MR. ZUCKER: Who is working on this matter
15 now for staff?

16 MR. KEEVIL: Me.

17 MR. ZUCKER: Okay.

18 MR. KEEVIL: You mean from legal?

19 MR. ZUCKER: Yes.

20 MR. KEEVIL: Yeah. Me.

21 MR. ZUCKER: Okay. So I handed out to
22 Mr. Muhammad a document that had, going back to 2010,
23 usage and bills and payments. And I just want to know
24 who I should send that to at staff?

25 MR. KEEVIL: Actually, probably Justin

1 Edwards. You can copy me, but Justin Edwards would
2 probably be the person actually most involved in looking
3 at the past billing.

4 MR. ZUCKER: Okay. And I'll copy you.

5 MR. KEEVIL: Yeah, that's good.

6 MR. ZUCKER: Okay. And do you want an
7 electronic copy of what I just handed you?

8 MR. MUHAMMAD: That's fine.

9 MR. ZUCKER: Okay. And I send it to --

10 JUDGE JONES: When you say that's fine, do
11 you mean you're good with what you've got or --

12 MR. MUHAMMAD: I will take electronic. I
13 will take an electronic copy of the bill.

14 MR. ZUCKER: And smuhammadd@aol.com?

15 MR. MUHAMMAD: Yes. And I want to let the
16 record show that Chantel and Chan is the same person --

17 MR. ZUCKER: Yes.

18 MR. MUHAMMAD: -- when we spoke. And I don't
19 know how you still got that I was a female --

20 JUDGE JONES: That was probably just an
21 assumption. It just was a different name, and somebody
22 was --

23 MR. MUHAMMAD: Not after you talk to
24 somebody.

25 JUDGE JONES: You were -- Chan. I get it's

1 not S-E-A-N. It's short for Chantel.

2 MR. MUHAMMAD: That shouldn't happen after
3 you communicate with somebody before.

4 MR. ZUCKER: I had not spoken to you.

5 JUDGE JONES: It wasn't -- it wasn't
6 Mr. Zucker. It was someone -- probably someone on staff.
7 I think it might have been Cydney Mayfield, maybe.

8 MR. ZUCKER: Cydney, who is a female.

9 JUDGE JONES: Right.

10 MR. ZUCKER: Yeah, I was -- you know, and I
11 told you this on the phone, when you explained it to me,
12 that I had made an assumption that Chantel was a female
13 name. Clearly you're not a female. And Chan sounds like
14 a male name. So I thought there were two different
15 people --

16 MR. MUHAMMAD: No.

17 MR. ZUCKER: -- and we were just missing the
18 and in the middle. Where on our account it said Chantel
19 Chan Muhammad, I thought that was two different people.
20 But that's your given name and your nickname.

21 MR. MUHAMMAD: Yeah. But when you put that
22 in the report, you put it as fact.

23 MR. ZUCKER: Yeah, I hadn't spoken to you
24 then.

25 MR. MUHAMMAD: Right. But someone -- the

1 report said --

2 JUDGE JONES: When you say the report, you're
3 talking about the staff report?

4 MR. MUHAMMAD: It's the report that was given
5 to the Commission.

6 JUDGE JONES: Staff's report.

7 MR. MUHAMMAD: Staff's report.

8 JUDGE JONES: Okay. That's not --

9 MR. ZUCKER: And staff would have got that
10 from me. So --

11 MR. MUHAMMAD: Right.

12 MR. ZUCKER: -- you know, either way it was a
13 wrong assumption on my part.

14 MR. MUHAMMAD: Okay. I just want --

15 MR. ZUCKER: So now let me ask you while
16 we're here, what do you prefer to be called?

17 MR. MUHAMMAD: Chan is fine.

18 MR. ZUCKER: Chan is fine. Okay. So I
19 will -- I will call you that --

20 MR. MUHAMMAD: That's fine.

21 MR. ZUCKER: -- when I'm not calling you
22 Mr. Muhammad.

23 MR. MUHAMMAD: Chan is fine.

24 MR. ZUCKER: Okay.

25 MR. MUHAMMAD: I will call you Attorney

1 Zucker. My name is Chan.

2 MR. ZUCKER: You can call me Rick, if you'd
3 like.

4 JUDGE JONES: As long as you all communicate,
5 that's all I care about.

6 MR. MUHAMMAD: Yes.

7 JUDGE JONES: Is there anything anybody else
8 wants to talk about on the record? I think I got an idea
9 of where you all are trying to go.

10 Mr. Zucker.

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

12 JUDGE JONES: Mr. Keevil.

13 MR. KEEVIL: Just a question, I guess, Judge.
14 It sounds to me like Mr. Zucker is going to go back and
15 try to get some information from the old Laclede archives
16 or wherever they're stored. What -- what are you looking
17 for from the parties?

18 I mean, staff's role in these things, as you
19 know -- I don't know if you explained this to
20 Mr. Muhammad before we went on the call, but staff is
21 kind of a -- I don't want -- I don't even want to use the
22 word party, because I think that we're restricted in
23 advocating a position. Basically we just do like a
24 recommendation or report, and that's about it. So
25 primarily this is a matter between Mr. Muhammad and

1 Laclede, the way that I see it. And I think that's
2 primarily what the rules envision.

3 So what are you looking for from the parties?
4 And if -- I know in some past cases there have been
5 status reports that have been -- staff has been ordered
6 to file them. But where I'm going with this is, being
7 kind of a nonparty observer almost in a lot of ways,
8 staff is really not the best party to be filing those.
9 So if you're looking for status reports or something like
10 that, I think it probably needs to come from Laclede or
11 Mr. Muhammad.

12 The -- again, I guess my basic question to
13 you is what are you expecting from the parties out of
14 this, given that Mr. Zucker, I think, is going to go back
15 and look for some additional records and so on?

16 JUDGE JONES: Well, I'm not expecting staff
17 to do anything past this point --

18 MR. KEEVIL: Okay.

19 JUDGE JONES: -- on the docket. And I agree
20 with you. And I don't know that -- I don't know if
21 that's what all the judges are going to do procedurally.
22 But I understand staff is disinterested, for lack of a
23 better word. I mean, you have an interest in whether a
24 utility follows the rules and whatnot, but you're not a
25 party with an interest in this case. Your role is

1 mutual. I understand that.

2 And I've begun a practice of not directing
3 staff to file status reports, because it's not your work.
4 And at times I've directed the utility to do that,
5 because oftentimes they're the party most capable and
6 it's easy for them to do that, because they have a system
7 set up to file things with the Commission. And sometimes
8 I put that burden on the complainant. I'm not sure what
9 I'll do in this case, but staff won't have to file status
10 reports.

11 I will ask, however, that after we go off the
12 record, you remain on the line to facilitate any
13 discussion. You may be able to add something to -- to
14 their -- to Mr. Muhammad and Mr. Zucker's conversation.

