

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

Frances Holley (John A. Holley, Power of Attorney))	
)	
Complainant)	
)	
v.)	<u>Case No. GC-2010-0225</u>
)	
Union Electric Company d/b/a AmerenUE,)	
)	
Respondent)	

STAFF’S REPORT OF INVESTIGATION AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. On January 25, 2010, John Holley (Complainant) filed a formal complaint against Union Electric Company d/b/a AmerenUE (Ameren or Company) for excessive heating bills and overcharging by Ameren. Mr. Holley brings this complaint on behalf of Frances Holley, for whom he has Power of Attorney.

2. On January 27, 2010, the Commission issued its *Notice of Contested Case and Order Directing Filing*, in which it ordered its Staff to investigate Mr. Holley’s Complaint, and file a report of its findings no later than March 12, 2010.

3. Commission Rule 4 CSR 240-2.070(10) states as follows:

The commission may order, at any time after the filing of a complaint, an investigation by its staff as to the cause of the complaint. The staff shall file a report of its findings with the commission and all parties to the complaint case. The investigative report shall not be made public unless released in accordance with sections 386.480, 392.210(2) or 393.140(3), RSMo, or during the course of a hearing involving the complaint.

Thus, the Staff’s Report, attached hereto and incorporated by reference herein, is a non-public document and Staff is filing it as a “Highly Confidential” document.

4. Staff’s investigation found that Mr. Holley’s bills reflected zero gas usage beginning in 2009. Mr. Holley was made aware of the stuck meter in October 2009 when he

received a bill containing both the estimated usage of the four months that had registered zero gas usage due to the faulty meter and the most current charges.

5. Rule 4 CSR 240-13.025(1)(B) provides for billing errors that “in the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods, or four (4) quarterly billing periods, calculated from the date of discovery, inquiry or actual notification of the utility, whichever was first.”

6. As is detailed more thoroughly in Staff’s Report, attached as Appendix A, Rule 4 CSR 240-13.025(1)(B) does not appear to have been violated by the company. However, Staff is of the opinion that the accuracy of the bill may be a shared responsibility between the customer and the Company.

7. Staff recommends that the Commission schedule a preconference hearing and continue towards an evidentiary hearing where Mr. Holley would be afforded the opportunity to present evidence on this matter.

WHEREFORE, the Staff requests that the Commission accept Staff’s attached Report,

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie
Legal Counsel
Missouri Bar No. 61167

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4140 (Telephone)
(573) 751-9285 (Fax)
samuel.ritchie@psc.mo.gov

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 11th day of March, 2010.

/s/ Samuel D. Ritchie