

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

Jimmie E. Small,	)	
Complainant,	)	
	)	
vs.	)	Case No: EC-2012-0050
	)	
Union Electric Company, d/b/a	)	
Ameren Missouri,	)	
Respondent.	)	

**AMEREN MISSOURI’S RESPONSE TO  
COMPLAINANT’S “RULE 44.01 MOTION FOR ENLARGEMENT OF TIME TO FILE  
HIS AMEDED [sic] COMPLAINT, PLUS REQUEST FOR PRE-HEARING  
CONFERENCE” AND AMEREN MISSOURI’S REQUEST FOR FEBRUARY 11, 2013  
PRE-HEARING CONFERENCE**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), and for its Response to Complainant’s “Rule 44.01 Motion For Enlargement Of Time To File His Ameded [Sic] Complaint, Plus Request For Pre-Hearing Conference” (“Complainant’s Motion”) and Request for February 11, 2013 Pre-hearing Conference, states:

1. Complainant’s Motion states at paragraph 2 that, “[t]he parties of record, have mutually agreed to complete certain depositions of Respondent employees without the necessity of Subpoean [sic] process.” This is a gross misstatement of the status of the parties’ communications regarding depositions.

2. Ameren Missouri agreed to gather available dates for the deposition of Cathy Hart, and provided those dates to Complainant by letter to Complainant dated January 24, 2013 (“Ameren’s Letter”).

3. Complainant responded by letter dated January 25, 2013 (“Complainant’s Letter”). For reasons unknown to Ameren Missouri, Complainant filed Complainant’s Letter, and Ameren’s Letter, with the Commission on January 29<sup>th</sup>, 2013.

4. Complainant’s Letter erroneously represents that the parties agreed that Complainant would depose “Ms. Sweat, Utility Manager” and “Michael Horn, Supervisor, Credit Collections” on February 11, 2013. A review of Ameren’s Letter makes clear that Complainant had not yet requested to depose such persons, Ameren Missouri did not agree to produce such persons for deposition and likewise did not provide February 11, 2013, as an available date for such depositions.

5. Counsel for Ameren Missouri attempted to contact Complainant upon receipt of Complainant’s Letter to discuss these matters, but was unable to reach Complainant at the St. Louis-area phone number Complainant provided to said counsel on January 23, 2013.

6. Given the current situation, Ameren Missouri respectfully requests a pre-hearing conference on February 11<sup>th</sup> (a date which appears to be available for Complainant), or such other date thereafter as is convenient for the Commission, but in any event to be held in advance of any depositions by Complainant, to take up all pending discovery matters in this Complaint.

WHEREFORE, Ameren Missouri respectfully requests that the Commission order a pre-hearing conference on all pending discovery matters, and requests that the parties be allowed to participate in such conference via telephone.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Response to Complainant's "Rule 44.01 Motion For Enlargement Of Time To File His Ameded [Sic] Complaint, Plus Request For Pre-Hearing Conference" ("Complainant's Motion") and Ameren Missouri's Request for February 11<sup>th</sup>, 2013 Pre-hearing Conference, this 30<sup>th</sup> day of January, 2013.

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