**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

**ERIC E. VICKERS, )**

 **PERSONALLY AND ON BEHALF OF All )**

 **CUSTOMERS OF AMEREN MISSOURI WHO )**

 **HAVE SOUGHT RELIEF UNDER THE COLD )**

 **WEATHER RULE )**

 **)**

 **Complainant ) Case No. EC-2011-0326**

 **vs. )**

 **)**

**AMEREN MISSOURI, )**

 **)**

**MISSOURI PUBLIC SERVICE COMMISSION )**

 **)**

 **Defendants )**

**REPONSE TO ORDER DISMISSING COMPLAINT IN PART**

 **AND GRANTING LEAVE TO AMEND COMPLAINT**

 **COMES NOW** complainant, Eric E. Vickers, and hereby responds as follows to the Order Dismissing Complaint in Part and Granting Leave to Amend Complaint.

 Because said Order does not dismiss the complaint on the merits, but only dismisses it as a class action claim and dismisses the Missouri Public Service Commission as a party, complainant sees no need to and chooses not to file an amended complaint. Rather, complainant expects this matter to move forward with an adjudication of the merits of the claim that Ameren violated and continues to violate the law by not placing in writing agreements made pursuant to the Cold Weather Rule, notwithstanding this matter being deemed a non-class action complaint and the PSC being stricken as a defendant.

 Complainant has no exclusionary dates for the hearing in this matter.

 Respectfully submitted,

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 Eric E. Vickers - Complainant

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**Certificate of Service**

 I hereby certify that a copy of the foregoing was emailed this 23 day of May, 2011 to Steven C. Reed, General Counsel Public Service Commission, and Wendy Tatro, Counsel Ameren.

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