

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 11th day
of August, 2005.

Edward and Patricia Nelson,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-2005-0352</u>
)	
Union Electric Company, d/b/a AmerenUE,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: August 11, 2005

Effective Date: August 21, 2005

On April 5, 2005, Edward and Patricia Nelson filed a complaint with the Missouri Public Service Commission against Union Electric Company, d/b/a AmerenUE. Complainants stated that there is an electric pole on their property that needs to be moved. The dispute was whether AmerenUE or Complainants should incur the cost.

On June 16, 2005, the Staff of the Commission filed a report. Staff informed the Commission that Ameren's tariff is as follows:

Company may, at its sole discretion, upon customer's request, relocate any distribution facilities providing service to customer and/or other parties to a right-of-way acceptable to Company, on or off customer's premises, following the payment by customer for the Company's total estimated cost of said relocations.

Staff further stated that the scope of the work and the estimated cost of moving the pole was reasonable.

In light of Staff's report, the Commission issued an Order on June 22, 2005, directing Complainants to file a pleading or a letter stating why the case should not be dismissed. Complainants were to have responded to the Commission's order no later than July 1, 2005. Complainants, however, did not respond to the Commission's order. The Commission then issued a second Order on July 27, 2005, informing Complainants that the complaint may be dismissed if Complainants fail to respond to the Commission's Order. Complainants were again directed to file, no later than August 5, 2005, a statement of why the complaint should not be dismissed. Complainants did not respond to the Commission's order.

Commission rule 4 CSR 240-2.116(3) states that a party may be dismissed from a case for failure to comply with any order issued by the Commission. Complainants have failed to respond to a Commission order on two occasions. The Commission will therefore dismiss this complaint.

IT IS THEREFORE ORDERED:

1. That the complaint filed on April 5, 2005, by Edward and Patricia Nelson against Union Electric Company, d/b/a AmerenUE, is dismissed.

2. That this order shall become effective on August 21, 2005.
3. That this case may be closed on August 22, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Jones, Regulatory Law Judge