15 MR. KEEVIL: Sure. Thank you, Judge.

16 JUDGE JONES: Okay. Anybody have anything
17 else?

18 Try to figure out how you all can work this
19 out. If you can't work it out but you think you may be
20 able to work it out, you're welcome to do that. If it's
21 absolutely clear that you can't, then we need to put this
22 on a track to an evidentiary hearing.

23 MR. MUHAMMAD: May I ask a question?

24 JUDGE JONES: Sure.

25 MR. MUHAMMAD: When you go off the record,

1 you made a suggestion for staff of the Commission to
2 remain back for the conversation between Mr. Zucker and
3 I?

4 JUDGE JONES: Um-hum.

5 MR. MUHAMMAD: Can I ask why?

6 JUDGE JONES: Just because you may have a
7 question, somebody might have a question about a rule or
8 tariffs or anything. If you don't want him there, I'm
9 sure Mr. Keevil can find something else to do.

10 MR. MUHAMMAD: I would prefer he wouldn't. I
11 would just prefer for me and Attorney Zucker.

12 JUDGE JONES: Okay. Are you okay with that?
13 He doesn't want staff to be here for your conversation.

14 MR. KEEVIL: Okay. I'm fine with that,
15 Judge, and Mr. Muhammad.

16 But just so Mr. Muhammad knows, staff for the
17 Commission, we don't have any direct contact with the
18 actual Commission other than the documents that are filed
19 officially in the case. Okay? So it's not like -- if we
20 were to sit in on the conversation, it's not like after
21 that we would then run off and tell the commissioners,
22 you know, Laclede said this and Mr. Muhammad said that.
23 So just so you know, there's none of that going on.

24 JUDGE JONES: Is that your concern?

25 MR. MUHAMMAD: I don't know.

1 JUDGE JONES: No, if that's your concern, I
2 mean, there are rules against that. Whatever -- whatever
3 you all talk about after I'm gone, I can't even be privy
4 to that. I can't -- I can't know about your settlement
5 discussions. And if staff knows, their -- I don't know
6 how -- the Commission and staff, their communications in
7 an open case are nil, unless it's on a docket or it's in
8 an open meeting. It has to be public. In other words,
9 there's a -- what's it called? I can't think.

10 MR. KEEVIL: Ex parte.

11 JUDGE JONES: Ex-parte communication. That's
12 what that would be, if staff were to communicate your
13 all's discussions to me, that would be an ex parte
14 communication, and that would be a violation. I'm not
15 sure what would happen as a result of it. I just don't
16 do it, so I don't have to figure out what I have to do.
17 So if that's your concern, it's not --

18 MR. ZUCKER: My experience has been --

19 JUDGE JONES: -- something that can be done.

20 MR. ZUCKER: -- that staff can be helpful.

21 JUDGE JONES: They can be helpful.

22 MR. ZUCKER: They won't hurt you, and they
23 can be helpful in trying to come up with solutions.

24 JUDGE JONES: They have access to the rules
25 right there where they are, and all those things. And

1 because I've never been a part of these off-the-record
2 conversations, I don't know to what extent staff is. But
3 it can't hurt. I'm just telling you that --

4 MR. MUHAMMAD: And I appreciate that.

5 JUDGE JONES: -- as a man and a judge, it's
6 not going to hurt you for them to be here.

7 MR. MUHAMMAD: Well, can I make a suggestion;
8 that if we need staff that we call them? Because what if
9 they're not needed?

10 JUDGE JONES: Well, then, from a practical
11 standpoint, Mr. Keevil and the consumer services
12 representative are now sitting in a conference room in
13 Jefferson City on the phone; if we disconnect that line,
14 and then you two have a conversation and then you need
15 staff and you call this number, nobody -- that means they
16 have to sit there and do nothing unless you call. You
17 get what I'm saying?

18 MR. MUHAMMAD: I do.

19 JUDGE JONES: That doesn't make sense for
20 them to spend their day like that.

21 MR. MUHAMMAD: I do have my recorder. Will I
22 be able to record our conversations?

23 JUDGE JONES: I don't know. Mr. Zucker is
24 here.

25 MR. ZUCKER: You have a recorder that -- like

1 a Dictaphone?

2 MR. MUHAMMAD: (Indicating.)

3 MR. ZUCKER: That's nice. I don't think that
4 I have an issue with that.

5 MR. MUHAMMAD: Okay.

6 JUDGE JONES: I mean, just so you know,
7 whatever you all talk about in this portion of the
8 prehearing conference I don't believe is admissible
9 during the evidentiary hearing. So you have to fight --
10 if there's some contradiction of what you talk about and
11 what's factual, then it becomes a game of lawyers to
12 figure out how to point that contradiction out without
13 the benefit of a recording. So that's just something to
14 keep in mind. So like I said --

15 MR. MUHAMMAD: It's comfortable.

16 JUDGE JONES: That's fine. I'm okay with it.

17 MR. MUHAMMAD: Okay. Thank you.

18 JUDGE JONES: But as far as staff being on
19 the line, I'm not going to -- I'm not going to have staff
20 be off the line and then wait in a conference room. They
21 have other work they could be doing. If they're here --
22 they're just there. They're not going to -- they can
23 only help the conversation.

24 MR. MUHAMMAD: Okay.

25 JUDGE JONES: So whatever -- I don't know --

1 I don't know what concerns you have; but I'm just telling
2 you right off the bat, whatever they are there shouldn't
3 be concerns. I'm just telling you.

4 MR. MUHAMMAD: I appreciate that.

5 JUDGE JONES: So, with that -- I mean, so do
6 you want them to stay there? Do you have a problem with
7 it?

8 MR. MUHAMMAD: They can stay.

9 JUDGE JONES: Okay. With that, do you have
10 anything else you want to talk about on the record?

11 MR. KEEVIL: So are we supposed to stay,
12 Judge? I couldn't --

13 JUDGE JONES: Yes. Yes. Yes, you are.

14 MR. KEEVIL: Okay.

15 JUDGE JONES: Okay. Well, good luck.

16 MR. MUHAMMAD: Thank you.

17 JUDGE JONES: And, Mr. Zucker, can you -- if
18 you all work something out or not, can you just shoot me
19 an email and copy Mr. Muhammad?

