BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Travis)	
Miller for Change of Electrical Supplier.)	Case No. EO-2012-0121

RESPONSE TO APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

COMES NOW Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) and in response to the Application for Change in Electric Service Provider (Application) filed by Travis Miller, states as follows:

- 1. On October 21, 2011, Mr. Miller filed a request for a change of electrical supplier from Ameren Missouri to Ozark Border Electric Cooperative (Ozark).
- 2. The basis for Mr. Miller's request is that Ozark's distribution lines are in an unacceptable location for his new home and that "they [Ozark] are willing to solve the problem if they are able to serve me with electric power."
- 3. There is no basis in the law which would allow the Missouri Public Service Commission to grant this Application. The provision of electric service at this address is governed by a Territorial Agreement, approved by the Commission, which grants Ameren Missouri the sole right to serve Mr. Miller's property. The Territorial Agreement was approved in Case No. EO-99-599 on October 19, 1999.
- 4. Ameren Missouri has not had any discussions with Ozark nor does it anticipate entering into discussion with Ozark to change the terms of the controlling Territorial Agreement.
- 5. The Territorial Agreement resolves the question of what company is the proper provider of electrical service. Ameren Missouri desires to act in accordance with the terms of that Territorial Agreement, which require it to provide service to any structure on this property.

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¹ Case No. EO-2012-0121, Application for Change of Electric Service Provider, p 2.

6. The anti-flip-flop statute (Section 393.106 RSMo.) does not apply in this situation, because a concomitant right to serve does not exist in this case. Ameren Missouri has the sole right to serve all structures at this location under the Territorial Agreement. Ozark has no right to serve any structure at this location under the terms of the Territorial Agreement.

7. Finally, Ameren Missouri has examined its records for this address as well as for the circuit for that area and does not find that it has suffered any extended service interruptions since 2009. Ameren Missouri completed a circuit inspection of the feeder in April of 2011 and did additional vegetation management work in August of 2009. The Company does not believe this address has experienced issues with service reliability.

WHEREFORE, for the reasons cited above, Ameren Missouri respectfully requests this Commission to enter an order denying Mr. Miller's Application for a Change in Electric Service Provider and for such other and further relief deemed proper under the circumstances.

Respectfully submitted,

UNION ELECTRIC COMPANY, d/b/a Ameren Missouri

/s/ Wendy K. Tatro

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to all counsel of record on this 23rd day of November, 2011.

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