

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

Peter B. Howard,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. EC-2008-0329</u></b>
	)	
Union Electric Company d/b/a	)	
AmerenUE,	)	
	)	
Respondent.	)	

**NOTICE OF COMPLAINT**

Issue Date: April 16, 2008

Union Electric Company d/b/a AmerenUE  
1901 Chouteau Avenue  
P.O. Box 66149, Mail Code 1310  
St. Louis, Missouri 63166-6149

**CERTIFIED MAIL**

On April 9, 2008, Complainant Peter B. Howard filed a formal complaint with the Missouri Public Service Commission against Respondent Union Electric Company d/b/a AmerenUE ("AmerenUE"), a copy of which is enclosed. Under Commission Rule 4 CSR 240-2.070(7), Respondent shall have 30 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied. Since this notice is being issued on April 16, 2008, AmerenUE's response is due no later than May 16, 2008.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling period has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (including the answer, the notice of satisfaction of complaint, or request for mediation) shall be mailed to:

Secretary of the Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

A copy of such pleadings shall be served upon the Complainant at his home address as listed within the enclosed complaint. A copy of this notice has been mailed to the Complainant.

**BY THE COMMISSION**

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

Colleen M. Dale  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 16th day of April, 2008.

Lane, Regulatory Law Judge

Copy to: Peter B. Howard  
4453 Athlone  
St. Louis, Missouri 63115

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE  
STATE OF MISSOURI

FILED  
April 9, 2008  
Data Center  
Missouri Public  
Service Commission

Name: PETER B. HOWARD  
Complainant

vs.

Case No.

Company Name: AMEREN UE  
Respondent

COMPLAINT

Complainant resides at 4453 ATHLONE  
(address of complainant)

ST. LOUIS, MISSOURI, 63115

1. Respondent, AMEREN UE, P. O. Box 66529,  
(company name)  
of ST. LOUIS, MO, 63166-6529, is a public utility under the  
(location of company)

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

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

Enclosed, you will find the original letter (Exhibit A) sent to me by Ameren UE on February 6th 2008. In this letter, the company alleges that the meter transmitting device at 411 Mattitt effectively stopped transmitting correct readings shortly after January 25th, 2007. Subsequently, according to the company's response to your inquiries, the relevant period of nontransmittal became July 23rd, 2006 or August 23rd 2006. This aforementioned information, seems to outright "impeach" the credibility of the company's previous statements.

Concerning the relevant period of time, the nontransmittals began to occur. Additionally, the structure is uninhabited, with the exception of two canines who are primarily outdoor dwellers and do not consume much electricity.

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

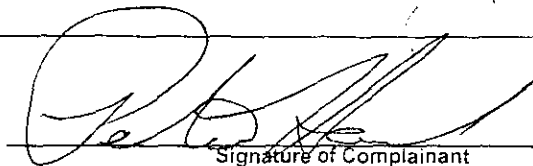
MADE REPEATED REQUESTS FOR THE BILLING (MONTHLY) STATEMENTS OVER THE PAST SIX (6) YEARS REGARDING THE RESIDENCE AT 4111 MAFFITT, ST. LOUIS, MISSOURI, 63113. SUCH REQUESTS HAVE GONE UNHEEDED. ADDITIONALLY, COMPLAINANT HAS CONTACTED THE COMPANY NUMEROUS TIMES BUT HAS BEEN PUT ON HOLD OR DISCONNECTED THROUGH NO FAULT OF HIS OWN. I HAVE ATTEMPTED TO EXPLAIN TO THE COMPANY THAT ABSENT ELECTRICAL THEFT BY THE NEIGHBORS, OR MAJOR APPLIANCE USAGE, THERE IS NO JUSTIFICATION FOR SENDING INFLATED BILLS TO THIS RESIDENCE. FURTHERMORE, I BELIEVE THIS TO BE A Liable ATTEMPT BY THE COMPANY TO APPORTION UNFORESEEN EXPENSES (TUM SUNK SETTLEMENTS, COST OF BURYING LINES AND TRIMMING TREE BRANCHES FROM LINES) ONTO THE UNWARY CONSUMERS.