20 MR. ZUCKER: Yes.

21 JUDGE JONES: And staff, of course. Thanks.
22 I appreciate it.

23 Okay. With that, we'll go off the record.

24 (Off the record.)
25

CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter,
CCR No. 1382, the officer before whom the foregoing
hearing was taken, do hereby certify that the foregoing
hearing was taken by me to the best of my ability and
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by any of the parties to the action in which this hearing
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Angie D. Threlkeld

Angie D. Threlkeld, CCR



<p>A</p> <p>a.m 6:1</p> <p>ability 51:6</p> <p>able 6:8,10,18 7:13,20,21 11:25 16:10 25:4 34:10 36:1 45:13,20 48:22</p> <p>absolutely 29:3 45:21</p> <p>academic 28:9</p> <p>access 7:12,21 8:18,25 10:5 11:20 24:15,16 25:2,3 32:11 32:25 34:2,19 34:21 35:20 36:1,2 38:15 47:24</p> <p>account 9:21 10:17 16:22 17:2 20:13 21:16 41:18</p> <p>accountable 16:5</p> <p>accounts 22:9</p> <p>accumulated 11:8</p> <p>accurate 26:1</p> <p>act 26:25</p> <p>action 51:9,13</p> <p>actions 26:13</p> <p>actual 4:16 16:20 17:1 46:18</p> <p>add 30:9 34:17 45:13</p> <p>additional 44:15</p> <p>adjustment 11:22 13:20 14:6 31:12,15</p> <p>adjustments 30:6,18</p>	<p>admissible 49:8</p> <p>advise 28:14</p> <p>advocating 43:23</p> <p>agencies 13:3 17:16</p> <p>agree 17:21 26:3 28:7 44:19</p> <p>agreement 12:21</p> <p>ahead 22:13,14</p> <p>all's 47:13</p> <p>allowed 10:1 24:17</p> <p>allows 34:13</p> <p>Ameren 22:6</p> <p>amount 8:16,17 15:18 18:11 31:22</p> <p>amounts 31:18</p> <p>AMR 11:2,19,20 32:14,22 37:11 37:14 39:7</p> <p>analysis 22:23</p> <p>analyzed 39:10</p> <p>ancient 12:4</p> <p>Angie 1:20 51:3 51:19</p> <p>answer 13:4 21:7,9 30:4</p> <p>answers 21:6</p> <p>anybody 43:7 45:16</p> <p>apartment 17:24</p> <p>apparently 31:3</p> <p>appear 30:24</p> <p>appearance 3:7</p> <p>appearing 3:9 3:15</p> <p>applies 17:1</p> <p>appreciate 48:4 50:4,22</p> <p>appropriate 8:6</p> <p>approximately</p>	<p>6:1</p> <p>archives 14:20 43:15</p> <p>argument 23:15</p> <p>arrangement 18:17</p> <p>arrangements 18:19</p> <p>arrearage 17:19 20:3,10 26:7</p> <p>arrears 6:15</p> <p>asked 10:9 15:7 15:10 21:24 35:10</p> <p>asking 9:8 15:16 22:24 29:15 36:16,22,24</p> <p>assistance 13:3 17:15 38:1</p> <p>assumed 9:4</p> <p>assuming 12:10 21:17,19</p> <p>assumption 40:21 41:12 42:13</p> <p>attention 30:1</p> <p>attorney 6:6 14:12 42:25 46:11 51:11</p> <p>automated 32:19</p> <p>automatic 21:15</p> <p>aware 25:15,18 26:22 29:11</p>	<p>balance 11:6,8 11:12,16 12:2 12:6,12 14:25 30:14 37:17,19 37:24</p> <p>based 36:4,7</p> <p>basement 21:3 32:11 35:21</p> <p>basements 35:20</p> <p>basic 31:11 44:12</p> <p>basically 11:13 43:23</p> <p>basis 6:5</p> <p>bat 50:2</p> <p>beginning 11:7</p> <p>begun 45:2</p> <p>behalf 3:9</p> <p>belie 26:11</p> <p>belief 15:6</p> <p>believe 4:2 15:15 17:22 27:13 49:8</p> <p>belongs 15:15</p> <p>benefit 49:13</p> <p>best 44:8 51:6</p> <p>better 44:23</p> <p>biggest 4:1 7:7 37:21</p> <p>bill 9:12 10:10 10:16,19 13:24 14:24 15:11,15 15:21,23 16:9 16:11,25 17:17 19:24 20:19 22:5,10,20 23:1,12,12 24:7 29:11,19 30:12,14,24 31:20,20 32:2 38:6 39:1,4,5,9 40:13</p> <p>billed 13:19,22 30:19 31:5</p>	<p>38:22</p> <p>billing 9:14 11:23 13:20 15:9 21:24 40:3</p> <p>billings 10:24</p> <p>bills 11:5,13,14 11:21 13:8 32:13 36:18 38:21 39:23</p> <p>bit 8:9,10</p> <p>Box 2:12 3:14</p> <p>bring 6:5</p> <p>bucks 17:10</p> <p>building 2:11 5:6,8,16 6:15 6:19 7:5,13,22 8:18 9:13,24 9:25 10:12,14 15:3 20:15 22:24 24:4,14 24:23 25:2,3 25:12 28:25 33:14 34:12,17</p> <p>buildings 32:20</p> <p>burden 45:8</p>
		<p>B</p> <p>back 4:5 10:25 11:5,18 12:3 12:22 14:10,13 14:21 26:4 31:6 38:19 39:22 43:14 44:14 46:2</p> <p>backup 31:12,14</p>		<p>C</p> <p>C 2:1</p> <p>calculate 36:6</p> <p>calculation 31:21</p> <p>call 16:25 18:15 23:14 42:19,25 43:2,20 48:8 48:15,16</p> <p>called 10:4 42:16 47:9</p> <p>calling 42:21</p> <p>capable 45:5</p> <p>car 17:20</p> <p>care 6:4 12:25 43:5</p> <p>carried 20:13</p>

