

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

| | | |
|-------------------------------|---|-----------------------|
| Unice Harris, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. GC-2013-0116 |
| |) | |
| Southern Union Company, d/b/a |) | |
| Missouri Gas Energy, |) | |
| |) | |
| Respondent. |) | |

MGE'S ANSWER

COMES NOW Southern Union Company, d/b/a Missouri Gas Energy (MGE or Respondent), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission (Commission) as its Answer to the Complaint filed by Unice Harris (Complainant or Ms. Harris):

1. MGE admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.
2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel.

COMPLAINT

3. Complainant alleges as follows:

Plaintiff seeks to have all charges removed from plaintiffs bill from 2006 as the statute of limitations has run on this debt in addition MGE had a responsibility to provide accurate billing within each 30 day cycle. It is now 2012 and a bill form 2006 mysteriously appears on the current statement.

ANSWER

4. None of the charges that are currently owed by Complainant were incurred in 2006.

5. The total amount of disputed charges is \$592.92. That balance consists of the following amounts:

| | |
|-----------------|--|
| \$198.22 | Balance of Ms. Harris' account (#0029732107) at the time she filed for Chapter 13 bankruptcy on August 11, 2010. This amount was incurred at 5424 NE Sunshine Drive, Lee's Summit, MO just prior to the filing of Ms. Harris' bankruptcy petition, not in 2006 as claimed by Ms. Harris. A post-bankruptcy petition account (#7735992665) was opened with a balance of \$0.00. |
| \$305.70 | Balance of Ms. Harris' account (#7735992665) at the time Ms. Harris moved from 5424 NE Sunshine Drive, Lee's Summit, MO to 4612 B NE Whispering Winds, Lee's Summit, MO, on or about January 20, 2011. Ms. Harris filed an additional bankruptcy petition that was converted from Chapter 13 to Chapter 7 on January 31, 2011. A new account (#196196770) was opened at the new address at that time with a balance of \$0.00. |
| \$24.00 | Collection fee charged on July 19, 2012 gas bill in accordance with MGE's tariff (Sections 3.11 and 14.0) for the cost of a July 3, 2012 trip to the service address to attempt to collect payment. |
| <u>\$65.00</u> | Reconnection fee charged on July 19, 2012 gas bill in accordance with MGE's tariff (Sections 3.12 and 14.0) for the cost of making a second trip to the service address on July 3, 2012 to restore service. |
| <u>\$592.92</u> | Total amount of disputed charges. |

6. As noted above, Ms. Harris has filed bankruptcy petitions at least twice. However, neither matter proceeded to a discharge of Ms. Harris' creditors. Thus, the debts Ms. Harris owed to MGE have never been discharged and Ms. Harris owes the past-due amounts.

7. As detailed above, the charges being disputed by Ms. Harris are from billings in 2010 and 2011, and not from 2006 as is claimed by Ms. Harris. Moreover, the statute of

limitations is an affirmative defense that must be pleaded and proved in a civil action and is irrelevant to the past-due amounts here.

8. Finally, it should also be noted that Ms. Harris has submitted twenty-three (23) checks that have been returned for insufficient funds, including a check given by Ms. Harris to MGE on or about July 11, 2012, in the amount of \$642.33 (which included the \$503.92 currently in dispute for account #'s 0029732107 and 7735992665). The returned check provides MGE with an additional cause of action against Ms. Harris, for which the statute of limitations is also inapplicable.

9. Except as expressly admitted in this answer, MGE denies each and every allegation contained in the Complaint.

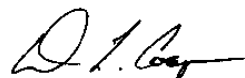
AFFIRMATIVE DEFENSES

10. Further answering and as an affirmative defense, MGE states that it has acted in accordance with its tariffs.

11. Further answering and for its second affirmative defense, MGE states that the Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, MGE prays the Commission dismiss the Complaint and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



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ATTORNEYS FOR SOUTHERN UNION
COMPANY, D/B/A MISSOURI GAS ENERGY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or by U.S. Mail, postage prepaid, on October 24, 2012, to the following:

Office of the General Counsel
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