

MARTIN, MALEC & LEOPOLD, P. C.

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May 7, 2008

ILLINOIS OFFICE  
119 East Mill  
Waterloo, IL 62298  
(618) 939-7186

Secretary  
Missouri Public Service Commission  
ATTN: Data Center  
PO Box 360  
Jefferson City, MO 65102-0360

FILED<sup>2</sup>

MAY 12 2008

Missouri Public  
Service Commission

Re: Jack Patrick's Bar and Grill v. AmerenUE

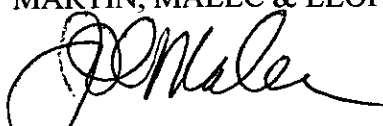
Dear Sir or Madam:

I represent Jack Patrick's Bar and Grill. Enclosed is the original and 9 copies of its Complaint. I would ask to kindly return one file stamped copy in the self addressed, postage paid envelope enclosed.

Please advise the undersigned of anything else necessary to prosecute this action and forward all notices to me. Thank you for your consideration

Very truly yours,

MARTIN, MALEC & LEOPOLD, P.C.



John Malec

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI

Name: Kevin Liese – Jack Patrick's Bar  
& Grill

Complainant

vs.

Company Name: AmerenUE

Respondent

Case No.

**FILED<sup>2</sup>**

MAY 1 2 2008

**COMPLAINT**

Complainant resides at 1002 Olive, St. Louis MO 63101  
(address of complainant)

Missouri Public  
Service Commission

1. Respondent AmerenUE

(Company name)

Of St. Louis Missouri, is a public utility under

(location of company)

The jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

Kevin Liese a principal and officer of Jack Patrick's Bar and Grill received a bill from  
AmerenUE in December of 2007 for \$26,320.70 with a letter saying due to "an internal system  
problem", they had not been billed on a specific meter and were being assessed sums for 24  
months prior usage.. This came as a total shock to this small family-run business. They had  
in fact been billed monthly and had paid all bills presented. In addition, on at least 3  
occasions in the recent past, AmerenUE workers had come in to "check the meter". No  
tampering with the meter is being alleged by the utility provider. The December 2007 bill  
offered no explanation as to how the bill was calculated. Since then, conversations with and  
documents from Shelly Osia of AmerenUE have revealed that at some time in the past, a  
new meter was installed on the premises, but because of apparently faulty record keeping, the

utility provider cannot tell when it was installed. Additionally, from conversations with Ms. Osia of AmerenUE and during the informal complaint process, it was disclosed by the utility provider that there actually was another functioning meter that, for some reason, was not identified with Jack Patrick's account.(A non-registering meter.) The additional meter that was installed was not registering properly with the utility, either as it was allegedly not associated with an account.. The customer promptly paid all bills presented to it during the time period preceding the December 2007 bill. AmerenUE had unrestricted access to its equipment and did in fact direct workers to the premises on at least 3 occasions to check the operation of its equipment. If AmerenUE's information is in fact true, then there existed a "non-registering meter" and the utility provider would be entitled to, at most, a 6 billing period look back for adjusting their bill under Section V.c. of the billing practices instead of Section V.d. as asserted by the provider. In view of the fact that the company had two functioning meters that were actually installed, and checked on several occasions, it is the complainant's position that no additional funds are owed for prior billing periods.

Additionally, the provider's estimate of usage over the two year period is inaccurate as it fails to take into account an increase of usage that occurred when the business opened an additional floor. This additional usage was not in effect over the 24 billing cycle look back alleged by the provider, and would lower that estimate if factored in.

3. The Complainant has taken the following steps to present this complaint to the Respondent:

Contacted Shelly Osia of the AmerenUE Complaints' Resolution Department beginning in January of 2008; filed and began an informal complaint with the Missouri Public Service Commission on 2/21/08.

WHEREFORE, Complainant now requests the following relief:

That the Missouri Public Service Commission hold a hearing and make its findings of fact and conclusions of law regarding the AmerenUE's determination of past due amounts, conclude that Jack Patrick's owes no amounts to AmerenUE for past due accounts preceding December 21, 2007 or in the alternative that AmerenUE is restricted to a 6 month look back period from December 21, 2007 within which they may estimate and bill prior usage taking into account that the increased usage due to an additional floor being added to the premises decreases the average monthly usage preceding the implementation. .

