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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Pre-Hearing Conference
October 25, 2013
St. Louis, Missouri
Volume II @ Page 6

PETER B. HOWARD,)
)
Complainant,)
)
Vs.) File No. EC-2013-0524
UNION ELECTRIC COMPANY, d/b/a)
AMEREN MISSOURI,)
Respondent.)

KENNARD JONES, Presiding
REGULATORY LAW JUDGE

1 A P P E A R A N C E S

2

3 For Union Electric d/b/a Ameren Missouri:

4 Sarah E. Giboney, Attorney at Law

5 111 South 9th Street, Suite 200

6 P.O. Box 918

7 Columbia, MO 65201

8 (573) 443-3141

9 Giboney@smithlewis.com

10

11 For Staff of the Missouri Public Service Commission:

12 Ms. Jennifer Hernandez

13 Public Service Commission

14 200 Madison Street

15 P.O. Box 360

16 Jefferson City, MO 65102

17 (573) 526-6715

18

19 REPORTED BY:

20 Angie Kelly, CCR, CSR

21 Midwest Litigation Services

22 711 N. 11th Street

23 St. Louis, MO 62101

24 (314) 644-2191

25

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

2 JUDGE JONES: Let's go ahead and go on the record.

3 This is case number EC-2013-0524 Peter Howard v. Ameren

4 Missouri. My name is Kennard Jones I'm the regulatory law

5 Judge presiding over this hearing at this time. Let's take

6 Entries of appearance for the record and then Mr. Howard is

7 Present and for Ameren Missouri.

8 MS. GIBONEY: Sarah Giboney. 111 S. 9th Street,

9 Columbia, Missouri 65021.

10 MS. HART: Cathy Hart. I'm for Ameren, 101 Madison,

11 Jefferson City, Missouri 65101.

12 JUDGE JONES: Miss Hart, are you an attorney or a

13 witness?

14 MS. HART: I'm a supervisor, I'm a witness.

15 JUDGE JONES: Okay. And for the staff of the

16 commission?

17 MS. HERNANDEZ: Jennifer Hernandez appearing on behalf

18 of the staff of Missouri Public Service Commission. Our address

19 is P.O. Box 306, Jefferson City, 65102 and may the record also

20 reflect Justin Edwards is here. He is also a staff expert in

21 this area, and filling in today for Gay Fred. Miss Fred will

22 continue as a witness as this case goes forward.

23 JUDGE JONES: Okay. And for your benefit, Mr. Howard,

24 I'll tell you the prehearing conference is an opportunity for

25 the parties to get together and perhaps discuss the issues,

1 narrow the issues and maybe even settle the matter. My
2 participation in this portion of the process is very limited, so
3 I'll be here for a short time on the record then I'll leave,
4 leave the room to you all to discuss it, see what you can come
5 to.

6 MR. HOWARD: I understand.

7 JUDGE JONES: Before I do that though, have you read
8 staff's report?

9 MR. HOWARD: Yes, involving part of the allegations
10 right? They've come to the opinion that Ameren is right, the
11 service at the 4111 residence on Maffitt.

12 JUDGE JONES: Did you have a previous complaint?

13 MR. HOWARD: Oh, yes. Yeah, I did. They have a
14 history of charging me for electric service at residences where
15 no one resides.

16 JUDGE JONES: Okay. So you're a landlord?

17 MR. HOWARD: Yes, yeah, I brought the deed and
18 everything, my brother is as well.

19 JUDGE JONES: Now, if no one is living in one of your
20 properties, and service is on, then you're responsible for it.

21 MR. HOWARD: Well, I mean, well if service is on in a
22 minute fashion, no one using it even if there's no major
23 appliances being utilized.

24 JUDGE JONES: Right.

25 MR. HOWARD: I mean, not according to the bills they

1 send me, you would think someone's living there.

2 JUDGE JONES: You're saying that the bill is too high?

3 MR. HOWARD: Yeah, I mean, they're saying Alicia
4 (phonetic) Bell is the last person to live there. Now there's a
5 Ben Scott that lives there, but in the interim no one lived
6 there, but they send me the bill I guess because the property is
7 deeded in my name I guess

8 JUDGE JONES: You don't have a problem with that do
9 you?

10 MR. HOWARD: Well, it's deeded in my brother's name as
11 well, why didn't they bill us jointly? Matter of fact, his name
12 is first on the deed, why'd they send a bill to me? I just have
13 an acrimonious history with Ameren UE period. Started from
14 Maffitt and now spilled over to this property 4453 Athlone.

15 JUDGE JONES: Have you had an opportunity to talk with
16 the company?

17 MR. HOWARD: No.

18 JUDGE JONES: Okay. Well this is that opportunity and
19 I want to suggest to you that you relax. Just, I mean, I don't
20 know, I'm burnt out on emotion from last night's game, just try
21 to relax, okay, and gather your thoughts and I don't want to
22 appear bias or anything but I can assure you that Ameren is not
23 invested in you personally.

