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OCT 16 2001

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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 COMPLAINANT

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

1. The Complaint filed herein before the Missouri Public Service Commission (the "Commission") raises issues concerning the provision of electric service by respondents AmerenUE to business accounts located at 8350 North Broadway in the City of St. Louis.

2. Three complainants are named in the Complaint – Sterling Moody, Sterling's Market Place and Sterling's Market Place I. However, other than the bare assertion that Sterling Moody is a complainant, there is no allegation of any wrongful act on the part of respondents towards Sterling Moody.

3. At all times pertinent hereto, electric service to 8350 North Broadway was provided on two corporate business accounts. Presumably, although it is not alleged in the Complaint, Sterling Moody is a shareholder or officer of Sterlings Marketplace I, Inc., a Missouri corporation, Even if that were true, and even if Sterling Moody is a 100%

shareholder of Sterlings Marketplace I, Inc., Sterling Moody would still lack standing to complain of wrongs allegedly done to Sterlings Marketplace I, Inc. See, e.g., Warren v. Mercantile Bank of St. Louis, N.A., 11 S.W.3d 621, 622 (Mo.App. E.D. 1999); Around the World Importing, Inc. v. Mercantile Trust Company, N.A., 795 S.W.2d 85, 91 (Mo.App. E.D. 1990).

4. Since Sterling Moody lacks standing, and since the Complaint fails to state a claim as to Sterling Moody, Sterling Moody should be dismissed as a complainant herein.

WHEREFORE, respondents respectfully request the Commission dismiss Sterling Moody as a complainant and for such other and further relief the Commission deems just and proper.

HERZOG, CREBS & McGHEE, LLP

By:



Michael A. Vitale MBE #30008
James D. Maschhoff MBE #
One City Centre, 24th Floor
515 North Sixth Street
St. Louis, Missouri 63101
(314) 231-6700 – Telephone
(314) 231-4656 – Facsimile
mav@hcmllp.com - E-mail

and

James J. Cook MBE #22697
Managing Associate General Counsel
Ameren Services Company
One Ameren Plaza
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, Missouri 63166-6149
(314) 554-2237 – Telephone
(314) 554-4014 - Facsimile

Attorneys for Respondents AmerenUE,
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 Complainant was mailed first class, postage prepaid this 15th 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