case 3:1 4:15 25:12 34:4 44:25 45:9 46:19 47:7 cases 25:14 44:4 catch-up 16:25 31:19,20 32:2 caused 29:8 CCF 31:25 CCR 1:20 51:4 51:19 certain 18:10 29:23 certainly 23:13 CERTIFICATE 51:1 Certified 51:3 certify 51:5 challenge 23:2 Chan 40:16,25 41:13,19 42:17 42:18,23 43:1 changed 13:14 13:16 Chantel 1:11 2:3 3:2 40:16 41:1 41:12,18 charges 12:13 18:10 check 31:10 children 6:8 12:25 choice 38:12 City 2:13 3:14 48:13 claim 26:3 claims 28:13 clean 19:14 clear 5:3 35:2 45:21 Clearly 41:13 close 39:2 Code 26:19,24 cold 18:25 38:5	39:2 come 9:24 12:21 19:13,21 25:14 31:22 44:10 47:23 comes 6:4 comfortable 49:15 coming 24:13 29:5 33:19 34:16 Commission 1:1 3:12,16 4:4,5 4:16,16,25 7:5 7:12 12:18,22 25:14,18,19,21 27:17 28:2,3 42:5 45:7 46:1 46:17,18 47:6 Commission's 26:17 commissioners 46:21 communicate 41:3 43:4 47:12 communication 47:11,14 communicatio... 47:6 company 1:14 2:6 3:3,10 20:2 22:22 comparative 22:22 compared 21:24 compensated 27:19 complainant 1:12 45:8 complaint 3:25 4:1 8:13 18:25 25:14,17 concern 19:9	37:22 38:4 46:24 47:1,17 concerns 39:3,7 50:1,3 conclusion 26:10,14 conference 3:21 48:12 49:8,20 confusion 30:11 connection 23:14 consistent 4:5 11:4 consistently 13:2 consumer 3:17 37:2 48:11 consumers 29:24 contact 10:5 22:21 34:6,11 46:17 contacted 29:14 contacting 30:1 contention 30:17 contested 31:3 contesting 12:9 12:13 13:5 17:5 contradiction 49:10,12 control 12:2 conversation 45:14 46:2,13 46:20 48:14 49:23 conversations 48:2,22 cook 6:9 cooked 19:2 copy 40:1,4,7,13 50:19 Corporate 2:5	correct 7:17 correction 10:22 correspondence 34:5 correspondingly 11:16 corrosion 6:16 9:2,25 33:25 counsel 2:5 51:8 51:11 course 50:21 court 1:21 28:13 51:3 cousins 22:4 covering 11:13 created 30:4 curb 4:3 5:11 6:18 7:8 8:8,22 23:23 24:1,8 24:12,17 25:5 current 30:14 currently 14:25 customers 7:24 cut 6:18 8:22 23:22,23 24:7 24:17 cutting 24:1 Cydney 41:7,8	decide 28:2 decline 35:3,5 declined 34:21 34:24 deferred 34:25 definitely 18:20 denied 34:2 deny 34:16,18 denying 4:24 detail 13:17 details 9:6 determine 13:21 32:2 Dictaphone 49:1 different 5:19,20 6:9 13:3 15:4 15:11 17:16 22:9,9 25:20 28:6 40:21 41:14,19 difficult 35:24 difficulty 30:13 direct 46:17 directed 45:4 directing 45:2 direction 51:7 disconnect 7:13 7:18 8:7,17 25:4,5 48:13 disconnected 4:3 5:11,12,17 7:6,8 8:14,15 26:15 disconnecting 27:10 disconnection 4:2 6:12 discussion 45:13 discussions 47:5 47:13 disinterested 44:22 disparity 39:5 docket 44:19
--	---	---	--	--

47:7 document 39:22 documents 46:18 doing 49:21 dollars 17:12 31:1 37:17 due 8:22 duplex 17:25 18:1 dwelling 4:4 7:9 8:7 24:2 25:6 27:11 36:9,10	16:18 31:19 32:12 36:19 estimates 13:18 16:17,22 19:23 30:18 31:18 36:2,13 38:20 estimating 13:24 32:3,12 eventually 11:22 16:24 24:14 33:4 37:10 38:5 evidence 23:13 evidentiary 45:22 49:9 ex 47:10,13 Ex-parte 47:11 exactly 14:15 excuse 17:14 expecting 44:13 44:16 experience 47:18 explain 15:17 23:4 explained 3:19 9:23 41:11 43:19 explains 16:12 extent 48:2	family 6:8 18:2 22:4 far 49:18 farther 11:18 feel 10:15 28:18 29:20 feeling 17:4 18:12 feels 30:18 31:4 felt 9:20 21:4 34:22 female 40:19 41:8,12,13 fight 49:9 figure 17:19 18:22 19:20 29:4 38:14,17 45:18 47:16 49:12 file 1:13 25:17 44:6 45:3,7,9 filed 4:8,12 46:18 filing 44:8 finally 25:2 financial 9:5 financially 51:12 find 14:6,10 31:17 46:9 finds 27:17 fine 28:16 40:8 40:10 42:17,18 42:20,23 46:14 49:16 first 12:18 14:22 16:2 18:5,8 19:22 20:1 21:23 22:3 29:10 32:4 five 10:24 11:3 12:6 17:15 28:6 five-member 28:3	fixed 10:22 flat 18:3 22:4 floor 22:3,10 focused 25:23 26:2 focusing 9:4 follow 26:4 follows 44:24 food 19:3 foregoing 51:4,5 formally 31:3 found 4:25 28:12 four 12:24 17:12 17:14 front 18:20 fully 9:22 further 51:10	12:3,4 13:2 14:10 15:5 22:12,14 25:9 27:8 31:6 35:11,14 43:9 43:14 44:14 45:11,25 50:23 goes 7:9 10:25 14:13,16 going 11:5 13:9 19:20 22:5,6 23:9,20 27:18 27:25 28:7,14 29:23 30:6 37:23 38:2,6 38:19 39:22 43:14 44:6,14 44:21 46:23 48:6 49:19,19 49:22 good 12:5 19:16 38:11 40:5,11 50:15 gotten 10:11 15:3 16:2 39:1 Governor 2:11 grandmother 6:4 12:25 grants 11:25 17:15 great 13:17 grew 11:16 grief 28:22 grown 12:6 guess 22:11 30:13 37:21 43:13 44:12 guy 29:12
E				
E 2:1,1 earlier 15:6 34:21 early 11:12 12:5 12:11 29:15 33:10 easier 37:1 easy 45:6 Edwards 2:15 3:17 40:1,1 effect 35:10 efforts 26:11 either 10:16 26:21 42:12 electronic 40:7 40:12,13 else's 15:21 17:2 19:10,15,24 email 50:19 employed 51:8 51:11 employee 51:11 energy 38:1 enter 3:6 5:2 entire 5:16 envision 44:2 estimate 36:7,19 estimate's 36:4 estimated 11:21	F facilitate 45:12 fact 4:6 11:12 24:6 25:9 26:15 28:18 41:22 facts 26:4 factual 49:11 failure 8:24 fair 16:11 false 7:14 familiar 9:7 26:16		G gain 25:2 gained 7:12 game 49:11 gas 1:14 2:6 3:3 3:10 18:13 19:5,7,7 29:8 38:7 gathering 19:8 GC-2016-0010 1:13 3:2 getting 17:4,15 18:18 32:20 35:5 38:4,22 give 10:5,9 13:19 14:14 28:21 29:16 34:10,21 35:7 35:9 given 4:4 9:14 11:4,5 41:20 42:4 44:14 glad 4:7 14:5,9 26:4 37:5 go 3:1,22 11:18	
				H handed 10:23 39:21 40:7 hangs 33:1 happen 41:2

