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FILED

MAR 31 2003

March 28, 2003

Missouri Public Service Commission
Governors Office Building
200 Madison
Jefferson City, MO 65102

Missouri Public
Service Commission

Dear Sir or Madam:

I am enclosing an Application for Variance and a Motion For Expedited Treatment. There is an original and 8 copies for the Commission. I am enclosing a copy to be file stamped and returned to me in the enclosed envelope which is stamped. A copy is being sent to the General counsel of the PSC and to the Public Counsel. Another copy is being sent to the General Counsel for AmerenUE. Please file the enclosed and send me a file stamped copy.

Thank you,



M.P. Bastian

enc.

cc: all counsel

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAR 3 1 2003

Missouri Public
Service Commission

Application of)
)
Restoration St. Louis, Inc.,)
a Missouri corporation, and)
New Lindell Towers, LLC., a)
Missouri limited liability)
company,)
for a variance from) Case No. _____
4 CSR 240-20.050)

APPLICATION FOR EAST LINDELL TOWERS PLACE
AND WEST LINDELL TOWERS PLACE FOR AN EXEMPTION
FROM INDIVIDUAL METERING, OR FOR A VARIANCE

Comes now Restoration St. Louis, Inc. and New Lindell Towers, LLC, and for their Application, states as follows:

1. Restoration St. Louis, Inc. is a Missouri Corporation in good standing. Its principal place of business and mailing address is: Mr. Amrit Gill, Restorations St. Louis, Inc., 3701 Lindell Blvd., 1st Floor, St. Louis, Missouri 63108. Its telephone number is: (314) 446-4526. A copy of the Certificate of Good Standing issued by the Secretary of State is attached hereto as Exhibit A.

2. New Lindell Towers, LLC, holds title to the real property and improvements of East Lindell Towers Place and West Lindell Towers Place, respectively. That entity is a Missouri limited liability company in good standing. Its principal place of business and mailing address is: Mr. Amrit Gill, New Lindell Toers, LLC., 3701 Lindell Blvd., 1st Floor, St. Louis, Missouri 63108. Its telephone number is: (314) 446-4526. A copy of the Certificate of Good Standing issued by the Secretary of State is

attached hereto as Exhibit B.

3. Brief statement of the character of the business performed by the Applicants: Restoration St. Louis, Inc. is a for profit corporation engaged in the real estate development business with an emphasis on rehabilitation of historic structures. The corporation has developed the Coronado Place at 3701 Lindell Blvd., St. Louis, Missouri where it now has its principal office. The corporation is developing and rehabilitating other historic structures in St. Louis including East Lindell Towers Place, 3733 Lindell Blvd. and West Lindell Towers Place at 3745 Lindell Blvd. These two buildings are owned by New Lindell Towers, LLC, and are the subject properties of this Application.

4. The Union Electric Company, d/b/a AmerenUE, is a Missouri corporation in good standing in all respects, with its principal office and place of business located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Missouri Public Service Commission ("Commission").

5. The Applicants' Reasons For Issuance of A Variance:

(A) The Applicants have undertaken considerable efforts and expended large resources towards the acquisition and renovation of East Lindell Towers Place and West Lindell Towers Place which are currently utilized as leased residential apartment units, each are 15 stories tall. These two apartment complexes are adjacent to the campus of St. Louis University at

Spring Avenue and Lindell Blvd. in the City of St. Louis. These two buildings are next door to the Coronado Place apartments located at 3701 Lindell Blvd. which was recently renovated by St. Louis Restorations, Inc., and now being utilized as private residential housing, and rented primarily to St. Louis University students.

(B) The Applicants have requested of AmerenUE that it provide master metering (or one single meter for each building) for a project of renovation of both the East Lindell Towers Place and the West Lindell Towers Place. The two buildings are residential apartment rental units primarily serving as student housing and are currently on a master metering system. The buildings were built circa 1920s (the West building opened in 1928) and prior to June 1, 1981. The planned use of the renovated buildings shall be for approximately 201 residential apartment rental units (91 in West Lindell Tower Place, 110 units in East Tower Place) in a student housing style setting in which it is intended and is being marketed as a student housing building with a single payment for rent, heat, air conditioning, electric, telephone, internet connection and other services. The two buildings are currently close to full occupancy and there is a demand for the planned development of the two buildings. The residential market for this area and these buildings is described as a "transient multiple-occupancy building" due to the occurrence of students and faculty transferring into and out of St. Louis University on a semester basis. Some tenants vacate on short notice and some tenants

arrive on short notice. Individualized metering of any services, be it telephone, water, sewer, natural gas, internet, cable television or electricity is an impediment to marketing such units to the limited public seeking these modes of housing. This project is being made in the context of the development of other residential and commercial properties in the immediate block of Lindell Blvd., including the Coronado Place residence immediately to the east on Lindell Blvd., which consists of 165 residential units marketed to students and certain ground floor commercial units. The intended use complies with 4 CSR 240-20.050(4)(A).

(C) The AmerenUE has stated to the Applicants that PSC regulations, and a specific AmerenUE Tariff, requires individual metering for each residential unit and do not permit master metering for either of the two buildings.

