

# GOLLER, GARDNER AND FEATHER

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

131 East High Street  
Jefferson City, Missouri 65101  
Telephone 573/635-6181  
Facsimile 573/635-1155  
E-mail: info@gollerlaw.com

David R. Goller  
Paul H. Gardner  
Jean S. Feather

Robert W. Hedrick  
1918-1988

April 18, 2002

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

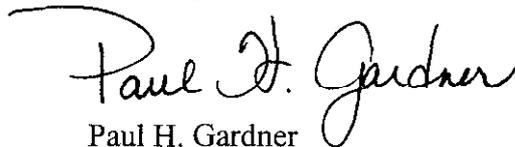
Re: The Conlon Group, Inc. v. AmerenUE  
MOPSC Case No. EC-2001-443

Dear Mr. Roberts:

Enclosed for filing please find an original and eight copies of LIST OF ISSUES AND ORDER OF WITNESSES OF COMPLAINANT, THE CONLON GROUP, INC. in the above referenced case.

Copies have been provided to all parties of record.

Sincerely,



Paul H. Gardner

PHG/alh  
Enclosure(s)

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

**THE CONLON GROUP, INC.** )  
**915 OLIVE STREET** )  
**ST. LOUIS, MISSOURI 63101** )

**COMPLAINANT,** )

**MO. PSC CASE NO. EC 2001-443**

**AMEREN UE** )  
**1901 CHOUTEAU AVENUE** )  
**ST. LOUIS, MISSOURI 63101** )

**RESPONDENT.** )

**LIST OF ISSUES AND ORDER OF WITNESSES  
OF COMPLAINANT, THE CONLON GROUP, INC.**

COMES NOW, the Conlon Group, Inc., Complainant in this matter, by and through its attorney, and submits the following List of Issues and Order of Witnesses pursuant to the ORDER DIRECTING FILING issued by the Missouri Public Service Commission on March 21, 2002:

**ISSUE NUMBER 1**

(1) Complainant contends that AmerenUE incorrectly charged Complainant for electric service prior to and after service was disconnected to Complainant in August 1995.

(2) Sections 393.130.1 and 393.140(11) RSMo. 1994 require that charges made for electric service shall be just and reasonable and prohibits an electrical corporation from charging or receiving greater compensation for electric services than the charges applicable to such services specified in its rate schedules.

(3) Did AmerenUE bill charges to Complainant in violation of Section 393.130.1 and 393.140(11) RSMo.?

## ISSUE NUMBER 2

(1) Complainant contends that it challenged the accuracy of AmerenUE's bills, the size of the service deposit and requested an audit of usage from AmerenUE in the early summer of 1995.

(2) Section 393.130.1 RSMo. required AmerenUE to "provide such service...as shall be in all respects just and reasonable."

(3) If the Conlon Group made the challenges and audit request referenced in paragraph (1) and AmerenUE rejected those challenges and request for an audit, were AmerenUE's actions just and reasonable?

## ISSUE NUMBER 3

(1) AmerenUE disconnected electric service to a building owned by the Conlon Group on or about August 23, 1995 for nonpayment of an electric bill.

(2) AmerenUE's paragraph A, Tariff Sheet No. 180, specifies "Nonpayment of an undisputed delinquent account" as a reason for disconnection of service.

(3) Was AmerenUE authorized to disconnect electric service to the Conlon Group pursuant to paragraph A of Tariff Sheet No.180 if Complainant was disputing UE's electric bills prior to the disconnection?

## ISSUE NUMBER 4

(1) AmerenUE sent a letter to Complainant dated August 15, 1995 demanding payment of \$10,000 "within 48 hours after receipt of this notice, otherwise your service will be subject to disconnection without further notice."

(2) 4 CSR 240-10.040 (3) and UE's disconnection tariff require that a disconnection notice shall state the reason for which service will be disconnected and specify a date after which

disconnection may be effected.

(3) Did the letter dated August 15, 1995 comply with 4 CSR 240-10.040 (3) and UE's disconnection tariff?

#### ISSUE NUMBER 5

(1) The first electric bill that Complainant received prior to disconnection of electric service was received on August 2, 1995 for the amount of \$27,268.03 and had a payment due date of August 14, 1995.

(2) On August 18, 1995 Complainant made a \$40,000 Letter of Credit available to AmerenUE to pay the August 2, 1995 bill.

(3) Was it lawful or reasonable for AmerenUE to disconnect electric service on August 23, 1995 after the Conlon Group made the Letter of Credit available to AmerenUE?

#### ISSUE NUMBER 6

(1) After AmerenUE disconnected electric service to Complainant's building, Complainant requested reconnection of electric service.

(2) On September 22, 1995 AmerenUE replied that it would apply the \$40,000.00 Letter of Credit to the bill due on September 22, 1995 and charge a reconnection fee of \$4,310.80.

(3) Did AmerenUE's service schedules authorize it to charge Complainant a \$4,310.80 reconnection fee?

#### ISSUE NUMBER 7

(1) Complainant made a written request on April 4, 2000 for reclassification of the Syndicate Trust Building to the Small General Service rate.

(2) AmerenUE's Tariff Sheet No. 171, paragraph 3, provides that "[a] new rate....will be

placed in effect in the billing period following receipt of customer's request...."

(3) Did AmerenUE place Complainant's building on the Small General Service rate in the billing period following receipt of Complainant's request?

ORDER OF WITNESSES AND ORDER OF CROSS EXAMINATION

Complainant Conlon Group submits the following Order of Witnesses and Order of Cross-Examination for the Evidentiary Hearing to be held in this matter on May 15-16, 2002.

WITNESS

Mark Finney

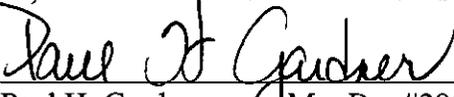
Bradley Brown

ORDER OF CROSS EXAMINATION

OPC, Staff, AmerenUE

OPC, Staff, AmerenUE

Respectfully Submitted,  
GOLLER, GARDNER AND FEATHER P.C.

By:   
Paul H. Gardner Mo. Bar #28159  
131 East High Street  
Jefferson City, MO 65101  
Telephone: (573) 635-6181  
ATTORNEY FOR COMPLAINANT,  
THE CONLON GROUP, INC.

CERTIFICATE OF SERVICE

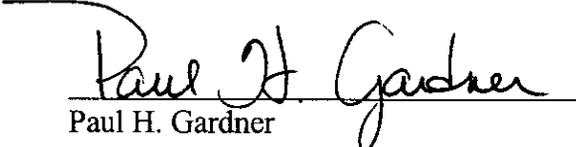
I hereby certify that the foregoing LIST OF ISSUES AND ORDER OF WITNESSES OF COMPLAINANT, THE CONLON GROUP, INC. has been served by first-class mail to all parties of record to this proceeding on this 18th day of April, 2002.

Lera Shemwell  
Associate General Counsel  
P. O. Box 360  
Jefferson City, MO 65102  
Fax: 573-751-9285

John B. Coffman  
Senior Public Counsel  
Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102  
Fax: 573-751-5562

James J. Cook  
Ameren Service Company  
P. O. Box 66149  
St. Louis, MO 63166-6149  
Fax: 314-554-4014

Michael Vitale  
Herzog, Crebs & McGhee, L.L.P.  
One City Centre - 24th Floor  
515 North Sixth Street  
St. Louis, Missouri 63101-2409  
Fax: 314-231-4656

  
Paul H. Gardner