24 MR. HOWARD: No, I just think it's any corporation
25 like property on Maffitt, you know, my bill on average was \$15,

1 \$18 a month until the Johnson State Park and the Tom Sauk
2 reservoir fiasco, after that my bill escalated to \$137 a month,
3 even though the premises is unoccupied, I feel they're just
4 passing that cost on to the consumer.

5 JUDGE JONES: Well, that's everybody, Schnuck's,
6 Wal-Mart, everybody passes costs.

7 MR. HOWARD: Corporations always talk about personal
8 responsibility, pull yourself up by the bootstrap. Keep playing
9 our way, or we're going to take our ball and go home.

10 JUDGE JONES: You're a landlord, right?

11 MR. HOWARD: Yeah.

12 JUDGE JONES: When you charge rent you pass your costs
13 on to your renter?

14 MR. HOWARD: Well, yeah costs that I incur as a result
15 of their negligence of some kind of.

16 JUDGE JONES: Or what if property taxes go up on the
17 property? Just think of it like a business, just try to relax,
18 okay, that's what the most important because this meeting has to
19 be productive, and you know, if you're emotions and passions are
20 in the way of your clear thinking, then this meeting won't be
21 productive, so I'm just suggesting that to you. I'm not telling
22 you how to feel, I'm just saying in your communication with the
23 parties, try to relax. I will tell you that staff, however, is
24 neutral. The staff just investigates and gives their opinion,
25 and now, the prior complaint you had with the commission seems

1 to have been resolved.

2 MR. HOWARD: Yeah, that's one way of putting it.

3 JUDGE JONES: Well, I mean, legally resolved. You
4 still have issues with it, but it's been resolved.

5 MR. HOWARD: Through the public service commission?

6 JUDGE JONES: Right.

7 MR. HOWARD: The investigator that called me the first
8 thing that come out of her mouth was why didn't you hire an
9 electrician, so I knew she was bias, she tried to do an
10 impartial investigation. That's the first thing that came out
11 of her mouth was why don't you hire an electrician, maybe
12 something is wrong with your electrical wiring or something like
13 that. That let me know where she was leaning already. I knew
14 then there was no reason to go on, try to talk to her at all, in
15 a reasonable fashion.

16 JUDGE JONES: Well, sometimes you have to be
17 reasonable with unreasonable people to get reasonable results.

18 MR. HOWARD: Yeah, sometimes you just have to sue.

19 JUDGE JONES: Well, that's my next point. In your
20 last complaint if the result was unsatisfactory to you, then
21 what you should have done was appeal.

22 MR. HOWARD: Matter fact, the result sent me over to a
23 collection agency, and they contacted me and we came to an
24 agreement for \$120 for satisfaction, somehow that was thrown out
25 the window, now they say I owe them \$600 something. So, it's

1 back up to the original overages.

2 JUDGE JONES: What I'm trying to explain to you is the
3 process of escalating your complaint, if what happens at the
4 Public Service Commission is not satisfactory then you go into
5 the court system.

6 MR. HOWARD: Exactly.

7 JUDGE JONES: So I just wanted you to know that. Now,
8 if you all are unable to reach some conclusion today, then we'll
9 have to move towards an evidentiary hearing.

10 MR. HOWARD: Right.

11 JUDGE JONES: That will be held here, and you all need
12 to discuss dates, and times for that hearing that works for you
13 because this is what we do for a living, so we're always
14 available.

15 MR. HOWARD: So if we have to go to the evidentiary
16 hearing will we do both phases including the 4111 property or we
17 will just be confined to the 4453 address. I wasn't satisfied
18 with the first resolution, even though the recommendation
19 indicates that.

20 JUDGE JONES: I'll tell you from the legal standpoint,
21 when something is decided, it's decided. What you are
22 effectively doing is asking for a rehearing, and when the report
23 in order came out in your last case, what you probably should
24 have done was requested a rehearing, are you familiar with the
25 commissions rule?

1 MR. HOWARD: No, not particularly.

2 JUDGE JONES: Do you have access to the Internet?

3 Well, I'm just going to -- have you been to the commissions
4 website?

5 MR. HOWARD: Yeah, I'm sure I have to, yes, to lodge a
6 complaint, yes.

7 JUDGE JONES: The procedural rules of the commission
8 are 2CSR24-C and then there's a --

9 MR. HOWARD: Sounds like a very thick book.

10 JUDGE JONES: No, it's not. Not at all. I could
11 probably make a copy for you and give it to you, but those are
12 procedural rules I want you to have those at your disposal so
13 you can navigate the terrain procedurally.

