

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

| | | |
|------------------------------|---|-------------------------------------|
| Raymond Joseph Freeman, III, |) | |
| |) | |
| Complainant, |) | |
| |) | <u>Case No. EC-2009-0048</u> |
| v. |) | |
| |) | |
| Union Electric Company, |) | |
| d/b/a AmerenUE, |) | |
| |) | |
| Respondent. |) | |

REPORT OF STAFF INVESTIGATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and
for its report of investigation states as follows:

1. On August 15, 2008, Raymond Joseph Freeman, III (Mr. Freeman or Complainant), filed a formal Complaint with the Missouri Public Service Commission (Commission) against Union Electric Company, d/b/a AmerenUE (AmerenUE or Company).

2. In his Complaint, Mr. Freeman asserts several allegations against AmerenUE concerning the disconnection of his services and the methods by which AmerenUE structures its rates.

3. On August 19, 2008 the Commission ordered a Notice of Complaint and Order Directing Staff Investigation, directing Staff to file a report of investigation no later than October 8, 2008.

4. On September 18, 2008, AmerenUE filed an Answer and Motion To Dismiss, denying any wrongdoing under Missouri law or Commission Rules and requesting that the Commission issue an Order dismissing the Complaint.

5. In investigating this Complaint, Staff examined the formal Complaint, Commission Rules, and AmerenUE's tariffs under applicable law.

6. Staff attempted to contact Mr. Freeman by telephone on September 24, 2008, but found that the number was no longer in service.

7. In the attached Memorandum, labeled Appendix A, Staff reports that Mr. Freeman has not alleged any violations of Missouri Statutes, Commission Rules, or AmerenUE's tariff, and that Staff is unable to find any violations thereof.

WHEREFORE, Staff recommends the Commission issue an Order finding that AmerenUE has not violated any provision of the Missouri Statutes, Commission Rules, or the Company's tariff.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

Attorney for the Staff of the
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of October, 2008.

/s/ Eric Dearmont

MEMORANDUM

TO: Missouri Public Service Commission Official Case File No. EC-2009-0048,
Union Electric Company d/b/a AmerenUE

FROM: Tom Imhoff, Energy Department - Tariffs/Rate Design

/s/ Thomas M. Imhoff 10/07/08
Energy Department/Date

/s/ Eric Dearmont 10/07/08
General Counsel's Office/Date

SUBJECT: Staff Recommendation on Raymond Joseph Freeman, III vs. Union Electric Company
d/b/a AmerenUE

DATE: October 7, 2008

On August 15, 2008, Raymond Joseph Freeman, III (Complainant or Mr. Freeman), a customer of Union Electric Company d/b/a AmerenUE (AmerenUE or Company) of St. Louis, Missouri, filed a complaint against AmerenUE. On August 19, 2008, the Missouri Public Service Commission (Commission) issued a Notice of Complaint and Order Directing Staff Investigation, directing the Staff of the Commission (Staff) to file its recommendation in this case no later than October 8, 2008. On September 18, 2008, AmerenUE filed its Answer to and Motion to Dismiss Complaint.

In his Complaint, Mr. Freeman alleges the following:

- AmerenUE spoke of disconnecting him for an amount of less than \$100
- AmerenUE must stop billing summer and winter rates
- AmerenUE must find a third rate between the two for April, May, October and November

Staff addressed each allegation in its investigation. The results are as follows:

- AmerenUE spoke of disconnecting him for an amount of less than \$100
-

Section 386.250 (6) gives the Commission authority to adopt rules “as are supported by evidence as to reasonableness and which prescribe the conditions of rendering public utility service, **disconnecting** or refusing to reconnect public utility service and billing for public utility service” [emphasis added].

Disconnections are covered under 4 CSR 240-13.050 of the Commission’s rules. Section (1) of this rule states: “Service may be discontinued for any of the following reasons: (A) Nonpayment of an undisputed delinquent charge.” The rule goes on to state other reasons for which service may be discontinued, and

reasons for which it may not be discontinued. None appear pertinent to the instant complaint. There is no mention of a minimum amount for which service may be discontinued.

Section VII.A. of AmerenUE's tariff mirrors the language of the rule quoted above [Sheet No. 180]. The tariff makes no mention of a de minimus amount for which a delinquent account will not be discontinued. The Commission's rule makes no mention of a de minimus amount that would preclude a disconnection.

- AmerenUE must stop billing summer and winter rates
- AmerenUE must find a third rate between the two for April, May, October and November

AmerenUE's Residential Service rate schedule lists, in addition to the \$7.25 monthly customer charge, a summer energy charge of \$0.0792 for each kWh. It also lists a winter energy charge of \$0.0562 for the first 750 kWh, and \$0.0378 for all additional kWh. Again, as currently effective Commission approved rates, they are prima facie just and reasonable. The Company must charge the rates identified in its tariff, and can, indeed, charge no other in lieu of those rates. Those rates were properly charged to Mr. Freeman in this case.

Staff attempted to contact Complainant by telephone on September 24, 2008. The number found terminated to a message stating the number had been disconnected or was no longer in service.

Conclusion and Recommendation

Since the Complainant has not alleged any violations of Missouri's statutes, the Commission's rules, or the Company's tariff, and Staff is unable to find any violations thereof, Staff recommends the Commission dismiss the instant complaint for failure to show any cause to prevail against the Company in his complaint.


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| Ray Freeman III, |) | |
| Complainant |) | |
| |) | |
| vs. |) | Case No. EC-2009-0048 |
| |) | |
| Union Electric Company, d/b/a |) | |
| AmerenUE, |) | |
| Respondent |) | |

AFFIDAVIT OF THOMAS M. IMHOFF

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Thomas M. Imhoff, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.



Thomas M. Imhoff

Subscribed and sworn to before me this 17th day of October, 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



Notary Public