

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

Zoltek Corporation,)

Complainant,)

vs.)

Case No. EC-2001-345

Union Electric Company,)

d/b/a AmerenUE,)

Respondent. 1

**COMPLAINANT'S PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

COMES NOW Complainant, Zoltek Corporation, and for its Proposed Findings of Fact and Conclusions of Law, states as follows:

Findings of Fact

- I. Zoltek Corporation is a Missouri Corporation with its world headquarters in Maryland Heights, Missouri.
2. Zoltek Corporation is a high-tech manufacturer of carbon fiber products.
3. Zoltek Corporation has a manufacturing plant at the Missouri Research Park in Weldon Spring, Missouri, at which it produces carbon fiber materials.
4. Union Electric Company has provided the electrical service to the Missouri Research Park since 1988 and continues to do so at this time.
5. The Missouri Research Park is owned and operated by the University of Missouri.
6. The University of Missouri and Union Electric Company entered into an agreement in 1988 regarding the electrical service to the Missouri Research Park.

7. Paragraph 1 of the 1988 agreement provides in pertinent part that "[t]he service will be looped to provide a more reliable system to serve the University's tenants."
8. The reliability of the electrical service to the Missouri Research Park was contemplated by the parties to the 1988 agreement.
9. Zoltek Corporation's Missouri Research Park facility was constructed in 1991-1992 and became operational in 1992.
10. Zoltek Corporation's manufacturing process is reliant on safe, adequate and reliable electrical service.
11. Zoltek Corporation has experienced over 270 service quality incidents at its Missouri Research Park facility since 1993.
12. The interruption of electrical service to Zoltek Corporation at its Missouri Research Park facility may cause and has caused significant losses of production and raw material, an increase in labor costs and a serious safety risk.
13. Monitoring was performed at Zoltek Corporation's Missouri Research Park facility in 1993, 1994, 1997 and 2000 by Union Electric and others.
14. 27 incidents were recorded between 1993 and 2000 in which the voltage in excess of 11 % below the nominal voltage.
15. During the 2000 monitoring, Union Electric recorded voltage drops of 15%, 17%, 20% and 35% from the nominal voltage level.

Conclusions of Law

1. The Public Service Commission has jurisdiction over the issues related to the safety, adequacy and reliability of the electrical service provided by Union Electric to Zoltek at Zoltek's Missouri Research Park facility.
2. The Public Service Commission does not have jurisdiction over any contractual issues that may exist as a result of any representations made by Union Electric to Zoltek Corporation and/or the University of Missouri and the 1988 agreement between Union Electric and the University of Missouri.
3. The electrical service provided to Zoltek at its Missouri Research Park facility was not safe, adequate and/or reliable in 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and 2001.
4. Union Electric has violated 4 CSR 240-10(23)(d) in 1993, 1994, 1997, and 2000.
5. This matter is remanded to the St. Louis City Circuit Court for further consideration and for proceedings related to any outstanding contractual issues.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed first-class, postage prepaid, this 28th day of May, 2002 to:

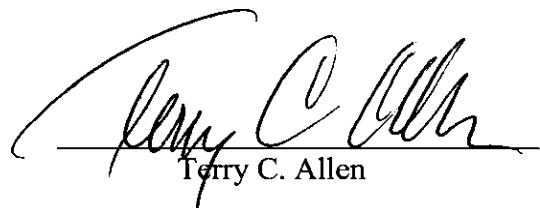
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