14 Now, with the last complaint, you know, yeah, I don't
15 have a problem with hearing all those facts again, but I suspect
16 that you know, if the commission already decided something, I'm
17 not going to go back and re-decide it. What you should have
18 done last time is probably filed a motion for re-hearing, you
19 know, the report, did you -- were you aware of that?

20 MR. HOWARD: Obviously I wasn't.

21 JUDGE JONES: Well, when the report and order came
22 out, there was an effective date, it was issued on one day and
23 probably a 10 or a 30 day effective date.

24 MR. HOWARD: Well, the part that I have the most
25 problem with is they referred this matter over to a collection

1 agency, as far as satisfaction with the collection agency, we
2 agreed to \$125, and as far as you know, to settle this matter,
3 but now all of a sudden I owe them \$800.

4 JUDGE JONES: You mean from the last one?

5 MR. HOWARD: Yeah, I have a problem with the financial
6 settlement I made with the collection agency they hired to
7 contact me.

8 JUDGE JONES: Who is they.

9 MR. HOWARD: Ameren UE.

10 JUDGE JONES: Miss Giboney, you don't know anything
11 about that I'm guessing?

12 MS. GIBONEY: I don't know any specifics, and I'm not
13 aware of any offer to settle the entire old debt for \$125,
14 that's correct, I don't know anything about that. It is, you
15 know, relatively common for bad debt to be turned over to a
16 collection agency, but I'm not aware of any \$125 offer.

17 JUDGE JONES: Okay, well you all can talk about that,
18 do you have evidence of that?

19 MR. HOWARD: No, sir, it was all telephonic.

20 MS. GIBONEY: There's no letter or anything, Mr.
21 Howard?

22 JUDGE JONES: He's saying no, it was just over the
23 telephone.

24 MR. HOWARD: They told me they would get back with me,
25 and they never did. Do you know the collection agency your

1 company hires, could you probably contact them?

2 MS. GIBONEY: There's more than one collection agency,
3 I don't know which one you're referring to. I guess I was just
4 wondering if they had sent you a letter or something that I
5 could look at. Doesn't sound like there was.

6 JUDGE JONES: Okay. Well, do you have questions about
7 this process?

8 MR. HOWARD: No, I mean, like I said, the property was
9 unoccupied, I didn't contact Ameren UE to ask for utility
10 service to be connected at that residence, nor have I contacted
11 Laclede Gas to have them to connect service to the residence.
12 For them to just charge me, you know, willy nilly \$200 or
13 whatever saying you know, I'm responsible for it because the
14 service was on in the interim, I can't see that being justified.

15 JUDGE JONES: Do you have a problem with paying for
16 the service being on, or the amount that was charged?

17 MR. HOWARD: I have a problem for paying for the
18 service being on in the amount that was charged and the fact it
19 was charged to me. I'm not the only owner of that property. I
20 have a deed to that effect to show you that, my name's not even
21 first on the deed there.

22 JUDGE JONES: Well, I'm thinking that you told them to
23 put the property in your name.

24 MR. HOWARD: No, well, they should have evidence of
25 that then, shouldn't they? I know they don't, and they can't

1 come up with it.

2 JUDGE JONES: But it's property that you own.

3 MR. HOWARD: Yes, sir, I have property all over
4 St. Louis, I mean, you don't send the owner a bill.

5 MS. GIBONEY: Judge.

6 JUDGE JONES: Yes.

7 MS. GIBONEY: Judge, we do have a phone call where he
8 called to request service.

9 MR. HOWARD: Can we hear it?

10 JUDGE JONES: We're not going to be able to hear it.

11 MS. GIBONEY: I didn't bring it today. I just wanted
12 to mention that.

13 MR. HOWARD: Why would you not bring it today?

14 MR. GIBONEY: Well, it's not an evidentiary hearing,
15 Mr. Howard.

16 MR. HOWARD: Well fine, let's just schedule for that.

17 JUDGE JONES: You don't have to have a bad attitude
18 about it.

19 MR. HOWARD: No, well, this is a crock man.

20 JUDGE JONES: This is business.

21 MR. HOWARD: Okay. I understand. She's saying that
22 she don't know the name of the collection agency, she didn't
23 bring the telephonic communication she had with me.

24 JUDGE JONES: Because it's not an evidentiary
25 hearing --

1 MR. HOWARD: Well, let's set it for an evidentiary
2 hearing, I want to hear it myself.

3 JUDGE JONES: So you're not trying to --

4 MR. HOWARD: I'm sure I didn't call them and ask for
5 service to be connected to the residence.

6 MS. GIBONEY: Judge?

7 JUDGE JONES: Yes.

8 MS. GIBONEY: Judge, do we want to maybe just talk for
9 a minute about a data request and setting that aside, we're
10 willing to send him a recording of the call, just want to
11 mention that.

