

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

Deborah L. Lollar,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2004-0598
)	
AmerenUE,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a AmerenUE ("AmerenUE"), and for its Answer and Motion to Dismiss the Complaint filed in this proceeding, states as follows:

1. On June 7, 2004, Deborah L. Lollar initiated this proceeding by filing a Complaint against AmerenUE. Ms. Lollar contends that due to "power surges" and outages her television was damaged. Complainant requests that the commission "force AmerenUE to take responsibility for the destruction of my private property, and compensate me for the items they have destroyed."
2. AmerenUE admits it is a public utility under the jurisdiction and supervision of the Public Service Commission of the State of Missouri.
3. Pursuant to the terms of AmerenUE's tariffs, in circumstances such as these, the Company is not responsible for damages to customer's equipment or apparatus. Specifically, the tariffs provide:

General Rules and Regulations

I. General Provisions

J. Continuity of Service

“Company will make all reasonable efforts to provide the service requested on an adequate and continuous basis, but will not be liable for service interruptions deficiencies or imperfections which result from conditions which are beyond the reasonable control of the Company. The Company cannot guarantee the service as to continuity, freedom from voltage and frequency variations, reversal of phase rotation or singlephasing. The Company will not be responsible or liable for damages to customer’s apparatus resulting from failure or imperfection of service beyond the reasonable control of the Company. In cases where such failure or imperfection of service might damage customer’s apparatus, customer should install suitable protective equipment.”

3. Pursuant to Mo. Rev. Stat. §386.250 (2000), the Public Service Commission has jurisdiction over “the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the state” and corporations performing same. The Commission’s jurisdiction extends to the establishment of proper rates and determinations related to safety and adequacy of service. To the extent the Complaint at issue seeks compensation for property damage, such relief is outside of the Commission’s statutory mandate and should be dismissed.

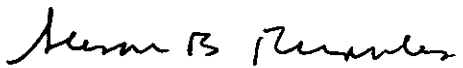
WHEREFORE, for the reasons set forth above, AmerenUE respectfully requests that the Commission (a) dismiss the Complainant’s request for compensation, and (b) issue its

ruling that the Company complied, in all pertinent respects, with the Commission rules and regulations and applicable tariffs.

Dated: July 6, 2004

Respectfully submitted,

Union Electric Company,
d/b/a AmerenUE

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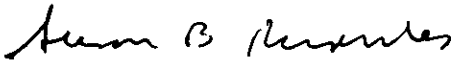
CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 6th day of July, 2004.

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