5-7-08

Date

  
Signature of Complainant

Attach additional pages, as necessary.  
Attach copies of any supporting documentation.

P. S. C. MO., ILL. C. C., IA. ST. C. C. SCHEDULE NO. 5 6th Revised SHEET NO. 170CANCELLING SCHEDULE NO. 5 5th Revised SHEET NO. 170APPLYING TO MISSOURI SERVICE AREAGENERAL RULES AND REGULATIONSV. BILLING PRACTICES

- b. In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods calculated from the date of discovery inquiry or actual notification of the Company, whichever was first;
- c. Where, upon test, an error in measurement is found to be within the limits prescribed by Commission rules, no billing adjustment will be made;
- d. When evidence of obstruction is found, or there are misrepresentations of the use of service by the customer, the Company will calculate the billing adjustment period in accordance with the applicable statute of limitations for the prosecution of such claim after determining the probable period during which such condition existed from all related and available information; and
- e. In any event, no billing adjustment will be made where the full amount of the adjustment is less than one dollar (\$1) and no interest shall be paid or collected on any billing adjustment provided for herein.

- \* 2. Non-Residential - For all non-residential billing errors, the Company will determine from all related and available information the probable period during which the error condition existed and shall make billing adjustments for the estimated period involved as follows:

- a. No billing adjustment will be made where the dollar amount of the adjustment is less than \$15.00. No interest shall be paid or collected on any billing adjustment provided for herein.
- b. Where upon test an average meter error is found to be greater than 2 percent a billing adjustment will be made to compensate customer where the meter reads fast, and to compensate Company where the meter reads slow. However,

\*Indicates Change.

**Filed**Missouri Public  
Service Commission

Issued Pursuant to the Order of the Mo. P.S.C. in Case No. ER-2007-0002.

June 4, 2007

P.S.C. Mo. DATE OF ISSUE May 25, 2007DATE EFFECTIVE June 24, 2007

ILL. C.C. DATE OF ISSUE \_\_\_\_\_

DATE EFFECTIVE \_\_\_\_\_

IA. ST. C.C. DATE OF ISSUE \_\_\_\_\_

DATE EFFECTIVE \_\_\_\_\_

ISSUED BY T. R. Voss  
NAME OF OFFICERPresident & CEO  
TITLESt. Louis, Missouri  
ADDRESS

ER-2007-0002

## UNION ELECTRIC COMPANY

## ELECTRIC SERVICE

P. S. C. MO., ILL. C. C., IA. ST. C. C. SCHEDULE NO. 5 1st Revised SHEET NO. 170.1CANCELLING SCHEDULE NO. 5 Original SHEET NO. 170.1

APPLYING TO

MISSOURI SERVICE AREA

## GENERAL RULES AND REGULATIONS

## V. BILLING PRACTICES

- \* any such billing adjustment will be applicable only for the probable period during which the meter error existed and shall be limited to the twenty-four (24) billing periods preceding the one in which the error was determined plus the elapsed period in the current billing period during which the test was made.
- \* c. Where a non-registering meter is found, Company will determine from all related and available facts the probable period during which such inaccuracy existed and render adjusted bills for the period involved, provided, however, that such period shall not exceed the preceding six (6) billing periods plus the elapsed time in the current billing period during which each inaccuracy was determined.
- \* (d.) Bills rendered which are based on incorrect registrations due to improper meter connections, the application of an improper meter constant, improper application of any rate schedule not selected by customer, or similar reasons, shall be subject to adjustment for the current and twenty-four (24) prior billing periods, as can be substantiated by Company records.
- \*\* e. "Average meter error" shall be determined in accordance with provisions set forth in rules of the Missouri Public Service Commission.
- \*\*\* f. No corrections to metering data for meter error shall extend beyond the in-service date of the meter discovered to be in error, nor shall any correction be required to extend beyond the date upon which the current customer first occupied the premises at which the error is discovered.

H. Change of Rate

1. The rate selected by customer and specified by contract for service (if a written contract is required) shall be applied to customer's account for a period of not less than one year

\*Indicates Change. \*\*Indicates Reissue. \*\*\*Indicates Addition.

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