

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

Earnette Smith,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. GC-2011-0009
Union Electric Company, d/b/a	)	
AmerenUE,	)	
Respondent.	)	

**RESPONDENT'S MOTION FOR ORDER TO SHOW CAUSE AND TO SUSPEND THE  
TIME FOR FILING PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Union Electric Company d/b/a AmerenUE and for its Motion states as follows:

1. On September 28, 2010, the prehearing conference in this matter was convened. Eric Dearmont, attorney for Staff, appeared in person. Cathy Hart, representative for AmerenUE, and Sarah E. Giboney, attorney for AmerenUE, appeared by telephone. The Office of Public Counsel did not appear. Complainant did not appear.

2. Because Complainant did not appear at the conference, the parties are unable to comply with that portion of the Commission's Order dated September 14, 2010, that requires the parties to jointly prepare and file a proposed procedural schedule no later than October 5, 2010, and the parties will also be unable to prepare for an evidentiary hearing on the Complaint.

3. 4 CSR 240-2.090(5) allows the Commission to dismiss a party from a case or dismiss a party's complaint for failure to appear at a prehearing conference or participate by telephone, unless good cause for the failure to appear is shown.

4. AmerenUE has conferred with Staff regarding the relief requested in this Motion and Staff does not object.

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

- A. requiring Complainant, within such time established by the Commission, to show cause why his Complaint should not be dismissed; and

- B. indefinitely suspending the time for the parties to jointly prepare and file their proposed procedural schedule until a reasonable time after Complainant has responded to the order to show cause.

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 28th day of September, 2010.

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