

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

Myron Lockhart,)	
Complainant,)	
)	
vs.)	Case No: GC-2012-0078
)	
Union Electric Company, d/b/a)	
Ameren Missouri, and)	
)	
Laclede Gas Company,)	
Respondents.)	

**AMEREN MISSOURI'S RESPONSE TO COMPLAINANT'S OCTOBER 11, 2011
STATEMENT AND RENEWED MOTION TO DISMISS**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and pursuant to the Commission's Order dated October 13, 2011 makes this response to Complainant's October 11, 2011 Statement directed to Ameren Missouri (the "Statement"):

1. Any allegation not specifically admitted herein by the Company should be considered denied.
2. As best the Company can determine, Complainant is alleging in his Statement that bonds and shares of stock (presumably issued by, and constituting debt or equity interests in, the Company) were redeemed by the Company prematurely, and that these alleged transactions resulted in a change of ownership of the Company and affected unidentified interestholders. Complainant fails to provide any specific information about these allegations such that the Company is without sufficient information to form a belief about them therefore denies the same.

MOTION TO DISMISS

3. Complainant's Statement fails to comply with the Commission's October 3, 2011 Order Directing Complainant to Make a More Definite Statement, which required Complainant to, "clearly identify facts that show a violation of a statute related to the Commission, or a Commission rule, or a Commission-approved tariff, or a Commission order[.]" Complainant's Statement does not implicate any statute, Commission rule, Commission-approved tariff or

Commission order, let alone articulate a violation thereof. As such, the Complaint should be dismissed by the Commission pursuant to its authority under 4 CSR 240-2.070(6) to dismiss a complaint for failure to comply with an order of the Commission and for failure to state a claim for which relief can be granted.

4. Complainant's Statement, taken together with his Complaint, still fails to comply with Commission rules 4 CSR 240-2.070(5)(A),(C), and (F), and should be dismissed by the Commission pursuant to its authority under 4 CSR 240-2.070(6), for failure to comply with these provisions of the Commission's rules.

5. Complainant's Statement, taken together with his Complaint, also should be dismissed because maintaining the suit constitutes Complainant's unauthorized practice of law. Although Complainant states, "[t]he actual documents of these bonds, shares, stocks should be produced to verify ownership, and the trust registration for the bonds, shares and stock so compensation of current value can take place[.]" Complainant has failed to state *his* personal interest, if any, in such bonds or shares of stock. The Company must assume, therefore, that Complainant has no personal interest in any such alleged bonds or shares of stock, and no personal interest in any alleged compensation that might be due. Complainant is not a licensed attorney, so while he may appear on his own behalf, Complainant cannot represent the interests of any other person in the alleged bonds and shares of stock because that would constitute the unauthorized practice of law, in violation of §§ 484.010 and 484.020, RSMo 2000. Such representation of others also violates 4 CSR 240-2.040(5) and should be dismissed for this reason.

6. In addition, to the extent Complainant's request that documentation be produced so that "compensation of current value can take place" constitutes a claim for damages or for a judgment requiring the Company to compensate anyone for such "current value", the Commission has no authority to determine damages or enter a judgment, *GS Technologies Operating Co., Inc. v. Public Service Commission*, 116 S.W.3d 680, 696 (Mo. App.2003), and therefore pursuant to 4 CSR 240-2.070(6) the claim should be dismissed for failure to state a claim for which relief can be granted.

7. Finally, per Complainant's Statement and exhibits attached to his Complaint (as regard the Company), Complainant appears to be complaining of alleged Company action that took place around 1970. Any cognizable claim for relief based on such action decades ago

which may be read into the Statement and Complaint has long been barred by applicable statutes of limitations. To the extent such alleged action was the subject of or addressed in tariffs filed with Commission, any such claims would also be barred by application of the doctrines of collateral estoppel and res judicata.

WHEREFORE, for all the foregoing reasons, the Company respectfully requests that the Commission issue an order dismissing the Complaint.

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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 certified and regular mail on this 17th day of October, 2011.

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