

MICHAEL A. VITALE
mav@hcmllp.com

HERZOG, CREBS & MCGHEE, LLP
ATTORNEYS AT LAW
ONE CITY CENTRE - 24th FLOOR
515 NORTH SIXTH STREET
ST. LOUIS, MISSOURI 63101-2409
(314) 231-6700
FAX (314) 231-4656

ILLINOIS OFFICE
5111 WEST MAIN
BELLEVILLE, ILLINOIS 62226-4797
(618) 235-7656

December 5, 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
DEC 06 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 Respondents' Response to Staff Report.

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

DEC 06 2001

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.

Missouri Public
Service Commission

Case No. EC-2002-112

RESPONDENTS' RESPONSE TO STAFF REPORT

Come now respondents, and for their Response to Staff Report, file the Affidavit of Sherry P. Moschner, attached hereto as Exhibit A and incorporated herein by reference.

The Staff Report having been issued, respondents respectfully request the Commission dismiss the Complaint, filed herein, and for such other and further relief the Commission deems just and proper.

HERZOG, CREBS & McGHEE, LLP

By:



Michael A. Vitale MBE #30008
James D. Maschhoff MBE #41821
One City Centre, 24th Floor
515 North Sixth Street
St. Louis, Missouri 63101
(314) 231-6700 – Telephone
(314) 231-4656 – Facsimile
mav@hcmlp.com - E-Mail

and

James J. Cook MBE #22697
Managing Associate General Counsel
Ameren Services Company
One Ameren Plaza
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, Missouri 63166-6149
(314) 554-2237 – Telephone
(314) 554-4014 - Facsimile

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 Respondents' Response to Staff Report was mailed first class, postage prepaid this 6th day of December 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.

Michael G. Vitale

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

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

AFFIDAVIT OF SHERRY P. MOSCHNER

Comes now affiant, Sherry P. Moschner, who, being first duly sworn and upon her oath, states and deposes as follows:

1. I am employed as a Manager, Customer Relations, by respondent Union Electric Company d/b/a AmerenUE. I am over eighteen years of age and have personal knowledge of the facts set out herein.
2. I have read the November 29, 2001 Staff Report prepared by Jim Ketter and find it to be a thorough and fair compilation of the facts pertaining to the Complaint filed in this matter. While I concur with the findings and conclusions set out in the Staff Report, I believe that some points of clarification are necessary.
3. Reference is made interchangeably throughout the Staff Report to Sterling Moody and Sterlings Marketplace. The same is true in the chronology set forth in Attachment A to the Report. I believe it should be made clear that

EXHIBIT A

Sterling Moody was never a customer on any of the accounts or meters referenced in the Staff Report or in the Complaint which was filed in this matter. At all times pertinent to the issues set out in the Complaint, these accounts have been billed as corporate accounts.

4. I would also like to clarify some facts pertaining to the disconnection of electric service to Meter No. 70593313 at 8350 North Broadway that occurred on April 10, 2001. That disconnection of service, which is referenced on page one of the Staff Report and in Attachment A, lasted only approximately three hours before service was restored. Attachment A does state that service was reconnected the same day but does not state the duration of the interruption in service.
5. More importantly, I would emphasize that the issue with respect to this disconnection of service, as found by Mr. Ketter, relates to the inadvertent disconnection which occurred without the notice required by the Commission's rules. The Staff Report does not conclude the disconnection itself was unjustified. In fact, it was the failure of Sterlings Marketplace I, Inc. to pay its bills in a timely manner that led to the disconnection of service.
6. While it is not clear from the Staff Report, the disconnection of service that occurred on April 17, 2001 to Meter 70593313 was done pursuant to proper and timely notice. Service remained disconnected until after the May 18, 2001 agreement (Attachment D to the Staff Report) was signed in which the customer, Sterlings Marketplace I, Inc., and the landlord for the

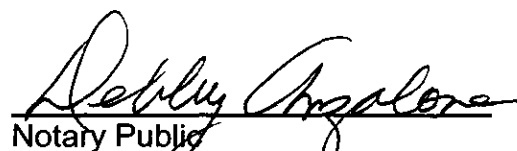
property, P. & B. Real Estate, L.L.C., accepted responsibility for payment for service to the three meters. As Mr. Ketter notes in his Report, respondent AmerenUE, as a result of the May 18, 2001 agreement, wrote off over \$135,000 that was due on these two accounts. In addition, neither Sterlings Marketplace I, Inc. nor P. & B. Real Estate, L.L.C. have complied with the terms of the agreement since that date. As noted in the Notice of Discontinuance of Service filed by respondent AmerenUE on November 27, 2001, an additional \$45,038.94 is due and owing for electric service to these two accounts from May 18, 2001 to September 26, 2001. This does not include an additional \$11,714.87 for service to these accounts through November 21, 2001, when service was discontinued. This amount does not include any late fees that are due.

Further affiant sayeth not.


Sherry P. Moschner

State of Missouri)
) ss
City of St. Louis)

Subscribed and sworn to before me this 5th day of December, 2001.


Notary Public

My Commission Expires:

DEBBY ANZALONE
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: April 18, 2002