

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

Roy W. Brant,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2005-0078
)	
Union Electric Company)	
d/b/a AmerenUE,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a AmerenUE (“AmerenUE”), and for its Answer and Motion to Dismiss the Complaint filed in this proceeding, states as follows:

1. On September 30, 2004, Roy W. Brant of 215 Cherry Street, Kelso, Missouri initiated this proceeding by filing a Complaint against AmerenUE.
2. In paragraph 1 of his Complaint, Mr. Brant alleges that AmerenUE is located in Cape Girardeau, Missouri, and that AmerenUE is a public utility under the jurisdiction and supervision of the Public Service Commission of the State of Missouri (“Commission”). AmerenUE admits that it has an office in Cape Girardeau, Missouri and that it is a public utility under the jurisdiction of the Commission.
3. In paragraph 2 of his Complaint Mr. Brant submits a number of allegations concerning correspondence and other communications that he had with AmerenUE personnel. AmerenUE admits these allegations. In addition, in paragraph 2 of the Complaint, Mr. Brant submits several allegations concerning his correspondence and communications with the Staff of

the Missouri Public Service Commission (“Staff”). Since AmerenUE was not a party to the communications between Mr. Brant and the Staff, AmerenUE has no basis to admit or deny those allegations. However, AmerenUE has no reason to doubt that these communications may have occurred.

4. AmerenUE hereby moves to dismiss Mr. Brant’s Complaint. There are no material factual issues in dispute in this case. The Complainant’s gas meter stopped registering for the period from December, 2003 to July, 2004. When AmerenUE became aware that Mr. Brant’s meter had stopped registering, it immediately replaced the meter and calculated Mr. Brant’s bill for the period in which the meter had not registered in accordance with its Commission-approved tariffs. Specifically, AmerenUE followed Section VIII(C)(b) of the Rules and Regulations contained in its gas tariff, which provides formulas for estimating the usage of a customer whose meter has stopped registering, considering both temperature sensitive and non-temperature sensitive usage, and the heating degree days experienced during the period in which the meter failed to register.

5. Mr. Brant’s Complaint does not dispute the method used to calculate the \$719.79 bill for the period in which his meter did not register. Instead, Mr. Brant requests that he be completely relieved of any obligation to pay for the gas he consumed for the period in which the meter did not register. This result is clearly contrary to AmerenUE’s tariff as explained above, and it is contrary to the Commission’s rules on billing adjustments. *See* 4 CSR 240-13.025.

WHEREFORE, for the reasons set forth herein, AmerenUE respectfully requests that the Commission issue an order dismissing this Complaint. In the alternative, AmerenUE requests that the Commission establish a procedural schedule for this case.

Respectfully submitted,

By: Thomas M. Byrne

Thomas M. Byrne, MBE No. 33340
Associate General Counsel
Ameren Services Company
P. O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
(314) 554-2514 (Direct Line)
(314) 554-4014 (Facsimile)
tbyrne@ameren.com

Dated: November 5, 2004

CERTIFICATE OF SERVICE

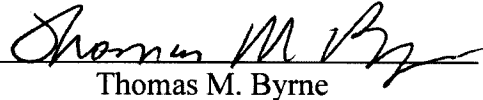
The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 5th day of November, 2004.

Dana K. Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

John B. Coffman
P.O. Box 7800
200 Madison Street, Suite 640
Jefferson City, MO 65102
opcservice@ded.mo.gov

Roy W. Brant
215 Cherry Street
Kelso, MO 63758

Robert Franson
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
Robert.Franson@psc.mo.gov


Thomas M. Byrne