12 MR. HOWARD: Please do. Will there be a timeline on
13 that recording? Because I have requested service before in the
14 past at the Maffitt residence, this call that you're going to
15 send me can I approximate it to the month that we're talking
16 about, 2013 or 2012 that you're charging me for. I've requested
17 electric service several times in the past at different
18 residences, you know.

19 MS. GIBONEY: If I --

20 MR. HOWARD: I want to make sure.

21 JUDGE JONES: Let her answer.

22 MS. GIBONEY: Okay. Can we approximate.

23 JUDGE JONES: Let her answer.

24 MS. GIBONEY: If I understand your question, it was a
25 call that was placed after the time that you said Ms. Bell moved

1 out and right at the time that Mr. Scott wanted service in his
2 name, so it was in that period, I want to say spring.

3 MR. HOWARD: Ma'am, you're saying on that call my
4 voice was requesting service be connected at that residence,
5 that's what you're saying, right?

6 MS. GIBONEY: Yes, we talked to him about a new person
7 moving in --

8 MR. HOWARD: Send me a tape of it please, and we can
9 set this for evidentiary hearing, because I don't think we're
10 going to get anywhere, I think we're at impasse.

11 MR. GIBONEY: Do you have, I just don't recall at the
12 moment, do we have an e-mail address for you because that's how
13 you would need to send this.

14 MR. HOWARD: Skeeterronan (phonetic) capital S at
15 hotmail.com

16 MS. GIBONEY: That's the one we have.

17 MR. HOWARD: All right then, that's fine.

18 JUDGE JONES: Is there any other information you need
19 from the company?

20 MR. HOWARD: No.

21 JUDGE JONES: That's all you need is that?

22 MR. HOWARD: Yeah, that's pretty much it, that pretty
23 much does it for me.

24 JUDGE JONES: Well, let me ask you this: If they send
25 you proof that you did make the call, how does that affect your

1 case?

2 MR. HOWARD: Then this what matter becomes moot. I
3 mean, I'm still going to contest the fact the this was too much,
4 but I'm saying I didn't request service to be connected at that
5 residence, period. I know I didn't. I'm pretty good at
6 remembering what I say to people, particularly when it's in
7 regards to business matters.

8 MS. GIBONEY: Judge can I just make a clarification?

9 JUDGE JONES: Yes, Ms. Gibony.

10 MS. GIBONEY: The service was not actually turned off
11 after Mr. Howard said Ms. Bell left, so I would agree that he
12 didn't as for service to be --

13 MR. HOWARD: Oh --

14 JUDGE JONES: Listen.

15 MR. GIBONEY -- turned on. I'm not saying he asked for
16 it to be turned on, what we're saying is that he agreed to
17 accept responsibility for the service that was taken between the
18 date that she moved out and the date that Mr. Scott moved in --

19 MR. HOWARD: Thank you, ma'am, I look forward to
20 hearing from you.

21 JUDGE JONES: Okay. That's all you need from them?

22 MR. HOWARD: That's pretty much it, that does it for
23 me. We need to get some dates.

24 JUDGE JONES: You go ahead and do that, what I'm going
25 to do then is are you your only witness, do you have anybody

1 else?

2 MR. HOWARD: Yeah, pretty much.

3 JUDGE JONES: Okay.

4 MR. HOWARD: I'm the only one they sent the bill to.

5 JUDGE JONES: Are there times and dates you can't
6 participate in this hearing?

7 MR. HOWARD: I can always make times to come to
8 something like this.

9 JUDGE JONES: Let's see, coming up on November next
10 week, let me look at the commissions calendar before I set this.
11 I'll issue an order setting the date, but hang tight, I'm going
12 to go print you an order of the commission rules, and the does
13 staff have anything to add?

14 MS. GIBONEY: We would just have Miss Gay Fred
15 testify, we don't need to ask any further information, we've
16 completed our investigation, unless there's any new information
17 that Mr. Howard can provide to us to review, we're happy to do
18 that.

19 JUDGE JONES: Does Ameren have anything to add?

20 MS. HERNANDEZ: No Judge, we don't need any
21 information from Mr. Howard, and we would be ready to proceed to
22 a hearing at the commission's convenience.

23 JUDGE JONES: Well, with that we'll go ahead and go
24 off the record, thank you all.

25

1 I N D E X

2 WITNESS NAME PAGE

3 None

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5 E X H I B I T S

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)

) Ss.

COUNTY OF ST. LOUIS)

I, Angie Kelly, Certified Shorthand Reporter,
Certified Court Reporter #1010, and Notary Public, within and
For the State of Missouri, do hereby certify that I was
Personally present at the proceedings as set forth in the
Caption sheet hereof; that I then and there took down in
Stenotype the proceedings had at said time and was
Thereafter transcribed by me, and is fully and accurately
Set forth in the preceding pages.

Angie Kelly, CSR, CCR #1010

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