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

Charles A. Harter,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. EC-99-87</u>
	)	
AmerenUE,	)	
	)	
Respondent.	)	

**ORDER DISMISSING COMPLAINT**

Charles A. Harter (Complainant) filed a formal complaint with the Missouri Public Service Commission on August 31, 1998 against Union Electric Company d/b/a AmerenUE (UE). The complaint alleges that UE is trying to collect an electric bill from Complainant which has been barred by the statute of limitations. Complainant requests that the Commission rule that the statute of limitations has run and that UE is barred from taking any action to collect the debt. Complainant also requested that the Commission order UE "to correct it's (sic) computer program such (sic) that it does not attempt such an unlawful action as this in the future. . . ."

On October 5, 1998, UE filed an Answer wherein UE requested that the Commission dismiss the complaint for failure to state a cause of action. UE's request will be granted.

The complaint violates 4 CSR 240.2070 (5)(E) which states that "The complaint shall contain the following information: . . . The jurisdiction of the commission over the subject matter of the

complaint. . . ." (Emphasis supplied.) The complaint is silent as to this requirement. Without that information, Complainant has given the Commission nothing to decide. The Commission has no jurisdiction over the subject matter of the complaint.

In any event, the Commission is not a court and has no judicial powers. "The Public Service Commission is an administrative body only, and not a court, and hence the commission has no power to exercise or perform a judicial function, or to promulgate an order requiring a pecuniary reparation or refund." State ex rel. Laundry, Inc. v. Public Service Commission, 34 S.W.2d 37, 46; Straube v. Bowling Green Gas Co., 227 S.W.2d 666, 668, 18 A.L.R.2d 1335. "The commission has no power to declare or enforce any principle of law or equity . . . and as a result it cannot determine damages or award pecuniary relief." American Petroleum Exchange v. Public Service Commission, 172 S.W.2d 952, 954, 955; Board of Public Works of Rolla v. Sho-Me Power Corp., 244 S.W.2d 55, 59; Consumers Public Service Co. v. Public Service Comm., 180 S.W.2d 40; State ex rel. Missouri Pacific R. Co. v. Public Service Commission, 259 S.W. 445. Since the Commission is not a court, it "has neither the power to construe contracts, nor to enforce them." State ex rel. Washington University v. Public Service Commission, 272 S.W. 971, 972. See also May Department Stores Co. v. Union Electric Light & Power Co., 107 S.W.2d 41, 49; Kansas City Light & Power Co. v. Midland Realty Co., 93 S.W.2d 954, 959; State ex rel. Gehrs v. Public Service Commission, 114 S.W.2d 161, 165. It "has no authority to adjudicate and determine individual or personal rights . . . because under the Constitution the

Legislature has no power or authority to invest such Commission with judicial powers." State ex rel. Rutledge v. Public Service Commission, 289 S.W. 785, 787; State ex rel. Consumers Public Service Co. v. Public Service Commission, 180 S.W.2d 40, 44. See also State ex rel. Barvick, v. Public Service Comm'n, 606 S.W.2d 474 (Mo. App. 1980).

**IT IS THEREFORE ORDERED:**

1. That because the Commission is without jurisdiction to award the relief sought by the Complainant, Union Electric Company d/b/a AmerenUE's request that the complaint be dismissed for failure to state a claim is granted.

2. That the formal complaint filed by Charles A. Harter is hereby dismissed.

3. That this order shall become effective on February 26, 1999.

4. That this case may be closed on February 27, 1999.

**BY THE COMMISSION**



**Dale H. Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority  
Pursuant to 4 CSR 240-2.120(1)  
(November 30, 1995) and  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 16th day of February, 1999.