

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

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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.

**Missouri Public Service
Commission**

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