WHEREFORE, Complainant now requests the following relief:

THAT THE ELECTRIC USAGE BE DOWNWARDLY ADJUSTED TO REFLECT ACTUAL USAGE OF AN UNOCCUPIED RESIDENCE, and for such other. This Agency seems PROPER AND JUST UNDER THE CIRCUMSTANCES, including ordering the newly installed Jack rabbit meter removed immediately.

03-31-2008

Date



Signature of Complainant

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

Peter Howard  
4111 Maffitt  
Saint Louis, MO 63113

43871-07125

Average monthly usage for the  
past 6 years.

Actual			Corrected		
Reading Date	kwhs Used	Bill Amount	Reading Date	kwhs Used	Bill Amount
7/21/2005	265	\$28.65	7/25/2007	1,584	\$138.08
8/21/2005	264	\$28.56	8/23/2007	1,530	\$133.78
9/20/2005	271	\$29.11	9/24/2007	1,689	\$146.90
10/19/2005	273	\$22.97	10/23/2007	1,530	\$82.17
11/20/2005	879	<del>\$54.81</del>	11/23/2007	1,636	\$86.34
12/20/2005	2,335	<del>\$110.32</del>	12/26/2007	1,741	\$90.48
1/23/2006	2,252	<del>\$107.16</del>	1/28/2008	1,742	\$90.52
2/21/2006	2,139	<del>\$102.85</del>	2/23/2007	1,530	\$79.64
3/22/2006	1,675	<del>\$85.17</del>	3/26/2007	1,636	\$83.68
4/20/2006	994	<del>\$59.20</del>	4/25/2007	1,583	\$81.66
5/21/2006	545	\$38.32	5/24/2007	1,531	\$79.67
6/20/2006	359	\$36.13	6/25/2007	1,688	\$145.16
Total:	12,251	\$703.25	Total:	19,420	\$1,238.08

These amounts reflect a doubling or tripling of previous monthly bills not paid (delinquent). I have never received (and rightly so) a monthly bill over Fifty Dollars (\$50.00).

Exhibit A

February 6, 2008

PETER B HOWARD  
4111 MAFFITT AVE  
SAINT LOUIS, MO 63113



Account Number: 43871-07125

Dear Customer:

Enclosed is a corrected bill covering service from 1/25/07 to 1/28/08. This bill includes an adjustment made to your previously billed usage.

Our records indicate that shortly after 1/25/07 the device that transmits readings from your meter stopped transmitting correct readings. Service personnel recently obtained an accurate manual reading from the meter. The enclosed bill includes an adjustment using the manual reading to correct previous bills as well as current charges.

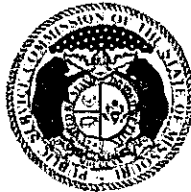
Your meter will be changed in the near future. No action is required on your part.

Our intention is always to provide you with dependable service and accurate billing. Should you have any additional questions about your account, or if you would like to make arrangements on the balance due, please do not hesitate to contact us at the AmerenUE hour Customer Contact Center 1-877-726-3736 from 8:00 a.m. to 6:00 p.m. Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Smith", written over the printed name "Customer Service Center".  
Customer Service Center

Exhibit  
B



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

TERRY JARRETT

## *Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

WESS A. HENDERSON  
Executive Director

DANA K. JOYCE  
Director, Administration

ROBERT SCHALLENBERG  
Director, Utility Services

NATELLE DIETRICH  
Director, Utility Operations

COLLEEN M. DALE  
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON  
General Counsel

February 19, 2008

Mr. Peter Howard  
4111 Maffitt  
St. Louis, MO 63113

Dear Mr. Howard:

This letter is a follow up to the complaint you filed February 13, 2008, regarding the adjusted bill you received from AmerenUE (Ameren). After my initial review of your complaint matter, I contacted the company to obtain additional information. Following is a summary of my review of the issues involved in your complaint.

