

**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.	)	

**ORDER SETTING PREHEARING CONFERENCE AND DIRECTING**  
**FILING OF A PROPOSED PROCEDURAL SCHEDULE**

Issue Date: June 18, 2008

Effective Date: June 18, 2008

Peter B. Howard filed a formal complaint against Union Electric Company d/b/a AmerenUE ("AmerenUE") on April 9, 2008,<sup>1</sup> in which he alleged that the company had overbilled him and afforded him poor customer service. On April 16, the Commission notified AmerenUE of the complaint and allowed it thirty days in which to answer as provided by Commission Rule 4 CSR 240-2.070(7). On the same day, the Commission ordered Staff to investigate the complaint and to file a report concerning the results of its investigation no later than two weeks after AmerenUE filed its answer.

On May 16, AmerenUE timely filed its answer to the complaint (in which the company denied charging Mr. Howard for any electricity other than that which was actually used and also denied that it had received but ignored his alleged multiple requests for

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<sup>1</sup> Unless otherwise specified, all dates throughout this order refer to the year 2008.

historical billing information), so Staff's report became due on May 30. On May 27, Staff filed its Motion for Extension of Time to Complete Investigation and File Report, in which Staff requested that the Commission extend the due date for Staff's report from May 30 to June 11. The Commission granted Staff's motion by order dated May 29. On June 3, Mr. Howard filed his "Answer to Respondent's Answer" and AmerenUE filed a brief response thereto. Finally, on June 10, Staff timely filed its report and recommendation, in which Staff reported that it found no evidence to corroborate Mr. Howard's allegations regarding overbilling and bad customer service and recommended that his complaint be dismissed.

This matter is now at issue and a prehearing conference is appropriate to ensure its prompt resolution. In part, a prehearing conference is designed to permit the parties to pursue settlement discussions and to identify all remaining procedural or substantive matters of concern prior to the formal disposition of the issues in the case.<sup>2</sup> In addition, a prehearing conference offers the parties a valuable opportunity to attempt to resolve their differences by agreeing to voluntary mediation of their dispute. The parties shall jointly file a proposed procedural schedule within ten days after the prehearing conference.

The Commission reminds the parties that this prehearing conference is *not an evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from this prehearing conference.<sup>3</sup> However, all parties are required to be present for the prehearing conference, and a court reporter will be present to make a record of the parties that appear. **Parties must arrive in person or appear by telephone at or before the scheduled starting time of 9:00 a.m. in order to participate.** Pursuant to Commission

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<sup>2</sup> See Commission Rule 4 CSR 240-2.090(6).

<sup>3</sup> Also, under Commission Rule 4 CSR 240-2.090(7), any facts the parties may discuss during the conference, including any settlement offers or discussions, are privileged and cannot be used against any participating party unless the parties agree to disclose them or they are fully supported by other, independent evidence.

Rule 4 CSR 240-2.090(5), "Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown."

The Commission further advises the parties that arriving late to a prehearing conference is the equivalent of failing to appear. Parties are expected to appear at scheduled hearings on time, or to advise the Commission of their need to appear late or to timely request a continuance. If a party fails to meet those obligations, that party may be dismissed and the Commission may rule in favor of an opposing party. This is why the Commission issues advance notice of all hearings and conferences and extends various opportunities prior to any scheduled event for the parties to appear by phone or request a continuance.

**IT IS ORDERED THAT:**

1. The parties shall appear at a prehearing conference to be held on June 30, 2008, beginning at 9:00 a.m. The prehearing conference will be held in Room 310 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-751-7485 no later than June 25, 2008.

3. Any party wishing to request a continuance shall file a pleading with the Commission stating why they are unable to attend the scheduled prehearing conference on June 30, 2008, either in person or by phone, and shall provide the Commission with a list of dates when that party is available to appear. Any such pleading shall be filed no later than June 25, 2008, and shall also be served on every other party to this complaint by the party requesting the continuance.

4. The parties shall jointly prepare and file a proposed procedural schedule no later than July 10, 2008.

5. This order shall become effective on June 18, 2008.

**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 )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18th day of June, 2008.