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November 7, 2001

Via Federal Express

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

FILED²
NOV 08 2001
Missouri Public
Service Commission

Re: MPSC Case No. EC-2002-112

Dear Mr. Roberts:

Enclosed you will find an original and nine copies of the Respondent AmerenUE's Reply to Complainants' Response to the Commission Order for a More Definite Statement.

Please file the original and eight copies of this pleading with the Commission and return the extra copy file-stamped to me in the enclosed self-addressed stamped envelope.

If anything further is needed to file this pleading, please let me know.

Yours very truly,

HERZOG, CREBS & MCGHEE, LLP



Michael A. Vitale

MAV/mh
Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

NOV 08 2001

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 MOSCHNER, as employees of
AmerenUE,

Respondents.

Case No. EC-2002-112

**RESPONDENT AMERENUE'S REPLY TO
COMPLAINANTS' RESPONSE TO THE COMMISSION
ORDER FOR A MORE DEFINITE STATEMENT**

Comes now respondent, AmerenUE, and for its Reply to Complainants' Response to the Commission Order for a More Definite Statement states as follows:

1. On October 24, 2001, the Missouri Public Service Commission (the "Commission") entered its Order Directing Filing a More Definite Statement. In that Order, the Commission directed the complainants herein to file a more definite statement clarifying the allegations made in their Complaint.
2. Complainant's response to the Commission Order for a More Definite Statement was received by respondents, AmerenUE on November 7, 2001. However, rather than clarify or assert any grounds why complainant Sterling Moody should not be dismissed from this action, the Response instead confirms that Sterling Moody is not a proper complainant in this action before the Commission.
3. As noted in the Complaint, this dispute relates to electric service provided by respondent AmerenUE to the premises at 8350 North Broadway. As noted in

respondents' Answer to the Complaint, since at least 1998, two accounts pursuant to which service has been provided to the premises have only been in corporate names. Complainant Sterling Moody has never been listed as a customer with respect to the service provided to 8350 North Broadway nor has a bill ever been issued by respondent AmerenUE for such service individually to complainant Sterling Moody.

4. Complainant's Response does not deny that the accounts for electric service to 8350 North Broadway are corporate accounts. The response also does not contend that any bills were ever issued for service individually to complainant Sterling Moody. Instead, the Response contends that because Moody is a stockholder and officer of respondent AmerenUE's corporate customer, and is a person who had contact with respondent AmerenUE, he somehow has standing to assert that he has personally been aggrieved by the actions of respondents.

5. As noted in the "Wherefore" clause of the Response, Sterling Moody is actually before the Commission representing Sterlings Marketplace I, Inc., the customer to which respondent AmerenUE has provided, and is continuing to provide, electric service at 8350 North Broadway. As neither the Complaint nor the Response assert that any wrongs were purportedly done to Sterling Moody as an individual, and not in his capacity as corporate representative, he is not an appropriate complainant in this action.

WHEREFORE, respondent, AmerenUE, renews its Motion to Dismiss Complainant Moody from this action, and for such other and further relief the Commission deems just and proper. See, e.g., Warren v. Mercantile Bank of St. Louis, N.A., 11 S.W.3d 621, 622 (Mo.App. E.D. 1999); Around the World Importing, Inc. v. Mercantile Trust Company, N.A., 795 S.W.2d 85, 91 (Mo.App. E.D. 1990).

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Attorneys for Respondents AmerenUE,
Union Electric Co d/b/a AmerenUE,
Mike Foy, Leroy Ettling and Sherry
Moschner

Certificate of Service

The undersigned hereby certifies that a copy of Respondent AmerenUE's Reply to the Commission Order for a More Definite Statement was mailed first class, postage prepaid this 7th day of November 2001 to Office of Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, Office of General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102 and Freeman Bosley, Jr., 1601 Olive Street, First Floor, St. Louis, Missouri 63103-2344, attorney for complainants.

