

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 5th
day of January, 1993.

Paul and Valerie Cattorn,)	
)	
Complainants,)	
)	
vs.)	<u>CASE NO. EC-93-179</u>
)	
Union Electric Co. of)	
Cape Girardeau, MO,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

On December 4, 1992, Paul and Valerie Cattorn (Complainants) filed a complaint against Union Electric Company of Cape Girardeau, Missouri (Respondent) alleging that Respondent credited a payment of \$71.73 as an assignment payment relating to budget billing, rather than as a cash payment. Upon a review of the complaint and various exhibits, including a billing and payment schedule, the Commission finds pursuant to 4 CSR 240-2.070(6) that the complaint should be dismissed for failure to state facts upon which relief can be granted.

Complainants agreed, and there is no allegation to the contrary, that their November 13, 1991 bill was correct. This bill showed current charges of \$71.83, late pay charges of \$3.89, and arrearages of \$259.41, for a total account balance of \$335.13.

On November 22, 1991, Complainants made a payment of \$50. This payment reduced the total account balance to \$285.13. On December 9, 1991, Complainants made a cash payment in the amount of \$71.73. This payment reduced the total account balance to \$213.40.

At the time of Respondent's next billing date, December 13, 1991, Respondent placed Complainants on a budget billing system. The purpose of budget

billing is to estimate the amount of electricity a customer will use in a year, and then divide that amount into twelve equal monthly payments, so that the customer is not faced with very high bills during one part of the year, and lower bills during the other part of the year. Under this system, Complainants were to be billed \$79 a month. This amount did not include the prior unpaid account balance. Thus, the November 22nd payment of \$50 and the December 9th payment of \$71.73 were both applied to reduce the total account balance of \$335.13 shown on the November 13, 1992 bill.

The two payments mentioned above totalled \$121.73, and brought the total account balance down from \$335.13 to \$213.40. On the next billing date, December 13, 1991, Complainants had a total account balance of \$213.40. Added to this amount was the \$79 budget billing amount for that billing month, plus \$.34 in late pay charges, for a total bill of \$292.74.

Complainants' request for relief asks that "U.E. [Respondent] credit the \$71.73 as a cash payment instead of a [sic] assignment payment, and therefore set right all figures from that point to the present, including adjustments to all late charges to coincide with the new figures...." However, there is no indication that Respondent's treatment of the \$71.73 payment resulted in any "wrong" figures, or that the late charges were inaccurate as a result. After the Complainants were put on budget billing, the \$71.73 was placed in the budget bank. This amount was then applied to pay off a portion of the \$335.13 November bill which still remained unpaid after crediting Complainants with the \$50 payment made on November 22, 1991. During this period the late pay charges dropped from \$3.89 in November of 1991 to \$.34 in December of 1991. Apparently part of the \$50 payment or \$71.73 payment was used to pay off the November late pay charges of \$3.89. The \$.34 in late pay charges for the month of November was appropriate because there remained an outstanding unpaid balance on Complainants' account.

Whether Respondent credited Complainants with the \$71.73 payment as of December 9, 1991, the day it was paid, or as of December 13, 1991, the next billing date, and whether the payment was labelled a "cash payment", "assignment payment" or "budget billing payment" did not affect the accuracy of Complainants' subsequent billing by Respondents. For example, if the \$71.73 had been specifically applied toward the November charges of \$71.83, Complainants would still have owed \$213.40 in December as their outstanding unpaid balance, not including the December \$79 budget billing amount. [\$.10 unpaid from the November charges, + \$3.89 unpaid in late pay charges, + \$209.41 in unpaid arrearages (\$259.41 - \$50 payment = \$209.41) = \$213.40.]

Having considered this matter, the Commission finds and concludes that it is appropriate to dismiss this complaint. The complaint states no facts upon which relief can be granted. As stated above, if the Commission were to order Respondent to label the \$71.73 payment as a cash payment, it would have no effect on Complainants' liability to Respondent. The Commission can perceive no damage to Complainants, and will not order a useless act.

Complainants also ask in their prayer for relief that a specific official of Respondent officially apologize to them. It is beyond the scope of the Commission's authority to order such an apology. This is a matter solely between Respondent and Complainants.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Paul and Valerie Cattorn on December 4, 1992, is hereby dismissed pursuant to 4 CSR 240-2.070(6).

2. That this order shall become effective on January 15, 1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC., Concur.