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January 17, 2002

FILED²

JAN 22 2002

**Missouri Public
Service Commission**

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65101

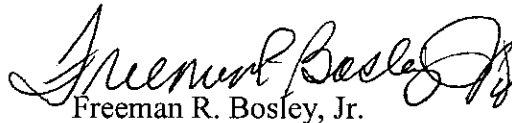
Re: MPSC Case No. EC-2002-112; Sterling Moody, et al., v. Ameren UE, et al.

Dear Mr. Roberts:

Enclosed for filing please find an original and (8) copies of Complainants' Response to Staff's Report dated November 29, 2001 in the above-mentioned action.

Please acknowledge receipt of this request as soon as possible.

Sincerely,


Freeman R. Bosley, Jr.

FRB/krt
Enclosures

FILED²

JAN 22 2002

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

Sterling Moody, Sterling's Market Place,
And Sterling's Place, I

Complainants,

v.

AmerenUE, Union Electric Co. d/b/a
AmerenUE; and Mike Foy, Leroy Ettling,
And Sherry Moshner, as employees of
AmerenUE,

Respondents.

Case No.: EC 2002-112

COMPLAINANTS' RESPONSE
TO STAFF'S REPORT DATED NOVEMBER 29, 2001

Come now Complainants and in response to Staff's Report dated November 29, 2001, states the following:

1. In its report, Staff points out that there is no dispute as to the accuracy of the meters covering the two accounts for electric service to Complainants. However, Staff does not address the issue regarding Complainants' repeated attempts to inform Respondent AmerenUE that there was a problem with the accuracy of Complainants' monthly bills for service.

Schedule No. 5 General Rules and Regulation Article V - Billing Practices states ... "bills rendered which are based on incorrect registration due to improper meter connections or similar reasons shall be subject to adjustment" Respondent failed to

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investigate Complainants' concerns regarding the billing or inform Complainants of problems regarding the wiring load.

2. In regards to Notice, Staff points out in its report that Respondent did violate a Commission rule when it disconnected service on April 13, 2001 without proper notice. There were two instances in which Complainants' service was disconnected. Staff appropriately points out that the Respondent served notice of its intent to terminate service after service was disconnected on April 13, 2001.

Respondent reconnected the service and terminated the service again on April 17, 2001 without giving notice. It is Complainants' contention that pursuant to 4 C.S.R. 240-10.040(3) written notice is required for a subsequent termination after service has been restored. Staff appears to be of the position that once a notice for termination is given, such notice constitutes a running notice for a series of terminations, if necessary.

Complainants believe that such action is a violation of the abovementioned rule.

3. In regards to the payment history of Complainants, Staff appropriately points out that the billing history reveals that partial payments were made by Complainant Sterling Moody on all of the service accounts but there is no written payment agreement prior to the disconnection on April 13, 2001. (This is the actual date of the first disconnection).

It is Complainants' contention that by constantly accepting partial payments and discussing the billing dispute in addition to meeting with Complainants,

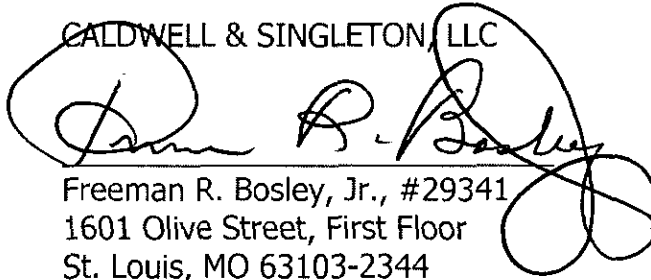
Respondent established a constructive payment arrangement satisfactory to Respondent AmerenUE to avoid disconnection pursuant to Sheet Number 183. Staff also points out that Complainants' checks were often returned by the bank for insufficient funds. Complainants would like to point out that prior to termination of electric service, all insufficient fund checks were made good.

4. In regards to the deposit, Staff concludes that the \$45,000 deposit demanded by Respondent reflects the highest bills from the two accounts that Complainants were thus responsible for and is therefore permitted by its tariffs. Complainants contend that Respondent initially demanded \$25,000 for a deposit and then arbitrarily and maliciously increased that amount to \$45,000. The tariffs permit deposit of two times the highest bill. In order for such deposit to be permitted, the highest bill on each account would need to be at least \$11,250. Staff has indicated that it has not seen a bill to Complainants for this amount and neither has Complainant in violation of 4 C.S.R. 240-10.040(4). Complainants also have serious concern as to how Respondent, in reliance upon the rules and tariffs, requires Complainants to raise \$45,000 for a deposit and then apply that deposit to the bill.

WHEREFORE, Complainants believe that the disputed issues present the basis that warrant a hearing and respectfully request that the Commission set a pre-hearing conference.

Respectfully submitted,

CALDWELL & SINGLETON, LLC

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Freeman R. Bosley, Jr., #29341

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Attorneys for Complainants

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And Sterling's Market Place, I

CERTIFICATE OF SERVICE

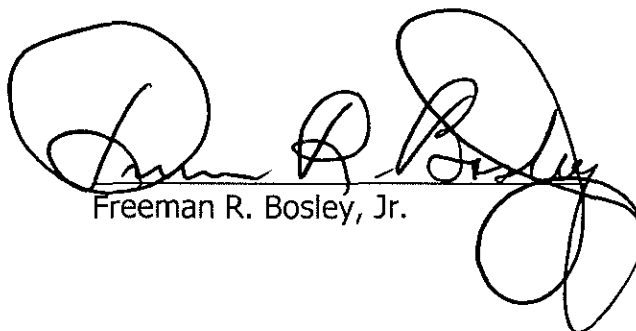
The undersigned hereby certifies that a copy of the foregoing was served via U.S. first class mail on this 17th day of January, 2002 to all parties of record listed below.

CASE NO. EC-2002-112

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A handwritten signature in black ink, appearing to read 'Freeman R. Bosley, Jr.', is written over a horizontal line. The signature is stylized with large loops and flourishes.

Freeman R. Bosley, Jr.