

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

Charles A. Harter,)	
Complainant,)	
)	
vs.)	Case No: EC-2013-0491
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

**MOTION FOR EXPEDITED TREATMENT AND
AUTHORITY TO PROCEED WITH DISCONNECTION**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its Motion for Expedited Treatment and Authority to Proceed with Disconnection filed in this proceeding, states as follows:

1. On August 29, 2013, Complainant filed a pleading captioned “Complaint” (herein, the “Pleading”). By its Order Directing Filing dated August 29th, 2013, the Commission ordered the Company to respond and state whether the Company was seeking disconnection of Complainant’s service and how its actions were in accordance with 4 CSR 240-13.070(6). The Commission also ordered the Company not to disconnect Complainant’s electric service until it determined whether the Company acted in accord with 4 CSR 240-13.070(6).

2. On August 30, 2013, the Company filed its Response to Pleading, stating and substantiating through Company records that the disconnect notices it sent in July and August of 2013 were for undisputed delinquent charges for electric service provided to Complainant after the Complaint was filed. Because the proposed disconnection was for Complainant’s failure to pay undisputed amounts, the proposed disconnection did not violate 4 CSR 240-13.070(6).

3. At the evidentiary hearing on September 19th, 2013, the undisputed testimony of the Company’s witness and other evidence presented by the Company also established that the July and August disconnection notices did not relate to the amounts in dispute in this Complaint.

4. Undisputed evidence presented at the hearing also established that:

- a. the \$***.** billed to Complainant for service from June 17, 2013 through July 17, 2013 remains delinquent;
- b. an additional \$***.**, billed to Complainant for service from July 17 through August 15 became delinquent on September 10, 2013;
- c. The Company issued a disconnect notice on September 17, 2013 for \$***.** (\$***.** plus \$***.**), advising that service may be disconnected for nonpayment on or after October 2, 2013. The Company does not intend to disconnect service unless and until the Commission gives the Company such authority, but sent the notice to advise Complainant of his delinquent balance, and to provide the initial notice required by 4 CSR 240-13.050(5) to be given prior to disconnection, if authorized by the Commission.

5. The fact that Complainant has a complaint pending does not make him immune from the obligation to pay for electric service, especially for service provided after his complaint was filed. Nor is Complainant immune from collection-related activities such as disconnection for failure to pay undisputed charges for service provided after he filed his Complaint, especially where other customers who fail to pay for electric service are subject to such actions. 4 CSR 240-13.050(1)(A) permits utilities (when proper notice is provided) to discontinue service for nonpayment of an undisputed delinquent charge. In fact, the Company is statutorily prohibited from directly or indirectly *charging, demanding, collecting or receiving less* compensation for utility service from any person than it charges any other person for a like and contemporaneous service. §393.130.2 RSMo. For these reasons, the Company should be permitted to proceed with normal collection and disconnection activity with regard to the \$***.** delinquent account balance.

6. The Company is *not* asking for an expedited order authorizing disconnection for Complainant's failure to pay the \$***.** in dispute. The Company acknowledges that this amount is in dispute and understands that it will remain in dispute until the Commission disposes of the Complaint.

7. If the Commission acts by the requested date, September 23, 2013, Complainant will have nine days within which arrange for payment of the \$***.** undisputed delinquent account balance. Authorizing the Company to disconnect Complainant's utility service if he continues to fail to pay his undisputed delinquent account balance will have no negative effect on

the Company's customers or the general public. It may have a positive effect in that it is in accord with §393.130.2 and it may discourage other customers from filing complaints for the purpose of avoiding the obligation to pay their utility bills.

WHEREFORE, the Company requests an expedited order from the Commission by September 23, 2013, authorizing the Company to disconnect Complainant's electric utility service after October 2, 2013 in the events: (a) the Company has provided notice required by 4 CSR 240-13.050, and (b) Complainant has failed to make a \$***.** payment in good and sufficient funds by October 2, 2013 by a method authorized in the disconnection notice.

SMITH LEWIS, LLP

/s/Sarah E. Giboney
Sarah E. Giboney, #50299
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
(573) 443-3141
(573) 442-6686 (Facsimile)
giboney@smithlewis.com

Attorney for Ameren Missouri

By: /s/ Wendy K. Tatro
Wendy K. Tatro, # 60261
Corporate Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Expedited Treatment and Authority to Proceed With Disconnection was served on the following parties via electronic mail (e-mail) or in person this 19th day of September, 2013.

Nathan Williams, Deputy Staff Counsel
Jeffrey A. Keevil, Senior Staff Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Nathan.williams@psc.mo.gov
Jeff.keevil@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov
Lewis.mills@ded.mo.gov

Charles A. Harter
827 S. Sappington
St. Louis, MO 63126

/s/ Sarah E. Giboney
Sarah E. Giboney