

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

Myron Lockhart,)	
)	
Complainant,)	
)	<u>File No. GC-2012-0078</u>
v.)	
)	
Laclede Gas Company and Union Electric)	
Company, doing business as Ameren Missouri,)	
)	
Respondents.)	

STAFF REPORT

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and hereby submits its Report, as directed in the Commission's *Order Directing Conference between Complainant and the Commission's Staff*, stating as follows:

1. On September 12, 2011, Mr. Lockhart submitted a complaint alleging that Laclede Gas Company ("Laclede") and Union Electric Company (currently d/b/a Ameren Missouri) had dealt improperly with certain stocks and bonds during a "change from private to public companies" in the spring and summer of 1971.

2. On October 25, 2011, the Commission issued an Order directing its Staff to confer with Mr. Lockhart no later than November 18, 2011, and file an updated report describing Staff's understanding of Mr. Lockhart's complaint no later than November 28, 2011. The Commission directed its Staff to include recommendations as to whether Mr. Lockhart's allegations fall within the Commission's jurisdiction and whether the Commission has the authority to order the requested relief.

3. On November 17, 2011, Staff contacted Mr. Lockhart to discuss his complaint. After conferring with Mr. Lockhart, Staff draws the following conclusions regarding the issues about which the Commission requested a report.

Staff's Understanding of Mr. Lockhart's Complaint

4. Mr. Lockhart explained to Staff that he believes his grandfather owned certain stocks or bonds of Union Electric Company and/or Laclede Gas Company that should have passed to Mr. Lockhart in 1969 when he was a child. Mr. Lockhart believes those securities may either have been "cashed out before maturity" in 1971 during a transfer of ownership or that they were reissued at that time. Mr. Lockhart has implied that actions of certain private parties may have contributed to the loss of the securities in question. However, he was not specific about this claim and seemed reluctant to elaborate on his theory. Either way, Mr. Lockhart is not in possession of those securities or of any dividends from those securities but believes he is entitled to such. He is interested in discovering what happened to those securities and recovering them or recovering their value. Mr. Lockhart asserts that the events of 1971 he is disputing took place before the Missouri Public Service Commission and were approved by the Commission. Based on this assertion, he expects the Commission to open an investigation into the events in question and determine whether all transfers of ownership, particularly issuance of stocks and bonds, were done according to the law and per the rules and regulations of the Commission.

5. In support of his claim, Mr. Lockhart has provided documents referencing various Commission decisions. Staff Counsel has spent considerable time with Mr. Lockhart in the Data Center attempting to help him identify the information he believes he needs. Staff has separately attempted to identify the events about which Mr. Lockhart has questions. It remains unclear which Commission cases might be applicable, as there were numerous published and unpublished cases in 1971 regarding the sale of stocks and bonds from or to Union Electric Company or Laclede Gas Company. In an effort to help Mr. Lockhart find the answers to his

questions, Staff has identified for Mr. Lockhart the resources where he might find the details of past Commission cases, shown him how to access and use these resources, and been available to him for additional instruction in the use of Commission resources.

Whether Mr. Lockhart's Allegations Fall Within the Commission's Jurisdiction

6. Mr. Lockhart has raised issues that fall under the Commission's jurisdiction over a gas, electric, water, or sewer company's issuance of stocks and bonds and the transfer, merger, consolidation, and sale of those companies. These matters come under Sections 393.180, 393.190, and 393.200, RSMo 2000. However, none of Mr. Lockhart's allegations describe a violation of any of these statutes. Collectively, the statutes direct that Commission-regulated utility companies secure Commission authorization prior to issuance of stocks and bonds, all transfers, mergers, assignments, and consolidations, and acquisition of stocks and bonds of these companies. Mr. Lockhart has not alleged that the events of 1971 were done without the approval of the Commission. On the contrary, Mr. Lockhart has explained that he believes the events in question took place before the Commission and were approved by the Commission, and he is now requesting an investigation into the legality of those events.

7. Any private sale or transfer of stocks and bonds outside the limited, statutorily-granted authority cited above would fall outside the jurisdiction of the Commission. If private parties affected the sale or transfer of Mr. Lockhart's securities, the Commission has no jurisdiction to entertain a claim against those parties.

Whether the Commission Has Authority to Order Any Requested Relief

8. Mr. Lockhart's complaint, as it applies to the legality of past Commission actions, is an improper collateral attack on decisions that are final. It is understandable that Mr. Lockhart would be interested in an explanation of those proceedings given his personal interest in discovering what happened to his inherited investments when he was a child. However, Section 386.550, RSMo 2000, dictates that "the orders and decisions of the Commission which

have become final shall be conclusive.” Therefore, the relief Mr. Lockhart requests – that the Commission open an investigation into its previous actions for the purpose of correcting an alleged impropriety – is not relief the Commission has the authority to grant. Furthermore, as to any claims of improper sale of stocks and bonds Mr. Lockhart wishes to make against private parties, the Commission may grant no relief in such matters. Any remedy Mr. Lockhart may have against a private party could be available through a civil action rather than through the Commission.

WHEREFORE, by reason of the foregoing, Staff concludes that Mr. Lockhart has made no allegations over which the Commission has jurisdiction and has requested no relief the Commission has authority to grant. Thus, Staff recommends that Mr. Lockhart’s complaint be dismissed.

Respectfully submitted,

/s/ Amy E. Moore

Amy E. Moore

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 22nd day of November, 2011.

/s/ Amy E. Moore