47:15 happened 5:15 7:7 11:15 12:7 16:16 30:11 37:9 happening 16:17 heard 21:25 hearing 19:21 45:22 49:9 51:5,6,9 heat 11:25 38:7 heating 18:8 held 16:5 help 13:3 29:24 49:23 helpful 47:20,21 47:23 hey 30:2 39:12 high 38:21 higher 22:10 38:6 hindrance 6:10 history 9:14 12:4 14:13 36:7,11 39:9 hit 16:11 home 6:6 34:8 honest 12:23 17:8 38:24 Honor 9:9 15:2 17:14 hot 6:2,5 19:1,2 hours 34:9 house 12:25 household 13:1 huge 17:19,20 human 22:25 hundred 31:1 37:17 hundred-dollar 12:12 hurt 47:22 48:3 48:6	I idea 28:4 43:8 illegal 4:2 8:6 important 25:8 improperly 30:19 31:5 inability 36:2 inappropriate 4:2 income 13:1 inconsistency 23:12 39:3 Indicating 49:2 indication 19:16 information 3:22 14:16,18 31:7,9,11 37:6 38:18 43:15 initial 13:9 initially 33:8,9 inquire 23:2 inside 7:12,20 11:21 32:5,10 inspection 6:16 6:17 9:2 34:17 inspections 15:4 33:24 instance 38:25 interest 44:23,25 interested 51:12 involved 40:2 issue 4:23 5:3,19 5:19,21,23 7:7 8:2,5,8 9:4,5,5 9:12,17 10:3,7 10:16,17,19 13:12 14:4 16:8 22:1,2 23:19 25:23,24 26:7,9 29:17 29:21 32:20 33:16,18 34:1 49:4 issues 11:19	J January 37:19 Jeff 2:10 3:13 8:19,21 39:12 Jefferson 2:13 3:14 48:13 JONES 1:16 3:1 3:11,18 4:7,11 4:14,19,21,23 5:2,6,8,10,15 5:20,24 6:2,12 6:19,22,24 7:2 7:15,19 8:3 9:10 10:21 12:9,16 13:7 13:13,21 14:1 14:17,23 15:13 15:20 16:13,17 16:23 17:3,11 17:18,22 18:1 18:3,7,21,24 19:4,8,12 20:6 20:12,20,23 21:7,12,14,20 21:22 22:3,14 22:17,19 23:7 23:10,18,22 25:10,24 26:6 26:19,21 27:2 27:4,7,12,14 27:16,22,25 28:6,14,21 29:1,4,8 30:5 30:16,21,23 31:14,22 32:3 32:6,9,15,17 33:4,8,11,21 34:1 35:25 36:4,8 37:1 38:3,10,13 39:9 40:10,20 40:25 41:5,9 42:2,6,8 43:4,7 43:12 44:16,19	45:16,24 46:4 46:6,12,24 47:1,11,19,21 47:24 48:5,10 48:19,23 49:6 49:16,18,25 50:5,9,13,15 50:17,21 judge 1:17 3:1 3:11,13,18 4:7 4:11,14,19,21 4:23 5:2,6,8,10 5:15,20,24 6:2 6:12,19,22,24 7:2,15,19 8:3 9:10 10:21 12:9,16 13:7 13:13,21 14:1 14:17,23 15:13 15:20 16:13,17 16:23 17:3,11 17:18,22 18:1 18:3,7,21,24 19:4,8,12 20:6 20:12,20,23 21:7,12,14,20 21:22 22:3,14 22:17,19 23:7 23:10,18,22 25:10,24 26:6 26:19,21 27:2 27:4,7,12,14 27:16,22,25 28:6,14,21 29:1,4,8 30:5 30:10,16,21,23 31:14,22 32:3 32:6,9,15,17 33:4,8,11,21 34:1 35:25 36:4,8 37:1 38:3,10,13 39:9 40:10,20 40:25 41:5,9	42:2,6,8 43:4,7 43:12,13 44:16 44:19 45:15,16 45:24 46:4,6 46:12,15,24 47:1,11,19,21 47:24 48:5,5 48:10,19,23 49:6,16,18,25 50:5,9,12,13 50:15,17,21 judges 44:21 June 6:1 7:6,8 7:18,21,22 23:19,19 24:24 25:3 26:13,15 Justin 2:15 3:16 39:25 40:1 K K-E-E-V-I-L 3:14 keep 10:7 36:21 38:2 49:14 Keevil 2:10 3:13 3:13,18 8:19 8:19,22 9:1,7 30:8,10,20,22 31:8 37:10,13 37:16,20 39:13 39:16,18,20,25 40:5 43:12,13 44:18 45:15 46:9,14 47:10 48:11 50:11,14 KENNARD 1:16 Kenney 25:20 kept 24:13 36:20 kind 18:17 20:16,17 26:8 28:22 31:21 34:10 43:21 44:7
--	---	--	---	---

know 4:8 5:18 9:15 10:9 12:3 12:7 14:15,16 15:15,19 16:2 16:8,10,15 18:17 19:13,16 19:20,25 20:6 20:7,7 21:4,5,8 21:16,16,18,24 22:5,6,7,11,16 22:24 25:10,17 25:21 26:3,16 26:20,22 27:2 27:22 28:17 29:11,14,25 30:3,3,5 31:16 31:23,25 32:17 33:2,9 34:5 36:19,21 37:4 37:23 38:8,15 38:16 39:23 40:19 41:10 42:12 43:19,19 44:4,20,20 46:22,23,25 47:4,5 48:2,23 49:6,25 50:1 knowing 10:6 knows 46:16 47:5	landlord 10:1,5 10:14 15:24 16:7 18:6 21:9 25:11 28:21 30:1 34:7,12 34:23,25 35:6 landlord's 23:12 large 8:16 39:4 late 11:12 12:5 33:9,14 law 1:17 25:19 26:14 lawyers 49:11 leads 17:22 led 36:2 left 25:20 legal 26:8 39:18 let's 23:18 26:12 27:16 level 18:5,8 likes 6:9 line 45:12 48:13 49:19,20 little 8:9,10 16:4 17:23,23 30:13 live 5:8 9:15,23 18:5,7 20:15 22:3,4 lives 10:14 15:24 18:6 20:9,24 21:10 LLC 1:21 location 21:3 logical 26:10 logically 34:16 long 8:16 13:18 43:4 look 14:5,15 31:13 37:8 44:15 looked 13:17 39:10 looking 40:2 43:16 44:3,9	lot 11:21 12:23 33:2 44:7 Louis 1:7 2:6 3:9 low 30:24 31:18 36:14 38:23 low-usage 36:13 lowest 31:1 luck 50:15 <hr/> M Madison 2:11 making 29:21 31:6 male 41:14 man 48:5 manage 38:9 manageable 37:24 Market 2:5 3:8 married 12:24 math 14:6 matter 39:14 43:25 Mayfield 41:7 mean 5:11,15 7:3 10:22 14:15 15:13 16:14 17:18 18:24 21:8,14 21:16,17 22:6 26:14 28:22 30:12 31:3,24 33:4,8,11 34:15 38:4,10 38:14,22 39:18 40:11 43:18 44:23 47:2 49:6 50:5 meaning 24:3 means 11:13 48:15 meeting 47:8 mention 21:1 mentioned 13:2	17:10 meter 7:21,25 10:8,22 11:21 13:13,16 19:13 21:15 24:15 32:5,10,19 34:17 38:25 39:4 metering 11:1 meters 7:22 10:2 21:2 middle 41:18 mind 15:9 49:14 mine 20:6 missing 8:4,10 41:17 Missouri 1:2,7 2:6,13 3:9,14 26:23 mistakes 16:5 Monday 6:1 7:8 money 5:19,23 20:9 month 32:21 34:18 monthly 11:3 motion 4:9,24 motivation 29:5 move 19:22 moved 14:22 20:1,4 33:14 moving 16:8 Muhammad 1:11 2:3 3:2,4 3:20,24 4:1,10 4:13,18,20,22 5:1,5,7,9,16,23 5:25 6:3,14,23 6:25 7:4,16,17 8:1,4,12,15 9:9 9:11 10:24 11:24 12:14,17 13:9 14:2,4,8 14:12,21 15:2	15:14,22 16:15 17:7,13,21,25 18:2,5 19:2,6 19:11 20:5,11 20:14,22,24 21:7,11,13,17 21:19,21,23 22:12,15,18,21 23:9,17,21 24:1,5,18,23 25:1,8,25 26:18,20 27:1 27:3,8,21,24 28:5,10,16,23 29:3,7,10 32:18 33:13,16 33:23 34:3,20 34:24 35:2,5,9 35:12,16,18,22 36:15,21,24 37:7,25 38:8 38:12,24 39:11 39:22 40:8,12 40:15,18,23 41:2,16,19,21 41:25 42:4,7 42:11,14,17,20 42:22,23,25 43:6,20,25 44:11 45:14,23 45:25 46:5,10 46:15,16,22,25 48:4,7,18,21 49:2,5,15,17 49:24 50:4,8 50:16,19 Muhammad's 7:24 17:1 24:10 30:16 33:5 multitenant 4:3 7:9 8:7 24:2,3 25:6 27:11 mutual 45:1
---	--	---	---	--

