

Instead, it is the actual amount of usage as measured by the electronic meter during that period of time when DH Pace did not receive a bill from Atmos Energy.” (Page 2 of Answer)

- a) See Exhibit Y. It is the Service order summary supplied by Atmos to DH Pace as documentation of the ending meter read taken on January 13, 2015. Line one of the summary states: DEAD MTER, VFY MTR INFO.
- b) If you refer to the specification sheet (Exhibit X) for the Mercury Mini-Max Corrector, it confirms that the corrector used to verify usage amounts has a battery life of 4+/- years.
- c) Prior to filing the formal complaint, DH Pace requested information for the meter installed at 1901. The KCC Program Consultant stated in his response: “According to Atmos, the meter at this location is a roots 2M, and was set on 6/15/2010 when it read 000000.” If the meter was installed on 6/15/2010, then there is a large possibility that the meter corrector battery died at some point between the two meter reads.
- d) After speaking with a Honeywell Technical Support representative, it was determined that the model of the Electronic Flow Measurement corrector is a Mini-Max-A. The Mini-Max-A only stores usage data for 40 days. If the battery was dead for more than those 40 days the usage data from that point is gone. You can however retrieve an Audit Trial Report from the system flash drive called a E2PROM or EEPROM. By using that report and the mechanical/rotary numbers from the meter, you can estimate the usage from the time the battery died, but this method is often not accurate.

There are too many unknowns to be able to confirm the accuracy of the beginning and ending meter read amounts that Atmos Energy claims to be actual reads. If the first read was from an Electronic Flow Measurement corrector and recorded as CCF, when it should have been MCF and last read has a service order note stating the meter was dead; the reads cannot be considered accurate.

- 7. The daily usage amounts vary. DH Pace disagrees that the prorated amounts were based on the read differences divided by the number of service days to find the monthly amounts. Exhibit W shows a breakdown of the number of service days vs. the usage amounts.

8. "Atmos Energy did use an estimated rather than actual usage in issuing its bill to DH Pace for April 2015.² Because the historical usage information for April 2014 was the prorated amounts that Atmos Energy had used to calculate the amount owed by DH Pace for that period when no bills were issued, the estimates used to calculate the bill for April 2014 exceeded the actual usage for April 2015. This has been corrected by Atmos Energy and DH Pace's account has been credited for the difference between the estimated usage and actual usage for April 2015."

Response:

- a. The Revised bill for April 2015 also includes May and June 2015. The difference between the beginning read in March and the ending read in June is 3275 Ccf. The bills states "Estimated Usage in CCF 3275.00." If there was no meter read between 3/27/2015 and 6/24/2015, then that would be 3 estimated monthly bills all combined on to one bill. Atmos did not follow Tariff 4.G.8 which states that the most recent PGA amount is to be used when multiple months are estimated on the same invoice.
9. DH Pace agrees that they should pay for ACTUAL usage. At this point Accurate Actual Usage amounts cease to exist. DH Pace does not have sufficient information to determine the accuracy of the beginning and ending meter reads and therefore denies the same.
10. "Atmos Energy admits that for the reasons stated above, Atmos Energy did not send DH Pace an invoice for natural gas used by DH Pace at 1901 between October 18, 2013 and the end of December, 2014. However, Atmos Energy's records show that it had a technician read the electronic meter at 1901 on November 12, 2013, and that technician recorded the meter reading on November 12, 2013, at 1,095 ccf. A copy of Atmos Energy's business record is attached to this Answer as Exhibit A. Atmos Energy also took a meter reading at 1901 on January 13, 2015. The meter read 86,127 ccf. This means that between November 12, 2013 and January 13, 2015, DH Pace's actual metered usage was 85,032 ccf."

Response: The technician recorded a meter read of 1,095, but not unit of measurement is noted.

11. "Atmos Energy admits that in December 2014, DH Pace contacted Atmos Energy to let it know DH Pace had not received a bill for gas usage for the past 13-month period (October 2013- December 2014)."

Response: October 2013 – December 2014 is a 15 month period, not 13.

12. "Atmos Energy admits that on January 19, 2015, it created 12 separate monthly bills that prorated the 13 month actual usage on an equal daily basis."

Response: The daily usage amounts vary. DH Pace disagrees that the prorated amounts were based on the read differences divided by the number of service days to find the monthly amounts. Exhibit W shows a breakdown of the number of service days vs. the usage amounts. The daily usage is not equal and the above written statement is false. Exhibit W also shows that the previous balance on bill #1 for \$6,634 has daily usage that is no equal to any of the 12 bills.

