

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

In the Matter of the Application of	)	
Union Electric Company d/b/a AmerenUE	)	
for an Order Authorizing the Sale and	)	Case No. EO-2010-0263
Transfer of Certain Assets of AmerenUE	)	
to St. James Municipal Utilities	)	
and Rolla Municipal Utilities.	)	

**RESPONSE TO STAFF SURREPLY**

Comes now Donna Hawley of 2602 Brook Dr., Rolla, Mo to address the issue of standing before the Missouri Public Service Commission within the context of *State ex rel. Dyer v. Public Service Commission*, 341 W.E.2d 795 (Mo 1961) (now referred to as Dyer) which was attached to Staff Surreply dated June 3<sup>rd</sup>, 2010.

Without a copy of all testimony that was submitted to the Supreme Court of Missouri, I can only state that my interest appears to be different from Mr. Dyer in that I am not a retail customer of AmerenUE and therefore am not given the right to attend public hearings on AmerenUE rate issues pending before the MoPSC. The current situation of being a customer of a municipal utility, the Rolla Municipal Utilities (RMU), who opposes MoPSC approval of AmerenUE's sale to RMU of various sections and parts of the AmerenUE transmission system in Phelps County including having RMU pay for AmerenUE improvements (the tapping station) that are a direct result of destroying the current wholesale electric transmission and distribution system that RMU customers are dependant on, is a very different pleading before the Commissioners than opposing a rate increase that was appealed to the Missouri Supreme Court in Dyer. The Commissioners' decisions over the rate increase in Dyer were largely affirmed by the Supreme Court in 1961, including the decision to allow Mr. Dyer standing which was then opposed by Union Electric (now AmerenUE). The Supreme Court indicates that Mr Dyer's standing to intervene was "not unlawful, unreasonable, arbitrary or not based on substantial and competent evidence" (section 8, pg 2, Staff surreply attachment) but rather falls under the Commissioners' area of discretion.

My standing is distinct from both the general public of Missouri and from other Rolla citizens in that I am apparently the only Rolla citizen who had knowledge of the

MoPSC open comment period in the process of researching information about AmerenUE. Lack of public notice was due to the failure of the only area newspaper, the Rolla Daily News, to print the required legal notice – a requirement to assure Rolla citizens a voice in matters before the MoPSC that will change the transmission and distribution system Rolla household and business customers are dependent upon. The newspaper maintained its silence even after I contacted them. Not only did the area newspaper fail to provide notice, but no other Rolla area leadership group with knowledge - the Phelps County Commissioners, the City of Rolla, the RMU Board and management – broke silence to uphold their governmental duty to the Rolla public to make sure that this notice was provided. There simply was no window of opportunity for Rolla citizens to voice concerns to the MoPSC that was given to anyone in Rolla, let alone twenty five other Rolla citizens who might oppose this RMU purchase (Mo Rev. Statutes, 386.390.1 or 393.260.1 referenced in Staff attachment).

This entire project is shrouded in secrecy guaranteeing that Rolla citizens do not have access to information that would allow full transparency critical to due process. The Rolla City Council and RMU Board and management discussed the required approval for the City contracts brought before the MoPSC in April by holding a closed session of the City Council in early 2010. Those public contracts (including redacted versions) were never opened by RMU or the Council for Rolla citizens to review, much in the same manner that the core RW Beck power system study was never opened to the Rolla public for review.

Further proof of the RMU and City of Rolla's information blackout, is that I can find no City Council majority vote in 2008 which would actually approve execution of the October 2008 St. James -Rolla contract included with this case (Application, Exhibit B Joint Use Agreement dated October 28, 2008 between Rolla and St. James). I did request copies of 2008 closed session minutes since I would have been on the Council at that time, but the City has not forwarded them to me. However, Council meeting agendas for 2008 closed executive sessions do not indicate that RMU Board or management has ever sought Council approval for the 2008 contracts. It would seem that RMU Manager, Dan Watkins, who signed the contract for Rolla, did not have specific City Council approval to sign any utility contract in 2008, let alone one which would fundamentally change not only the joint use partnership of the Phelps county substation owned by AmerenUE but also one that ultimately gave Rolla the ability to leave St. James citizens no other option than paying for system improvements that they may not need. No one has fully explained RMU motives for the secrecy under which this project has been planned, negotiated or executed that prevents full transparency to Rolla citizens in the issues before the MoPSC.

Therefore, I submit to the Commissioners that I did not seek to become the “self-appointed voice” of the Rolla public (as RMU has characterized my actions). Rather it was the combined efforts of the newspaper, RMU Board and management, and various elected leaders of both Rolla and Phelps County that in fact elevated me to this unique status by their willing participation in the public notice blackout that occurred not only in connection with the current MoPSC case, but rather has gone on for years preceding. I believe that I have shown a distinct interest toward developing the case record for the citizens and RMU customers that would serve their best interests by shedding light on this project by asking that RMU prove with truly valid current data and studies that it is a necessary expense for Rolla electric system reliability. I submit that my distinct interests are sufficient to meet the Missouri Supreme Court’s standard shown in Dyer that affirmed the Commissioners’ discretion in approving Intervention by a group of less than twenty five rate payers on the basis that it would not be “unlawful, unreasonable, arbitrary or not based on substantial and competent evidence.”

Should the Commissioners rule that twenty-five customers must come forward, then I ask that the Commissioners grant me leave of six weeks to give notice in Rolla to obtain the requisite twenty-five Rolla customers in opposition to the RMU purchase. Six weeks would be a reasonable time period based on my experience with the signature campaign in 2008 that resulted in over one thousand signatures in favor of the most recent Missouri State Audit in Rolla.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on June 10, 2010, to the following:

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Respectfully submitted,

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