<p>N</p> <p>N 2:1</p> <p>name 40:21 41:13,14,20 43:1</p> <p>need 18:19,20 24:15 34:6,8 36:15 45:21 48:8,14</p> <p>needed 32:21,24 48:9</p> <p>needing 32:21</p> <p>needs 44:10</p> <p>neither 51:8</p> <p>network 32:14</p> <p>never 10:2,7,11 21:25 48:1</p> <p>new 16:21,22</p> <p>nice 49:3</p> <p>nickname 41:20</p> <p>nil 47:7</p> <p>nobody's 34:15</p> <p>nonparty 44:7</p> <p>normally 32:12</p> <p>note 3:4,19 11:10 38:25</p> <p>notice 5:2,3 10:20</p> <p>notices 24:15</p> <p>number 3:2 48:15</p> <p>numbers 19:22</p> <p>nursing 6:6</p>	<p>officer 51:4</p> <p>officially 46:19</p> <p>oftentimes 45:5</p> <p>Oh 4:7 8:3</p> <p>okay 4:14,18,20 4:21 5:1 6:22 7:15,19 8:3 10:14,19 12:24 14:1 16:23 17:3 18:1 21:22 22:1 23:3,19,21 25:10 27:12,16 27:24 28:11,14 28:18 29:4 30:5 31:20,25 33:16 36:12,23 37:16,20 38:10 39:6,17,21 40:4,6,9 42:8 42:14,18,24 44:18 45:16 46:12,12,14,19 49:5,16,17,24 50:9,14,15,23</p> <p>old 43:15</p> <p>once 13:17,23 16:25 38:25</p> <p>open 47:7,8</p> <p>opportunity 14:15</p> <p>order 4:24 31:20</p> <p>ordered 44:5</p> <p>outcome 51:13</p> <p>outside 7:18</p> <p>owe 15:9,17 23:3</p> <p>owed 6:15 8:16 9:20</p> <p>owes 11:8</p> <p>owns 34:12</p>	<p>P.O 2:12</p> <p>packet 12:22</p> <p>page 27:9,15</p> <p>paid 12:10,16 15:19 17:23 30:12,17,24 31:4</p> <p>part 29:15 42:13 48:1</p> <p>parte 47:10,13</p> <p>partially 7:17</p> <p>particular 27:10</p> <p>parties 43:17 44:3,13 51:9 51:12</p> <p>party 4:14 15:19 43:22 44:8,25 45:5</p> <p>pay 18:19 22:20 37:25</p> <p>paying 10:19 13:5 17:4,6,16 19:9,15</p> <p>payments 11:5 11:15,25 12:7 18:10 31:1,2,6 38:20 39:23</p> <p>people 8:13 22:23 24:4 28:7 29:24 41:15,19</p> <p>percent 26:1</p> <p>period 11:9,14 12:2 13:18 33:3</p> <p>person 2:2 10:12 10:17 20:7,8 20:16,24 25:12 40:2,16</p> <p>personally 20:8</p> <p>phone 41:11 48:13</p> <p>pick 6:7</p> <p>piping 9:25 15:4</p>	<p>21:3 33:24</p> <p>place 10:2 12:1 32:4,8</p> <p>places 32:24</p> <p>play 26:9 27:23</p> <p>plowing 3:21</p> <p>PO 3:14</p> <p>point 17:7 26:1 29:19,20 30:20 30:22 31:1 37:3 39:3 44:17 49:12</p> <p>pointed 4:7</p> <p>points 25:25</p> <p>pole 33:1</p> <p>portion 13:11 49:7</p> <p>position 37:24 43:23</p> <p>possibility 9:20</p> <p>possible 19:19</p> <p>possibly 19:9 22:21</p> <p>power 6:6</p> <p>practical 26:6 48:10</p> <p>practice 45:2</p> <p>prefer 42:16 46:10,11</p> <p>prehearing 1:5 3:21 49:8</p> <p>premise 20:3</p> <p>present 2:14 3:5</p> <p>Presiding 1:16</p> <p>pretty 11:4 19:7 36:13</p> <p>previous 10:16 10:16</p> <p>primarily 3:24 43:25 44:2</p> <p>prior 12:13 16:8 16:9,14,14 31:2</p> <p>privy 47:3</p>	<p>Pro 2:3</p> <p>prob 33:18</p> <p>probably 4:23 7:23 22:10 31:17 32:7 38:6 39:25 40:2,20 41:6 44:10</p> <p>problem 11:17 23:6 24:18 30:4 34:6 50:6</p> <p>problems 30:25</p> <p>procedurally 44:21</p> <p>proceed 28:13 28:19</p> <p>PROCEEDIN... 1:4</p> <p>process 19:21</p> <p>promise 18:18 18:18</p> <p>proper 24:2</p> <p>PSC 2:10</p> <p>public 1:1 3:16 47:8</p> <p>purpose 3:20</p> <p>put 7:11 8:8 15:11 18:13 24:19 33:2,3 37:14 38:25 39:4,8 41:21 41:22 45:8,21</p> <p>putting 29:22 32:14</p>
<p>O</p> <p>observer 44:7</p> <p>obviously 24:9</p> <p>occasions 9:25 15:3,11</p> <p>occurred 30:25</p> <p>October 14:22</p> <p>off-the-record 48:1</p> <p>Office 2:11</p>	<p>P</p> <p>P 2:1,1</p> <p>p.m 34:13</p>			<p>Q</p> <p>question 8:20 13:4 30:4 31:11 43:13 44:12 45:23 46:7,7</p> <p>questioned 9:19</p> <p>R</p>