According to Ameren's response, the Automated Meter Reading (AMR) device on your meter stopped working sometime between July 23, 2006 and August 23, 2006. The meter continued to register your usage, but the readings failed to transmit properly; since readings were not received, bills were issued based on estimated readings. The last good reading Ameren received was 76913 on July 23, 2006.

On August 23, 2006 an Ameren technician attempted to retrieve a reading but was unable to do so, because the gate was locked and there was a dog in the yard.

Ameren mailed letters requesting you to contact them to schedule a meter change on October 23, 2006, January 12, 2007, July 16, 2007, October 12, 2007, November 9, 2007, and December 14, 2007.

Ameren attempted to change the meter on October 23, 2006, July 5, 2007, September 13, 2007, October 11, 2007 and December 5, 2007, but was not able to do so because of the locked gate and the dog in the yard.

On January 28, 2008, Ameren mailed a letter to you informing you that your service would be disconnected if you did not contact Ameren and schedule a meter change.

Mr. Peter Howard  
February 19, 2008  
Page 2

On January 29, 2008, Ameren mailed you an estimated bill for \$12.35; this bill reflected a reading of 78849 on January 28, 2008. Ameren states you contacted them on January 29, 2008 and scheduled a meter changed for February 1, 2008. The meter was changed on February 1, 2008. When the meter was changed, a reading of 97252 was obtained (a difference of 18,403 kwh from the previous reading of 78849). This reading indicates the previous estimates were too low.

On February 11, 2008, a corrected bill for \$1,075.30 was mailed. This bill reflected charges of \$1,238.08 for service from January 28, 2007 to January 28, 2008; and a credit of \$162.78. The credit of \$162.78 is for payments received from January 28, 2007 to January 8, 2008 (the bill for \$12.35 that was mailed on January 29, 2008 had not been paid yet).

Ameren compared the adjustment to the most recent twelve (12) months of actual bills and found a difference of \$534.83. Ameren has agreed to credit your account \$534.83; even though you repeatedly ignored their requests to change the meter.

I have enclosed a copy of the Commission's rule and Ameren's approved tariff relating to billing adjustments for your review.

This concludes our investigation of your informal complaint. Receipt of this letter serves as your notice of closure into this matter. If you are dissatisfied with the resolution, it is our responsibility to advise you that under Commission rule 4 CSR 240-13.070 (4), you may file a formal complaint.

For your convenience, please contact us within 31 days from the date of this letter to request a formal complaint packet. The formal complaint process is a quasi-judicial process similar to a civil court hearing, whereby all parties are responsible for presenting their facts to the Commission.

I hope that I have been able to address your concerns. Thank you for contacting our office regarding this matter. If I can assist you further in any way, please do not hesitate to contact me at 1-800-392-4211.

Sincerely,



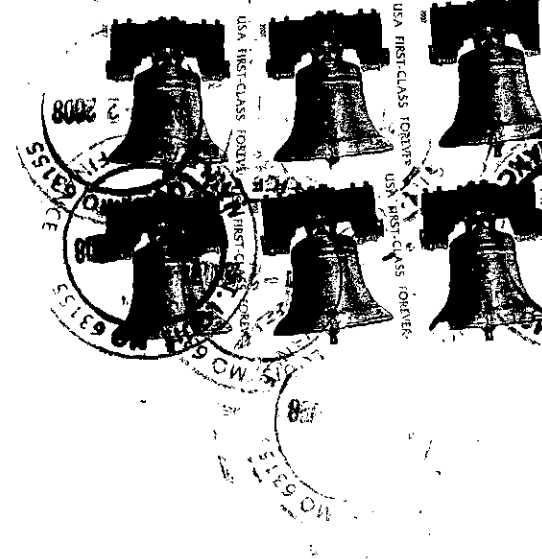
Pam Craig  
Consumer Specialist II  
Missouri Public Service Commission

Enclosure



PETER B. HOWARD  
4453 ATHLONE  
ST. LOUIS, MO 63115

MISSOURI PUBLIC SERVICE  
COMMISSION  
P.O. BOX 360  
JEFFERSON CITY, MO 65102





**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

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**Information Sheet Regarding Mediation of Commission Formal Complaint Cases**

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale  
Secretary