

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

Jill C. Beatty,)	
)	
Complainant,)	
)	
vs.)	Case No. EC-2010-0142
)	
Union Electric Company, d/b/a)	
AmerenUE,)	
Respondent.)	

**RESPONDENT’S MOTION FOR ORDER TO SHOW CAUSE AND TO SUSPEND THE
TIME FOR FILING PROPOSED PROCEDURAL SCHEDULE, OR IN THE
ALTERNATIVE TO DISMISS COMPLAINT**

COMES NOW Union Electric Company d/b/a AmerenUE and for its Motion states as follows:

1. On March 1, 2010, Complainant failed to appear at the prehearing conference in this matter.
2. On March 17, 2010, Complainant notified the parties and the Commission that she did desire to pursue her Complaint, and asked that another prehearing conference be set.
3. On April 19, 2010, Senior Regulatory Law Judge Ronald D. Pridgin entered an order (the “Order”) setting a second prehearing conference for May 4, 2010 and ordering the parties to appear in person or by telephone, and advised that failure to appear might result in sanctions, including dismissal from the case.
4. On May 4, 2010, the second prehearing conference convened and was attended in person by Lewis R. Mills, Jr., Office of Public Counsel, Samuel Ritchie, attorney for Staff, and by telephone by Sarah E. Giboney, attorney for AmerenUE. Complainant again failed to appear.
5. Because Complainant did not appear at the second prehearing conference, the parties will remain unable to comply with the that portion of the Order that required the parties to jointly prepare and file a proposed procedural schedule no later than May 11, 2010, and will also be unable to prepare for an evidentiary hearing on the Complaint.

6. 4 CSR 240-2.090(5) allows the Commission to dismiss a party from a case or dismiss a party's complaint for failure to appear at a prehearing conference, unless good cause for the failure to appear is shown.

WHEREFORE, AmerenUE respectfully requests that the Commission issue an order:

- A. 1. requiring Complainant, within such time established by the Commission, to show cause why her Complaint should not be dismissed; and
- 2. indefinitely suspending the time for the parties to jointly prepare and file their proposed procedural schedule until a reasonable time after Complainant has responded to the order to show cause; or, in the alternative
- B. dismissing Complainant's Complaint.

AmerenUE represents to the Commission that it has conferred with Office of Public Counsel and Staff regarding the relief requested in this Motion and their positions are as follows. Staff has consented to the relief requested in the Motion. Office of Public Counsel supports providing Complainant with an opportunity to explain why she did not appear at the second prehearing conference, but does not consent to AmerenUE's alternative request that the Complaint be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was served on the following parties via electronic mail (e-mail) or via regular mail on this 11th day of May, 2010.

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