R 1:11 2:1,3 3:2	34:25	responsibilities	run 46:21	25:4 37:3
R12 27:13,14,18	referring 27:5	17:9	running 9:14	48:11
react 28:2	27:13	responsibility	10:9,10	set 45:7
reacting 33:12	reflected 8:1	19:15	runs 21:3	setting 37:2
read 11:22 13:15	regardless 25:22	responsible		settlement 47:4
13:24,25 16:21	36:1 37:22	19:10	S	shape 12:5
17:1 19:13	regular 6:4 11:2	rest 6:15,19	S 2:1	shoot 50:18
reader 32:19	regulation 26:24	31:24	S-E-A-N 41:1	short 33:2 41:1
reading 21:15	27:10	restored 6:20	safety 6:17	shortly 13:15
readings 11:2,3	regulations 7:10	restricted 10:7	safety-related	show 15:8,9,10
31:17	26:19 27:3,9	33:19 43:22	8:23	15:16 16:3
ready 38:5	REGULATO...	result 35:4,15	saw 11:6 13:18	23:3 26:12
realize 28:17	1:17	47:15	saying 15:14,24	28:1 29:16
really 11:15,17	related 51:8	resulted 18:11	19:14 21:25	33:6 40:16
12:3,4,5,8 22:8	relationship	results 26:13	23:3,4,22	showers 19:1
26:2,7 30:10	5:12	30:3 35:1,8	26:22 29:19,22	shown 23:11
44:8	relative 51:10	revised 26:23	30:2 33:20,22	shows 10:25
reason 8:14,15	relieve 19:17	Rick 2:5 3:8	48:17	shut 29:8
13:8 24:8,9,11	remain 45:12	8:20 14:18	says 25:15	side 9:8 18:1,1,3
rebilled 21:12	46:2	43:2	Se 2:3	18:4
21:18	renting 20:8	right 3:22 8:24	see 13:24 14:6,6	significantly
rebilling 9:18,23	report 4:4 7:1,4	13:6,7 14:25	14:15 19:22	13:19
10:10,12,15,20	7:11 8:2,9	15:10,25 17:11	23:18 27:23	similar 15:25
10:21 12:19	24:19 25:4	21:10,13 23:25	31:17,25 36:15	16:1
13:10,12 20:19	41:22 42:1,2,3	24:4,25 25:7	36:17 37:9	similarity 22:8
22:15	42:4,6,7 43:24	27:22 29:1	38:19 44:1	similarly 20:16
receive 18:15	REPORTED	30:23 31:23	seen 21:25 26:18	singled 21:5
recommendati...	1:20	32:9,15,23,23	semantics 35:18	sir 4:10,13 5:5
43:24	Reporter 51:1,3	33:15 36:3,23	send 39:24 40:9	5:25 12:14,17
reconsider 4:9	reporting 1:21	37:11,18 38:7	sending 34:5	14:8 16:15
4:24	29:23	38:13,13 41:9	SENIOR 1:17	19:6,11 20:5
record 3:1,4,19	reports 44:5,9	41:25 42:11	sense 34:16,19	20:11,22 21:11
3:20,21 4:8 5:3	45:3,10	47:25 50:2	48:19	23:9,17 35:12
15:5 40:16	representative	Robert 25:20	sent 10:4 12:22	38:8
43:8 45:12,25	48:12	role 43:18 44:25	24:15	sit 46:20 48:16
48:22 50:10,23	representing	roof 18:9	separate 5:21	sitting 48:12
50:24	3:15 18:16	room 48:12	September 1:6	situation 11:1
recorder 48:21	requested 9:15	49:20	serious 8:5	20:3 28:19
48:25	resolve 15:7	roughly 37:13	service 1:1 3:16	slowed 11:16
recording 49:13	18:14,25 28:11	rule 25:19 26:12	5:10,11,24	12:8
records 14:10	respect 9:11	46:7	6:20 7:23,25	small 17:20
33:6 44:15	Respondent	rules 7:10 26:17	19:13 37:25	28:13
reduced 51:7	1:15	27:9 44:2,24	38:4	smuhammadt...
referred 10:4	response 4:11,25	47:2,24	services 3:17	40:14

