

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

Charles A. Harter,)	
)	
Complainant,)	
)	
v.)	File No. EC-2023-0281
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
)	
Respondent)	

**AMEREN MISSOURI'S
RESPONSE IN OPPOSITION TO MOTION TO JOIN AND CONSOLIDATE**

Comes now, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”) and for its Response in Opposition to Motion to Join and Consolidate states:

1. Complainant filed a formal Complaint against Missouri-American Water Company (“MAWC”) on September 16, 2022 ("Water Complaint"). It was assigned Case No. WC-2023-0106. The Complaint has been deemed confidential and the undersigned do not have sufficient access rights to view the document.

2. MAWC filed its Answer on October 19, 2022. It denied Complainant’s assertion that it violated Commission Rule 20 CSR 4240-13.040(2)A, and Commission Rule 20 CSR 4240-13.060(2). It also denied that it did not answer the phone or was unhelpful when reached by Complainant.

3. On October 19, 2022 the Commission issued its Order Giving Notice of Case Filing, Directing and Answer, and Directing a Staff Investigation. The Order cited Commission Rule 20 CSR 4240-2.070(15)(D) which requires Staff to file its report and recommendation within 45 days of a small formal complaint being filed.

4. The Staff filed its Report of the Staff on October 31, 2022. In summary, Staff concluded that MAWC did not violate any applicable statutes, Commission rule or regulation or Commission-approved MAWC Tariffs related to the Water Complaint. The Staff Report was deemed confidential in its entirety.

5. On March 17, 2023, the Staff, the Office of Public Counsel, and Complainant submitted their Second Revised Joint Proposed Procedural Schedule in the Water Complaint. The Schedule set May 16, 2023 as the Discovery Deadline. The parties are to submit their Joint List of Issues, List and Order of Witnesses, Order of Cross-Examination, and Order of Opening on May 23, 2023. The Statement of Positions on the Issues is due on May 30, 2023. The Evidentiary Hearing will take place on June 20, 2023.

6. In contrast, Complainant filed the above-captioned complaint against Ameren Missouri ("Electric Complaint") on March 7, 2023, and the Company's answer or request for medication is not due until April 8, 2023.

7. Also on March 17, 2023, Complainant filed his Motion to Join and Consolidate his Water Complaint with his Electric Complaint.

8. On March 18, 2023, Complainant filed his Motion to Amend Rule. The Commission created a separate rulemaking case to consider Complainant's petition and assigned it File No. AX-2023-0287.

9. Ameren Missouri opposes Complainant's Motion to Join and Consolidate this Electric Complaint with the Water Complaint, File No. WC-2023-0106, because consolidation would prejudice the Company and is inappropriate.

10. First, the Water Complaint and the Electric Complaint are on different schedules. The Staff has already submitted its Report for the Water Complaint, concluding that MAWC did

not violate any applicable statutes, Commission rule or regulation or Commission approved MAWC Tariffs related to the complaint. Staff, Office of Public Counsel, and Complainant have submitted their Second Revised Joint Proposed Schedule in the Water Complaint without any input from Ameren Missouri.

11. Second, Ameren Missouri does not have access rights to view confidential documents or customer information in the Water Complaint, which prevents the Company from even assessing whether there is a sole common question of law or fact between the Water Complaint and the Electric Complaint. Ameren Missouri is an electric utility and MAWC is a water utility with different customer information.

12. Third, Ameren Missouri is not aware of MAWC's notification procedures, and is unsure what differences exist between Ameren Missouri's notification procedures and MAWC's notification procedures.

13. Commission Rule 20 CSR 4240-2.070 also does not authorize the joining of a complaint filed against a water company with a complaint filed against an electric utility.

WHEREFORE, for the aforementioned reasons Ameren Missouri prays that the Motion to Join and Consolidate be denied and for such additional relief as this Honorable Commission finds just and proper.

Respectfully submitted,

Banks Law LLC

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**Counsel for Union Electric Company d/b/a
Ameren Missouri**

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023, I caused the aforementioned document to be electronically filed with the Secretary of the Public Service Commission of the State of Missouri who will send a copy to counsel for all parties of record.

/s/ Eric Kendall Banks _____