

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

Thomas A. Tompkins,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. EC-2004-0254</u>
)	
Union Electric Company,)	
d/b/a AmerenUE)	
)	
Respondent.)	

**UNION ELECTRIC COMPANY, d/b/a AMERENUE'S
ANSWER TO COMPLAINT**

Comes Now, Union Electric Company, d/b/a AmerenUE, ("Respondent") by and through its attorneys, and in response to Thomas A. Tompkins Complaint filed December 16, 2003 with the Missouri Public Service Commission ("Commission") states as follows:

- (1) Respondent possesses an easement on certain property located in Cole County, Missouri. Complainant Thomas Tompkins (aka Tompkins Farms) apparently uses property adjacent or near the easement. Complainant damaged a guy wire attached to a utility pole owned by respondent.
- (2) Respondent issued a bill to Complainant for costs associated with the repair and replacement of the damaged facilities. Complainant has objected to those charges as being excessive.
- (3) Respondent provided Complainant with a fair and reasonable invoice, based on a standard flat fee AmerenUE charges for repair costs as a result of damages to Respondent's property caused by Complainant.

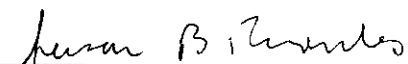
- (4) The Complaint should be dismissed for the reason that this claim is for damage to Respondent's property, and does not involve a dispute regarding electric service, for which the Commission has jurisdiction. Claims for property damage are invoiced separately from customer's utility bill and do not result in termination of electric service if the property damage invoice is not paid.
- (5) Pursuant to Mo. Rev. Stat. §386.250 (1996), the Public Service Commission has jurisdiction over "the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the state" and corporations performing same. The Commission's jurisdiction extends to the establishment of proper rates and determinations related to safety and adequacy of service. The Complaint at issue involves a claim for property damage and, therefore, is outside of the Commission's statutory mandate.

WHEREFORE, for the reasons set forth above, AmerenUE respectfully requests that the Commission dismiss this Complaint.

Dated: January 16, 2004

Respectfully submitted,

Union Electric Company,
d/b/a AmerenUE

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