so-called 9:18 39:7 solutions 47:23 somebody 16:9 35:11,14,15 40:21,24 41:3 46:7 soon 35:14 sorry 14:4 22:12 sounds 30:10 41:13 43:14 speak 35:6 spells 5:4 spend 6:7 48:20 spoke 40:18 spoken 41:4,23 spring 37:14 39:8 St 1:7 2:6 3:9 staff 2:9,10 3:11 3:15,17 4:12 4:14,15 7:3 39:15,24 41:6 42:3,9 43:20 44:5,8,16,22 45:3,9 46:1,13 46:16 47:5,6 47:12,20 48:2 48:8,15 49:18 49:19 50:21 staff's 42:6,7 43:18 standing 8:12 25:11,13,17 standpoint 11:17 26:10 48:11 start 19:14 27:21 28:18 started 9:16 16:21 19:12 23:7 29:21,22 29:22 30:1 32:13,14	starting 9:15 State 1:2 26:19 26:24 stated 4:17 statement 7:14 status 44:5,9 45:3,9 statute 26:13,23 26:23 stay 50:6,8,11 stop 17:7 stored 43:16 story 31:24 stove 19:5 straightened 11:1 Street 2:5,11 3:8 strongly 10:15 28:18 29:20 submit 23:13 sudden 22:19 29:19 suddenly 11:14 suggest 34:4 suggestion 46:1 48:7 Suite 2:12 supposed 50:11 sure 5:22,22 6:24 8:21 9:10 18:9 31:10 38:3 45:8,15 45:24 46:9 47:15 suspicion 19:18 20:14 suspicious 20:17 system 21:15 36:6,12 45:6	talk 25:11 35:11 35:14,15 38:16 40:23 43:8 47:3 49:7,10 50:10 talked 16:1 21:21 talking 9:12 21:9 25:13 29:1 42:3 talks 27:10 tariff 27:6,7,15 27:18 28:2 tariffs 46:8 technicalities 37:23 Telephone 2:8 tell 9:4 11:11 28:17 31:24 34:7,8 46:21 telling 48:3 50:1 50:3 tenant 16:13 tenants 5:13 35:19 tenent 16:10 terms 29:23 Thank 3:18 4:22 37:7 45:15 49:17 50:16 Thanks 9:8 50:21 theirs 22:7 theory 26:8 thereto 51:12 thing 6:9 8:23 11:10 13:6 18:14 22:25 26:7 34:4,8 35:6,22 things 15:5 19:23 29:11,23 30:25 33:3 37:22 38:2	43:18 45:7 47:25 think 5:18 7:23 13:7,10 14:19 15:20 16:11,20 17:17 18:25 22:25 26:9 27:5 29:25 31:23 33:6 36:12,25 38:21 38:22 41:7 43:8,11,22 44:1,10,14 45:19 47:9 49:3 thinking 21:4 third 15:19 thought 13:6,10 29:24 41:14,19 thousand 12:11 17:12 three 9:18 15:11 three-and-a-h... 9:19 15:23 16:12 20:18 23:1,5 Threlkeld 1:20 51:3,19 TIGER 1:21 time 6:7,18 8:17 9:16 11:14 12:13,24 17:9 17:14 20:21 28:10,12 30:20 30:22 31:5 32:13,22 33:3 33:24 times 10:3 30:18 33:24 45:4 told 41:11 ton 32:12 top 22:9 total 14:24 track 45:22	TRANSCRIPT 1:4 transmitter 32:25 transparent 29:12 tried 10:7 12:20 33:7,13 true 12:10 truth 9:4 try 33:5 43:15 45:18 trying 6:16 11:19 16:3 17:9,18 19:17 24:13 26:11,11 29:4 43:9 47:23 turn 24:8,9,11 turned 7:23,24 28:24 turning 24:12 two 7:13 12:11 18:2,7 22:8 24:3,4 41:14 41:19 48:14 two-family 22:4 type 13:4 18:19 21:2 typewriting 51:7
U				
Um-hum 24:5 46:4 unable 8:17 undercharged 15:24 understand 4:19 10:11 12:19,23 19:4 20:1 23:5 23:20 24:14 44:22 45:1 understanding 29:16 30:13				

unfairness 16:4	46:13 50:6,10	32:23 33:2	16:20,24 18:15	12 11:9
unit 20:25 21:2	wanted 10:3	34:9 38:16	18:23 19:5	12R 27:3,4,10
24:10,12,16	15:7 16:8 21:5	45:3,18,19,20	23:25 24:3,6	13 11:9
33:5 36:13	29:12	49:21 50:18	24:22,25 25:7	1382 51:4
37:8	wants 31:6 38:4	worked 32:22	25:22,25 27:5	14 11:9
units 10:1 22:9	43:8	33:1	27:13,15 31:9	140 39:6
24:4,9	wasn't 9:7 10:19	working 39:14	31:10,16,23	15 11:9
untoward 14:7	20:16 21:12,18	works 34:11	32:5,7,10,16	16 20:18
upstairs 18:6	26:1,2 29:17	worth 10:24	32:19 33:6,9	17 20:18
21:10 22:5	34:22 36:11	wouldn't 10:13	33:15 34:20	
usage 10:25 11:4	39:2 41:5,5	24:12,18 46:10	35:1,4,8,10,13	2
19:10,24 36:12	water 6:2,5	writing 15:12	35:17,19,23	2,000 23:1
36:19 39:23	way 10:13 13:25	29:22	36:3,6,10,18	2:00 34:9
use 36:8 43:21	14:13,21 26:9	wrong 13:8,11	36:23,25 37:5	200 2:11
utilities 28:24	32:24 33:12	23:11 25:16	37:8,10,12,14	2005 9:13,16
utility 13:3	36:16 42:12	42:13	37:18,21 38:19	11:11 14:22
17:15 25:16,18	44:1	wrote 12:18,21	39:12,14,17,19	16:14,18 19:12
44:24 45:4	ways 44:7		39:21 40:4,6,9	19:22 29:13
	we'll 3:22 19:20	X	40:14,17 41:4	30:7 31:7
V	50:23	Y	41:6,8,10,17	32:13 36:16
validate 15:11	we're 9:12 18:16	yeah 18:23	41:23 42:9,12	38:19
15:17,18 29:16	21:1 31:25	22:17 24:22,22	42:15,18,21,24	2006 32:14
verbatim 26:20	42:16 43:22	27:1 29:3,7	43:1,2,10,11	2008 10:18 12:1
versus 3:2	we've 15:24	30:4 32:6	43:14 44:14	12:19 13:10,14
violated 25:18	Wednesday 7:6	33:13 39:11,13	46:2,11 47:18	14:11 23:7,8
26:12,24 28:1	24:24 25:3	39:20 40:5	47:20,22 48:23	29:11 30:7,7
violation 27:17	weekends 6:7	41:10,21,23	48:25 49:3	2009 10:18 12:1
28:8,12 47:14	welcome 23:13	year 15:7 29:15	50:17,20	23:9 37:15
Volume 1:8	45:20	years 9:18,19	Zucker's 20:2	39:8
vs 1:13	went 43:20	11:3 12:1,6	45:14	2010 10:25 11:6
	weren't 16:17	15:23 16:12	0	11:7 12:11
W	31:2 36:1	17:12,15 20:18	05 33:9,14	30:12 31:2
wait 29:20 49:20	whatnot 44:24	23:1,5 29:18	06 33:10	39:22
walls 32:25	willing 18:13,16	years' 10:24	1	2011 11:7,13
want 12:3 14:16	win 27:18,19	Z	1 1:8	12:5,11 17:10
15:5 17:17	28:1,10	Zucker 2:5 3:6,8	1,500 31:25	37:19
21:6 22:16,22	winters 22:11	3:8 5:14,18,22	1,600 22:20,20	2012 9:15 24:10
25:9,9 26:22	witness 23:14	6:13,14,21	1,800 20:18	2015 1:6
27:19,20,22	word 43:22	7:16,20 8:11	100 11:7,12	22nd 6:1 7:8,18
28:11,11,16,17	44:23	8:19,21,24 9:3	17:10 26:1	23:19 26:13,15
34:13 35:2	words 15:15	9:13 10:23	30:12 37:19	24th 7:6,21,22
37:3 39:11,23	25:15 29:6	13:2,15,23	11 11:9	23:19,23 24:24
40:6,15 42:14	31:16 47:8	14:3,5,9,19,25		25:3
43:21,21 46:8	work 12:20			

3				
300 39:2				
350 39:6				
360 2:12 3:14				
4				
4,000 15:1 17:3 24:7				
5				
6				
600,000 33:3				
63101 2:6 3:9				
65102 3:14				
65102-0360 2:13				
7				
700 2:5 3:8				
8				
8 1:6				
8:00 6:1 34:9				
800 2:12				
87-year-old 6:3				
9				
9 30:7				
9:00 34:13				