

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

Lindenwood University,)	
)	
Complainant,)	
)	
v.)	File No. EC-2022-0159
)	
Union Electric Company d/b/a Ameren)	
Missouri,)	
)	
Respondent.)	

COMPLAINT

1. Complainant resides at:

209 S Kingshighway St

(Address of complainant)

St. Charles,

MO

63301

(City)

(State)

(Zip Code)

2. The Utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

Same as above

(Address where service is provided, if different from Complainant's address)

3. Respondent's address is:

Ameren MO, St. Louis, MO.

(Address of complainant)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is \$ 1,000,000 dollars (over the entire 10-year Opt Out term

6. Complainant now requests the following relief:

To allow Complainant to successfully Opt Out of making EEIC (energy efficiency investment charge) payments into the Ameren MO Biz Savers program effective Jan 1, 2022.

7. The relief is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order as follows:

Relief is appropriate because Respondent has violated "Other Law" – specifically a prior "Commission Decision", which was referenced in an email which Complainant's authorized Energy Usage Consultant (Jeffrey Mishkin) received from Mr. Curtis Stokes – Chief Deputy Counsel – Staff Division, Missouri Public Service Commission on Saturday Dec 11, 2021. The text of which is cut and pasted below:

Mr. Mishkin:

I apologize for not being able to respond to you earlier in the week. I did hear from Ameren late Wednesday afternoon, but I have been in hearings and meetings until today. Ameren informed me that it believes the Lindenwood and Delmar Gardens situations are distinguishable from the Washington University situation you mentioned earlier.

If a complaint is filed, Commission Staff would review the case.

-Curt

In my "Informal Complaint I filed on behalf of each of my St. Louis area clients, I have asked Mr. Stokes to please explain to me (and my clients) how exactly the Respondent (Ameren-Missouri) believes our Opt Out application(s) are "distinguishable" from the Washington University situation mentioned earlier and have not heard back from Mr. Stokes or directly from the Respondent (Ameren – Missouri). This inaction has led us to file this Formal Complaint with the Missouri Public Service Commission (PSC).

8. The Complainant has taken the following steps to present this matter to the Respondent:

I, serving as the authorized Energy Usage Consultant of my client, assisted in completing their initial application to Opt Out which was submitted by the Complainant to the Respondent on November 24th, 2021.

Subsequently all parties received an email denying our application to Opt Out of Ameren MO's Biz Savers program (all EEIC Charges).

We then elected to file an "Informal Complaint" with the PSC – and that is when Mr. Curtis Stokes reached out to us and gave us the impression that he and the Respondent were working in good faith. We heard from Mr. Stokes via phone call and email letting us know that he and the Respondent were attempting to find a suitable day and time to participate in a 3-way phone call to explain their decision of denying the Opt Out

application both of my clients. This phone call or any contact with by Respondent ever occurred.

When a suitable amount of time passed, I (serving as an authorized consultant) sent Mr. Stokes an email letting him know that we believe the Respondent was intentionally stalling, delaying and no longer operating in good faith. And if we did not hear from him or the Respondent by the beginning of this week, we'd be forced to file this Formal Complaint with the PSC.

We now are left to believe that the Respondent is not being transparent with his decision to deny our application to Opt Out and are filing this Formal Complaint with the Commission. Mr. Stokes last correspondence informed us that Ameren believes the Lindenwood and Delmar Gardens situations are distinguishable from the Washington University's approved application to Opt Out but fails to inform us how this is the case.

Approving Washington University in the manner that the Respondent did, absolutely set a precedent which we are now attempting to follow.

HUSCH BLACKWELL LLP

By: /s/ Lowell D. Pearson

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ATTORNEYS FOR COMPLAINANT
LINDENWOOD UNIVERSITY

CERTIFICATE OF SERVICE

I certify that on January 14, 2022, I filed the foregoing document with the Commission's electronic filing system, which will serve a true and correct copy of the same to all counsel of record and also email to:

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/s/ Lowell D. Pearson