

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

Roman Dzhurinskiy and)	
Zinaida Dzhurinskaya,)	
Complainants,)	
)	
vs.)	Case No: EC-2016-0001
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

**MOTION TO CONTINUE
(4 CSR 240-2.117(D))**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and moves the Commission to continue the deadline for responding to the Motion for Summary Determination filed in this Complaint, as follows.

Procedural Background

1. On July 1, 2015, Mr. Roman Dzhurinskiy and Ms. Zinaida Dzhurinskaya (“Complainants”) filed a Complaint against Company. Complainants receive residential electric utility service from the Company. The Complaint arises from the Complainants’ claim that they qualify for the low-income exemption from energy efficiency charges under the Company’s Rider EEIC because of their eligibility for low-income energy assistance on their bill for natural gas service from Laclede Gas Company.
2. On July 31, 2015, the Company filed its Answer to the Complaint.
3. On August 31, 2015, Staff filed Staff’s Report and Recommendation.
4. On September 1, 2015, the Commission issued its Order Setting Date for Reply, ordering that any reply to Staff’s pleading be filed no later than September 14, 2015.
5. On September 14, 2015, the Company filed its Reply, and requested that the Commission set a pre-hearing conference for the purpose of developing a procedural schedule.
6. On September, 14, 2015, the Commission ordered the parties to file proposed dates for a pre-hearing conference.

7. On September 14, 2015, the Office of Public Counsel filed a Motion for Summary Determination and a Memorandum of Law in support thereof.

Request for Continuance

8. Per 4 CSR 240-2.117(C), any response in opposition to a motion for summary determination may be filed not more than thirty (30) days after the motion for summary determination has been served.

9. Per 4 CSR 240-2.117(D), for good cause shown, the Commission may continue a motion for summary determination to allow an opposing party a reasonable time to conduct discovery as necessary to permit a response.

10. The Company's September 14, 2015 request for a pre-hearing conference to develop a procedural schedule was made because the Company believes it is necessary to conduct discovery relating to additional facts material to the Complaint; specifically, facts constituting extrinsic evidence of a latent ambiguity in a provision of the Company's EEIC tariff and extrinsic evidence demonstrating the absurd or illogical result that arises from the "plain meaning" interpretation of that tariff advanced by Staff and the Office of Public Counsel. The Company anticipates conducting discovery including but not limited to: serving requests for admissions relating to information provided by Complainants to the Company; serving data requests directed at discovering any prior acts or deeds of a party that demonstrate the construction it may have placed on the Company's EEIC tariff; and informally or via subpoena obtaining information about the operation of energy assistance programs from nonparties such as the Missouri Department of Social Services and contracting agencies.

11. The pre-hearing conference and procedural schedule developed therefrom can address discovery deadlines as well deadlines to reply to the pending Motion for Summary Determination or to file cross-motions for summary determination, or if appropriate, to set deadlines for the submission of pre-filed testimony and ultimately an evidentiary hearing on the Complaint.

12. There is no compelling reason why the parties should not be permitted a reasonable opportunity to conduct discovery and to otherwise determine if this case should properly be addressed via summary determination, or via an evidentiary hearing. For example, this is not a Complaint involving a denial of utility service, and this Complaint does not involve an operation of law date that would affect its resolution.

13. For the foregoing reasons, good cause exists to continue the due date for responses to OPC's summary determination motion in order to allow discovery to be conducted.

WHEREFORE, the Company respectfully requests that the Commission continue the motion for summary determination, and the related deadline for the Company and other parties to file any responses thereto, for good cause shown, until a date to be determined after the pre-hearing conference requested by the Company.

Respectfully submitted:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Continue was served on all the following parties via electronic mail, and additionally on Complainants via regular mail, this 18th day of September, 2015.

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