13. "Atmos Energy admits that DH Pace is a "winter user" and that DH Pace should not have substantial usage over the summer

months. The equal daily proration method that Atmos Energy used to spread DH Pace's actual usage during the 13-month period in which DH Pace was not billed to determine the amount owed for that actual usage would have shifted some of DH Pace's usage to the non-winter months (June 2014–August 2014) when the commodity portion of the bill ranged from 50 cents per ccf to 53 cents per ccf.”

Response: By Atmos taking a usage amount and evenly spreading it over a 13 month period, they did not take into account that there are additional “Hedge Fees” in the summer months. In the original formal complaint it shows a difference of \$9,333.18 when the PGA tariff is followed properly and the total amount of usage is billed using the most recent PGA, which would have been the PGA in January 2015.

14. “Atmos Energy's employees who visited 1901 in April 2015, noted that the commercial building has several large garage doors that were left open to the outside and not shut during the entire time of their visit. If these large garage doors were left open to the outside and not shut during business hours, then for those periods of time when the weather outside was cold, keeping the garage doors open would have significantly increased the amount of natural gas used by DH Pace for heating purposes and the expected volumes calculations included by MES at page 2 would not account for that fact and would have significantly underestimated the amount of gas used by DH Pace.”

Response: The weather is much more enjoyable in April than it is in the middle of the winter. I think it's safe to assume that doors would not be left open during the winter months, like they are in the spring and fall.

15. “Atmos Energy denies the allegation made at page 3 of the Complaint that it did not follow its tariffs. The tariff provisions cited at page 3 of the Complaint relate to a situation where the customer's actual usage was not metered properly, for example, where a meter is not working and so the utility is required to estimate the customer's usage. In this case, the meter at 1901 worked properly. Atmos Energy had a recorded usage amount for November 12, 2013, and a recorded usage amount for January 13, 2015, which measured the actual amount of gas used by DH Pace over that 13-month period. Therefore, there was no reason to estimate consumption and no violation of the tariff sections set forth on page 3 of the Complaint.”

Response: DH Pace disagrees that the usage is not estimated. The “Dead Battery” reference in the notes of the service call for January 13, 2015 discounts the validity of the ending meter read and the condition of the meter. The unit of measure is not specified on the meter readers notes for the beginning read on November 12th, 2103 and could possibly be MCF instead of CCF. The usage was estimated and Atmos Energy did not follow the procedures set forth in the Tariffs when estimating the monthly or total amount of usage.

16. “Atmos Energy denies the allegations made at pages 3 and 4 of the Complaint that the proration method used by Atmos Energy to spread the customer's actual usage over the 13-month period on an equal daily basis violated any of Atmos Energy's tariffs relating to billing.”

Response:

Tariff P.2.a – Customer charges shall be prorated in only the following situations:

1. Connection or disconnection of service which causes the billing cycle to be

outside the range of 26 through 36 days.

2. When re-routing of meter routes, for only those customers directly affected, causes billing cycle to be outside of the range of 26 through 36 days; and during the billing month in which a change in rate or tariffs becomes effective.

The billing mistake caused by Atmos Energy does not fall under either of the reasons the tariffs allow bill proration.

17. "Provide documentation that shows the final meter read for the previous tenant.

Attached to this Answer as Exhibit C, and incorporated herein by reference, is a copy of Atmos Energy's business record showing that IPC was last billed on September 30, 2013, and that on October 1, 2013, the electronic meter was reset to 00000."

Response: Exhibit C provided in Atmos' answer fails to provide documentation of anything. The bill for September 30, 2013 shows that IPC received a bill from Atmos in September of 2013. There is nothing showing it is a final bill. Circling a date at the bottom of a Audit trial for September does not show that the meter was reset to 00000. It does show that the bill from Atmos Energy to IPC in September is for a higher volume than what the audit trial shows.

18. "What prompted the meter read taken in mid-November 2013? All other bills show the reads taken toward the end of the month. Attached to this Answer as Exhibit D, and incorporated herein by reference, is a copy of Atmos Energy's business record showing that a "Move-In Read Only" service order was issued for 1901 on October 18, 2013. This date coincides with DH Pace's statement that on October 18, 2013, it requested that the account relating to the commercial building at 1901 be placed in its name. Exhibit D shows that the "move-in read only" meter read took place on November 12, 2013 and that the meter read 1,095 ccf. The reason for the meter reading in mid-November 2013 was to take the reading on the meter due to the account relating to 1901 being placed in DH Pace's name."

