

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

Richard D. Smith,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. EC-2007-0106</u></b>
	)	
Union Electric Company d/b/a	)	
AmerenUE,	)	
	)	
Respondent.	)	

**ORDER GRANTING MOTION TO ACCEPT REPORT ON FIRST  
MILESTONE OUT OF TIME AND CLOSING CASE**

Issue Date: August 7, 2007

Effective Date: August 7, 2007

On September 19, 2006, Richard D. Smith filed a complaint with the Commission against Union Electric Company d/b/a AmerenUE ("AmerenUE"). The gravaman of the complaint related to Mr. Smith experiencing frequent outages and interruptions in his electric service. On February 14, 2007, the Commission's staff filed a "Joint Report of the Parties After Technical Conference." The parties jointly agreed that AmerenUE would commit to certain milestones to improve service to Mr. Smith. Those milestones included completion of a substation and reconductoring of certain lines. The time line for these milestones is as follows:

- June 1, 2007 - New 161kv/25kv Belgrade substation completed;
- September 1, 2007 - Existing single phase line from Younkers Road to John Smith Road rebuilt;

- September 1, 2007 – Installation of fuses at Mr. Smith’s property or near the end of the line serving Mr. Smith, if determined beneficial;
- December 1, 2007 - Two miles of existing 25kv circuit north of the new Belgrade substation and four miles of existing 25kv circuit south of the new Belgrade substation reconducted with 556 all aluminum conductor; and,
- December 1, 2008 – Report on outages at Mr. Smith’s residence for the previous 12 months.

The Parties further agreed that within five days of each date listed above, AmerenUE would file with the Commission a report stating whether or not it met the projected completion date for that milestone and, if not, when AmerenUE expected that milestone to be completed. For any missed completion dates, AmerenUE was directed to file a supplemental report within five days of the actual completion date of that milestone.

On February 27, 2007, the Commission issued an order adopting the parties’ plan as the unanimous resolution to the complaint and instructed the parties to comply with the terms of their agreement. On July 27, 2007, AmerenUE filed its “Report on First Milestone and Motion to Accept Out of Time.” In its pleading, AmerenUE stated that the Belgrade substation has been completed and was energized on June 28, 2007. AmerenUE further states that there was a delay in its completion related to a delay in receiving necessary equipment and materials. Finally, AmerenUE requested that the Commission accept its Milestone Report out of time because the press of other business resulted in it missing the June 1, 2007 deadline for the report.

On July 30, 2007, the Commission issued an order establishing a time to respond to AmerenUE’s Motion. No party filed a response. The Commission finds AmerenUE’s motion to accept its first Milestone Report out of time reasonable and will grant the unopposed motion. The Commission will also, once again, close this case finding that no

additional action needs to be taken by the Commission until the next Milestone Report is filed by AmerenUE.

As was noted in previous orders in this matter, because it is not the policy of this Commission to keep complaint cases open on the Commission's docket indefinitely, and because the parties unanimously agreed to and requested the milestone report method as the best method to resolve Mr. Smith's complaint, the Commission adopted the parties' agreement as the resolution of Mr. Smith's complaint and ordered the case to be closed. The Commission emphasized then, and repeats again, that the designation of closing the case from the Commission's docket is merely a ministerial act that does not in any way preclude any party from future filings that would update the status of this case or revive the complaint should any party become dissatisfied with the progression of the joint solution that was adopted.

Each subsequent filing under this case number serves to alert the assigned Regulatory Law Judge, as well as the Chief Regulatory Law Judge, of every action in this matter, *i.e.* supplying the necessary oversight required by the Regulatory Law Judge. Nor does designating the case as being closed in any way preclude additional active oversight by Mr. Smith, the Commission's Staff or OPC, all of whom need only file a single pleading under this case number with the Commission to reactivate the complaint process.

**IT IS ORDERED THAT:**

1. Union Electric Company d/b/a AmerenUE's Motion to Accept Out of Time its Report on First Milestone is granted.
2. Union Electric Company d/b/a AmerenUE's Report on First Milestone is accepted and deemed filed in this matter.

3. This order shall become effective on August 7, 2007.
4. This case shall be closed August 8, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 7th day of August, 2007.