

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

Jill C. Beatty,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. EC-2010-0142
	)	
Union Electric Company, d/b/a	)	
AmerenUE,	)	
Respondent.	)	

**RESPONDENT’S MOTION FOR ORDER TO SHOW CAUSE AND  
TO MODIFY ORDER TO JOINTLY FILE PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company), and for its Motion for Order to Show Cause and to Modify Order to Jointly File Proposed Procedural Schedule, states as follows:

1. On November 5, 2009, Jill C. Beatty with mailing address of P.O. Box 1562, Jefferson City, Missouri (“Complainant”) initiated this proceeding by filing a Complaint against Union Electric Company, d/b/a AmerenUE (“the Company” or “AmerenUE”).
2. On December 9, 2009, AmerenUE filed its answer to the Complaint, denying that Complainant overpaid AmerenUE for electric service as she alleged, and requesting that the Commission dismiss the Complaint, or in the alternative, set the matter for hearing.
3. On January 11, 2010, Staff filed its report advising that the Commission dismiss the Complaint, or in the alternative, set the matter for hearing.
4. On February 16, 2010, the Commission set the Complaint for a prehearing conference and ordered the parties to appear for the purposes of discussing discovery, identifying expected witnesses and exhibits to be produced at an evidentiary hearing on the complaint, et cetera, and in the event that the Complaint could not be resolved, ordering that the parties jointly prepare and file a proposed procedural schedule (the “Order”).
5. A certified copy of the Order was served on Complainant via regular mail.
6. On March 1, 2010, Senior Regulatory Law Judge Ronald D. Pridgin convened the prehearing conference, which was attended in person by Lewis R. Mills, Jr., Office of Public

Counsel, Samuel Ritchie, attorney for Staff, and by telephone by Sarah E. Giboney and Wendy K. Tatro, attorneys for AmerenUE. Complainant, however, failed to appear.

7. Because Complainant did not appear at the prehearing conference, Staff, Office of Public Counsel and AmerenUE were, and will remain, unable to comply with the Commission's Order to jointly prepare and file a proposed procedural schedule.

8. In view of Complainant's failure to appear at and participate in the prehearing conference, AmerenUE is unable to prepare for and defend against the Complaint in an evidentiary hearing, in that it is not aware of what discovery Complainant may wish to conduct, nor what witnesses or exhibits Complainant may offer at such hearing, nor whether Complainant even desires to pursue an evidentiary hearing on her Complaint.

9. Further, 4 CSR 240-2.090(5) allows the Commission to dismiss a party from a case for failure to appear at a prehearing conference. The Commission has the authority to dismiss this Complaint and while AmerenUE is not asking the Commission to dismiss the Complaint at this time, the Company believes the Commission should issue an order requiring Complainant to affirmatively state whether or not she desires to continue prosecution of this Complaint.

WHEREFORE, AmerenUE respectfully requests that the Commission issue an order:

- A. requiring Complainant, within thirty days or such longer time established by the Commission, to show cause why her Complaint should not be dismissed; and
- B. postponing the date by which the parties shall jointly prepare and file their proposed procedural schedule until a reasonable time after Complainant has responded to the order to show cause.

AmerenUE represents to the Commission that it has conferred with Office of Public Counsel and Staff and they have consented to the relief requested in this Motion.

Respectfully submitted,

**SMITH LEWIS, LLP**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via regular mail on this 4th day of March, 2010.

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