Response: There is no unit of measure called out with the 1,095 listed in the notes of Exhibit D in the Answer. Given the circumstances, it seems more likely that the meter would still be recording MCF.

19. "Email from Corporation Commission said that meter was installed 6/10/2010 and "rolled over" at some point. Please provide record of any repairs and/or parts replaced on the meter post install date.

Response: When IPS ceased being a transportation customer at this location on October 1, 2013, the meter technician changed the meter from Mcf (thousand cubic feet) readings that are required for transportation customers on EFM (electronic flow measurement) devices, to Ccf (hundred cubic feet) because this meter was going back to "sales," and Ccf is required for meters to be read manually in the Itron hand-held meter reading device. At this time the meter technician reset the electronic reading to zero. There were no repairs done nor parts replaced since this meter was installed."

Response: If the change in occupancy took place on October 18th, then the above statement is invalid. DH Pace disagrees that no parts have been replaced since the meter was installed. By the date of the ending meter read in January 2015, it was well past the 4+/- year mark on battery life.

20. “Before the April 2015 estimated bill was generated, the system first automatically generated a request for a re-read and an order was assigned to one of our service technicians, but that technician's work load consisted of other, more-pressing matters that prohibited him from completing the order, and the billing system therefore automatically generated the estimated bill. When the actual reading was obtained for the May 2015 bill a correction was created for the April 2015 bill.”

Response: The revised bill that includes April, May, and June of 2015 presents all usage as estimated for the 3 months, not just April.

21. Atmos Energy denies that DH Pace is entitled to any refund. Atmos Energy billed DH Pace for its actual usage during the 13-month period in which DH Pace did not receive a bill from Atmos Energy.

Response: DH Pace believes that Atmos Energy failed to follow tariffs or provide significant documentation of the beginning and ending meter reads. The usage billed to DH Pace is blatantly exaggerated when you look at past usage history. DH Pace requested that the invoices be reviewed and Atmos Energy chose to not take the time to try and make things right.

22. Atmos Energy denies that DH Pace is entitled to recover consulting or legal fees.

Response: DH Pace believes they are entitled to recover consulting fees. DH Pace outsourced the work to a consulting company who has knowledge of the industry. If Atmos Energy had done the right thing and had taken the time to identify the many variables and inconsistency involved in creating the back-billing, then DH Pace would not have had to find another outlet to help them prove that they were taken advantage of.

WHEREFORE, for the reasons set forth above, DH Pace requests the Commission require Atmos Energy to provide the FULL E2PROM or EEPROM history for the Mini-Max-A meter located at 1901 E 119th St and requests that a witness from DH Pace or MES be present when the information is pulled from the Mini-Max-A corrector. If information found in the history confirms that the meter reads Atmos Energy is using as actual usage are inaccurate, DH Pace requests the full \$68,449 to be refunded and any consulting or legal fees to be paid by Atmos Energy.

INTERNATIONAL PAPER COMPANY**NET LEASE**

Dated: January 18, 2013

DEFINED TERMS/SPECIAL PROVISIONS**"Lessor"**

D.H. Pace Company, Inc., a Delaware corporation, with its principal place of business at 1142 Clay, North Kansas City, Missouri 64116.

"Lessee"

International Paper Company, a New York corporation with its principal place of business at 6400 Poplar Avenue, Memphis, Tennessee 38197.

"Leased Premises"

All that property located at 1901 E 119th Street, Olathe, Kansas, containing 225,000 square feet of rentable area and more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, including additionally, and without limitation, any and all personal property thereon located and owned by Lessor.

"Term"

The Term shall begin on January 18, 2013 ("Term Commencement Date"), and continue until October 31, 2013, unless extended pursuant to the provisions of Article XXVI hereof.

"Rental"

During the Term, monthly Base Rent shall be \$ [REDACTED]

http://cmprd.atmosenergy.com/sap/b01ibizpt Applications | M... Interaction C... Interaction Cent... Update Delete re... Location Maps ... Citrix XenApp - ...

