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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 6th
day of April, 2000.

Frank and Susan Delana,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-2000-298</u>
)	
Union Electric Company,)	
d/b/a AmerenUE,)	
)	
Respondent.)	

:

ORDER OF DISMISSAL

(On October 26, 1999, Frank and Susan Delana (Complainants) filed a formal complaint with the Missouri Public Service Commission against Union Electric Company, doing business as AmerenUE (hereinafter referred to as AmerenUE). The Complainants requested that their bills for July and August 1999 be estimated from previous years because of Complainants' concern that the bills were too high and were inaccurate. The Commission issued notice of the complaint on October 29, 1999.

(AmerenUE filed a response on December 2, 1999, indicating that it had tested the meter at the Delana home on September 3, 1999, and found it to be accurate. Nonetheless, AmerenUE changed the meter due to insects and foreign materials under the meter glass. AmerenUE noted that the service usage averaged 173 kwhrs/day on the old meter and 147 kwhrs/day on the new meter. According to AmerenUE, Mr. Delana had indicated that he had

experienced air conditioning problems which caused the usage to drop when the air conditioner was not in use. At Mr. Delana's request, an AmerenUE troubleman again checked the meter, meter base, pedestal and transformer wiring on October 5, 1999, and found them to be in excellent condition. AmerenUE contends that according to its tests, the meter is accurate and the bills for the service are correct.

On December 22, 1999, the Commission directed the Staff of the Public Service Commission (Staff) to investigate the allegations set out in the complaint and to file a report of its findings by January 21, 2000. Staff filed its recommendation and memorandum on January 21, 2000, and recommended that the Commission issue an order dismissing the complaint filed by Frank and Susan Delana.

The Staff memorandum noted that the Complainants' air conditioner had failed and was repaired or replaced in the latter part of June 1999. However, the replacement air conditioner also either failed to operate, or failed to operate properly, and was subsequently replaced in mid-August. Complainants indicated to Staff that initially because of the faulty air conditioners, and subsequently because of the cooler weather, no air conditioning had been used since the latter part of June. Staff was unable to determine with certainty the exact cause of the high usage; however, Staff indicated that since the accuracy of AmerenUE's metering equipment has been verified by testing by AmerenUE, Staff has no reason to believe that Complainants' usage has not been measured accurately. Because the inspection of the Complainants' electrical system and appliances did not occur until late August, after the air conditioners had been replaced,

Staff stated that it is possible that the cause of the high usage was the Complainants' faulty air conditioners. Staff is of the opinion that AmerenUE has acted in good faith pursuant to its tariff and the Commission's rules. Staff recommended that the Commission dismiss the formal complaint. No party filed any response to Staff's recommendation.

On February 29, 2000, the Commission issued an Order Directing Notice and Setting Response Date. In order to ensure that Complainants received a copy of Staff's memorandum and that Complainants understand the consequences of the Commission's acceptance of Staff's recommendations, the Commission directed its Records Department to provide a certified copy of the February 5 order, with Staff's memorandum attached, to Complainants and all other parties. The order specified that if the Commission accepts Staff's recommendations, then no hearing would be held in the case unless a party requests an evidentiary hearing. The order directed that such request for a hearing must be filed with the Commission no later than March 20, 2000. No party requested an evidentiary hearing, and the time for filing such a request has now expired.

The Commission has reviewed the complaint, AmerenUE's response, and Staff's memorandum and recommendation, and finds that the complaint should be dismissed.

IT IS THEREFORE ORDERED:

1. That the formal complaint filed by Frank and Susan Delana on October 26, 1999, against Union Electric Company, doing business as AmerenUE, is dismissed.

2. That this order shall become effective on April 18, 2000.
3. That this case may be closed on April 19, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
Murray, and Schemenauer, CC.,
concur.

Ruth, Regulatory Law Judge