

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

OCT 16 2001

STERLING MOODY, STERLING'S MARKET  
PLACE AND STERLING'S PLACE, I,

Complainants,

v.

AMERENUE, UNION ELECTRIC CO. d/b/a  
AMERENUE, and MIKE FOY, LEROY ETTLING,  
and SHERRY MOSCHNER, as employees of  
AmerenUE,

Respondents.

Missouri Public  
Service Commission

Case No. EC-2002-112

**RESPONDENTS' MOTION TO DISMISS RESPONDENT EMPLOYEES**

Come now respondents, and for their Motion to Dismiss Respondent Employees  
state as follows:

1. The Complaint filed herein before the Missouri Public Service Commission  
(the "Commission") raises issues concerning the provision of electric service to  
business accounts located at 8350 North Broadway in the City of St. Louis.
2. The Complaint names as respondents not only respondent AmerenUE, a  
public utility, but also three of its employees, Michael Foy, Leroy Ettling and Sherry  
Moschner (the "respondent employees").
3. The Complaint, paragraph 2, alleges that the actions of respondent  
employees on which complainants based their Complaint were "done within the scope  
of their employment on Respondent AmerenUE's behalf."
4. While respondents deny that the Complaint has any merit, complainants  
themselves concede that the actions of respondent employees of which they complain

were all done within the scope of their employment. As a result, complainants have failed to state a claim against respondent employees upon which relief can be granted.

WHEREFORE, respondents respectfully request that respondents Michael Foy, Leroy Ettling and Sherry Moschner be dismissed from the Complaint and for such other and further relief the Commission deems just and proper.

HERZOG, CREBS & McGHEE, LLP

By:



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Union Electric Co d/b/a AmerenUE,  
Mike Foy, Leroy Ettling and Sherry  
Moschner

**Certificate of Service**

The undersigned hereby certifies that a copy of Respondents' Motion to Dismiss Respondent Employees was mailed first class, postage prepaid this 15<sup>th</sup> day of October 2001 to Office of Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, Office of General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102 and Freeman Bosley, Jr., 1601 Olive Street, First Floor, St. Louis, Missouri 63103-2344, attorney for complainants.

Michael A. Vitale