SAP CRM Interaction Center Personalize Help Center System News Log Off

DH PACE CO / 4002613056 Has an open BPEM case on Business Partner or Contract Ac
1901 E 119TH ST . OLATHE, KS 66061-9502

End Ready Not Ready

Saved Searches Go Advanced

Back

Launch Transaction

Display Transaction text: Operation 0010 Language EN

Menu Back Cancel Exit System Select Text Symbol Definition

1 2 3 4 5 6 7

- 1 DEAD MTR, VFY MTR INFO
- 2
- 3
- 4
- 5
- 6
- 7

LAST READ @ MVIN IN NOV 2014. PLS CHECK MTR, AND NOTE ALL INFO INCLUDING READ. THANKS

DOGS

FEE WAVE: NO

TECH COMPLETION NOTES:

// ddavis 1 13 15 086127 reading is 086127 meter is on ## ** Reading: 08

6127; Meter Serial Number: 086127; Meter Manufacture: DR; Meter Model 2

M: AMVAMR Serial Number: ; AMVAMR Manufacture: ** //

----- SYSTEM ----- Lines 1 - 9 / 9 -----

PE1 da00puapp471

10:22 AM 6/29/2015

**Mini-Max®****Mini-Max®-AT****Mini-Max®-ATX**

Powerful, Reliable, Precise Volume Measurement from Mercury

An economic solution for precise gas volume correction anywhere in your operation—backed by Mercury quality, service and 4-year warranty!

Mercury Instruments—a name synonymous with quality and reliability in the natural gas industry—offers its affordable **MINI-MAX®, MINI-MAX®-AT & MINI-MAX®-ATX** Corrector for basic volume measurement and correction. You can get maximum performance value with compact electronic precision and reliability. Use the **MINI-MAX®, MINI-MAX®-AT or MINI-MAX®-ATX** to upgrade and enhance the efficiency of your natural gas operation.

Featured for Performance Value:

- **Low Power Requirements:** 4+ years on four D-cell alkaline batteries
- **Continuous LCD Display** of corrected volume, updated on meter rotation
- **Programmable Pulse Lengths:** 2 Form-A volume and 1 Form-A alarm
- **Audit Trail Memory:** 41 days of daily (Mini-Max®) or 41 days of hourly (Mini-Max® AT) or 400 days of hourly (Mini-Max® ATX) corrected volume, uncorrected volume, average pressure and average temperature
- **Selectable 4 or 10 Item Audit Trail Logging**
- **Complete Volume Correction** for pressure, temperature and supercompressibility (NX-19 or AGA-8) selectable for live or fixed
- **Field Programmable Firmware** through serial port (flash memory)
- **Membrane Pushbutton** and alphanumeric LCD for display of uncorrected volume, corrected volume, live pressure, live temperature, display test and battery voltage (display list is user configurable)
- **Programmable Call-in:** scheduled and on alarms



MERCURY INSTRUMENTS, INC.
MANUFACTURER OF PRECISION INSTRUMENTS

Specifications:

Input Volume

- Dual dry-reed switches—one pulse per each meter revolution
- RSI connection for remote switch input
- Uncorrected volume totalized on the mechanical index and displayed on LCD
- Uncorrected volume pulse counting continues for half-hour with main battery removed

Input Pressure

- Precision strain gauge pressure transducer compensated to minimize ambient temperature effects
- Live LCD display of input pressure
- Standard transducer ranges

Pressure range		Transducer Type
PSI	Bar	
0-1	0.07	Gauge
0-3	0.20	Gauge
0-6	0.40	Gauge
0-15	1.0	Gauge
0-30	2.0	Gauge/Absolute
0-60	4.0	Gauge/Absolute
0-100	7.0	Gauge/Absolute
0-150	10.0	Gauge/Absolute
0-200	14.0	Gauge/Absolute
0-300	20.0	Gauge/Absolute
0-600	41.0	Gauge/Absolute
0-1000	70.0	Gauge/Absolute
0-1500	100.0	Gauge/Absolute

Input Temperature

- Highly stable solid-state temperature sensor in a 1/4-inch diameter, 6-inch long stainless steel probe with 6-ft. shielded conductor and 1/2-inch NPT slip-along fitting to meter thermowell
- Range: -40 to 150 F (-40 to 65.5C)
- Live LCD display of input temperature

Corrected Volume

- Corrected to desired base pressure and temperature
- Corrected for supercompressibility: NX-19 or AGA-8
- Selectable (metric and imperial) volume units
- Displayed continuously on 8-character x 1/2" LCD

Power

- 5.0 to 7.0 VDC
- Battery life: 4+ years with four D-cell alkaline batteries
- Half hour operation after batteries removed
- 2-month low battery warning (LCD displays HELP)
- LCD display of main battery voltage and alarms

Output Volume

- 2 form-A for volume and 1 Form-A for alarm
- Software selectable pulse width (default = 62.5 msec)

Communications

Messenger Modem / CDMA / GSM/GPRS / Spread Spectrum Radio / Bluetooth Technology

Memory

- Audit Trail: Mini Max: 41 days of daily data
(date/time/4 items) Mini Max AT: 41 days of hourly data
(date/time/10 items) **Mini Max ATX: 400 days of hourly data**
Mini Max ATX: 180 days of hourly data
- Flash: Resident firmware (serially upgradeable)
- E²Prom: Resident pressure compensation coefficients, audit trail and critical calibration/configuration items values

Accuracy

Maximum error at reference conditions including linearity, repeatability and hysteresis

- Computation: +/- 0.3% of corrected volume
- Pressure transducer: +/- 0.4% of full scale
- Temperature sensor: +/- 1.0 F
- Combined computation: - 0.5% of full scale (pressure and temperature)

Ambient Temperature Effects

From -40 to 150 F (-40 to 65.5 C)

- Computation: +/- 0.1% of corrected volume per 100 F

Long Term Stability

- Pressure transducer: +/- 0.5% of full scale per year

Environmental Conditions

- Ambient temperature: -40 to 150 F (-40 to 65.5 C)
- Ambient humidity: 0 to 100 % non-condensing

Enclosure

- Composite case with hinged door and double latch bar
- Clear LCD viewing window
- Integral pushbutton for display list
- Mounting plate with gasket and bolts to accommodate most meters

Certifications



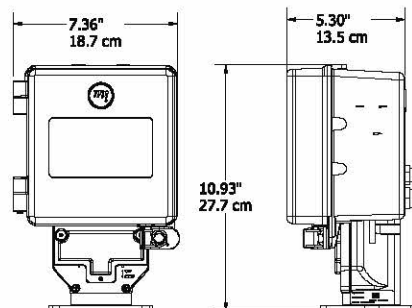
- Class I, Zone 0, Group IIA or Class I, Zone 2, Group IIA
- Class I, Division 1, Group D or Class I, Division 2, Group D, Zone 1 or 2, Group IIA

Warranty

- Four years

Weight and Dimensions

- 5.6 lbs (2.5 kg) meter mount



MERCURY INSTRUMENTS, INC.

MANUFACTURER OF PRECISION INSTRUMENTS

3940 Virginia Ave. • Cincinnati, Ohio 45227 USA
(513) 272-1111 • (513) 272-0211 (fax)

www.mercuryinstruments.com • e-mail: info@mercuryinstruments.com

**DH Pace - Atmos
Estimated Billing**

Service Dates	Service Period Days	Daily Usage	CCF Usage	Total \$(Incl Tax & Fees)	PGA	Total
Previous Balance on 1st Bill - Nov 12th-30th	18	135.39	2,437	\$ 2,436.97	\$0.4530	\$ 1,103.90
Previous Balance on 1st Bill - Dec 1st-31st	31	135.39	4,197	\$ 6,634.69	\$0.4853	\$ 2,036.73
12/27/2013 - 1/27/2014	32	199.13	6,372	\$ 4,938.81	\$0.5303	\$ 3,379.33
1/28/2014 - 2/25/2014	29	199.14	5,775	\$ 4,621.64	\$0.5228	\$ 3,019.40
2/26/2014 - 3/26/2014	28	206.25	5,775	\$ 5,875.77	\$0.7423	\$ 4,286.96
3/27/2014 - 4/25/2014	30	199.13	5,974	\$ 6,169.21	\$0.6945	\$ 4,149.06
4/26/2014 - 5/27/2014	32	199.13	6,372	\$ 5,690.58	\$0.5731	\$ 3,651.92
5/28/2014 - 6/25/2014	29	199.14	5,775	\$ 4,760.04	\$0.5124	\$ 2,959.23
6/26/2014 - 7/25/2014	30	199.13	5,974	\$ 4,900.77	\$0.5093	\$ 3,042.26
7/26/2014 - 8/26/2014	31	205.55	6,372	\$ 5,162.97	\$0.5065	\$ 3,227.55
8/27/2014 - 9/25/2014	30	199.13	5,974	\$ 5,114.96	\$0.5364	\$ 3,204.27
9/26/2014 - 10/24/2014	29	199.14	5,775	\$ 4,958.48	\$0.5364	\$ 3,097.54
10/25/2014 - 11/21/2014	27	206.52	5,576	\$ 4,249.67	\$0.5364	\$ 2,990.80
11/22/2014 - 12/26/2014	33	211.21	6,970	\$ 5,371.47	\$0.5133	\$ 3,577.49
			76,881	\$ 68,449.06		\$ 42,622.53

CCF Usage on Bills (Excludes Previous Balance)	72,684
Total Usage Billed (Included Previous Balance)	81,446