(D) The Applicants have calculated that individualized metering would result in additional expenditures of approximately \$1,500,000.00. A delineation of these costs is not exact at this time, as bids have not been solicited for individualized metering. The developer and the electrical contractor estimate an expenditure of \$500,000.00 for individual metering in each building and an additional \$500,000.00 in equipment and wiring in the West building. The present plans for the East building calls for much more extensive renovations of all systems, including electrical renovations. The additional expenditures are an impediment to the renovation of these two buildings and would deprive the Applicant of a

competitive marketing strategy. The market for residential housing in the particular neighborhood is comprised of students and some faculty of the university. The buildings will each have centralized air conditioning plants on a master electric meter. The buildings are currently supplied heat and hot water by central natural gas plants. Those two heating systems would not be significantly altered in the renovations. If individual meters were installed or if they were currently in place, the marketing strategy would not require the tenants to pay electric bills on the basis of the meter but would remain as an all inclusive single monthly payment. Individualized metering would cause substantial disruptions to the structural components of the buildings, and cause capital improvements far beyond the mere installation of meters and wiring. Once in place, individualized metering would cause undue management expense for monitoring the meters for its transient tenants.

(E) The time considerations are also staggering. The Applicants have a development plan calling for renovation of the East Tower in time for tenants to occupy units for Fall 2004. Installation of single metering and the electrical services entailed for 201 units would set the program back by many months and the delay will disrupt the rental cash flow to such an extent that the project is imperiled from a financial standpoint.

6. Specific Rules from which the Applicants seek relief in the form of a finding, or a variance:

(A) The Applicants seek a finding by the Commission

that the individual metering requirement is not applicable in this case on the ground that the two buildings were constructed prior to June 1, 1981. The Commission's rule, pertaining to master metering of multi-unit buildings, exempts buildings constructed prior to June 1, 1981. Specifically the footings in each building were put in place prior to June 1, 1981. 4 CSR 240-20.050(1)(D).

(B) In the alternative, the Applicants seek a variance from the individual metering requirement on the ground that the intended use is within the exceptions outlined in Commission Rule 4 CSR 240-20.050. The Commission's rules allows for an exception to the individual metering requirement for multiple occupancy buildings. The Rule states that "separate metering will not be required...for transient multiple-occupancy buildings and mobile home parks--for example, hotels, motels, dormitories, rooming houses..." 4 CSR 240-20.050.

(C) In the alternative, the Applicants seek a variance from the AmerenUE Tariff #144, dated 3-17-03, pertaining to non standard service.

7. The Applicant (Restoration St. Louis, Inc.) acceded to the granting of a variance in the Coronado Place renovation which was requested by AmerenUE in case EE 2002 1118. That variance was granted. Order effective 7/7/02. That project was a gut rehabilitation of a building which had stood vacant for 17 years. That facts in that case are similar to the case at issue here except that the extent of renovation is less drastic in this case.

8. The granting of the relief requested herein should not affect any other public utility.

9. All correspondence, communications, and orders and decisions of the Commission are to be sent to the Applicants' legal counsel as designated below.

WHEREFORE, for the foregoing reasons, the Applicants pray for the following relief:

A. A finding that the two buildings at issue were constructed prior to June 1, 1981, and are exempt, by virtue of 4 CSR 240-20.050(1)(D), from the individualized metering requirement of the Commission's Rules or exempt from Tariffs filed by AmerenUE (such as #144), and entering of an Order allowing master metering for the East Lindell Towers Place and West Lindell Towers Place renovation projects in St. Louis, Missouri;

B. A variance from the individual metering requirement of 4 CSR 240-20.050, as exceptions pursuant to 4 CSR 240-20.050(4)(A), to allow master metering for the East Lindell Towers Place and West Lindell Towers Place renovation projects in St. Louis, Missouri;

C. A variance from the individualized metering requirement of the Tariff #144 of AmerenUE to allow master metering for the East Lindell Towers Place and West Lindell Towers Place renovation projects in St. Louis, Missouri;

D. For such other and further relief as may be just and proper.

VERIFICATION

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

I, Michael P. Bastian, an attorney for the Restoration St. Louis, Inc. and New Lindell Towers, LLC, the developer and owner of the Lindell Towers project, do hereby certify that I have read the foregoing document and that the facts stated therein are true and correct to the best of my knowledge, information and belief, and that I am authorized to file such document on behalf of the Applicants.

Michael P. Bastian
MICHAEL P. BASTIAN

Subscribed and sworn to before me this 28th day of March 2003.

William D. England
Notary Public

My Commission expires: August 31, 2004

Respectfully submitted,

David P. Hart
DAVID P. HART #43324
906 Olive Street, PH 8
St. Louis, MO 63101
Tel: (314) 621-4278
Fax: (314) 621-0262

and,

Michael P. Bastian
MICHAEL P. BASTIAN #25815
906 Olive Street, PH 4
St. Louis, MO 63101
Tel: (314) 588-8383
Fax: (314) 621-0262

ATTORNEYS FOR APPLICANTS.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the foregoing was served on the Office of Public Counsel at 200 Madison, Governor's Office Building, Jefferson City, Missouri 65102 and upon Union Electric Company, d/b/a AmerenUE, Managing General Counsel, 1901 Chouteau Ave., P.O. Box 66149 (MC 1310), St. Louis, MO 63166-6149 by U.S. Mail, this 28th day of March, 2003.

Michael P. Bunker

No. 00498495

STATE OF MISSOURI



Matt Blunt
Secretary of State


CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING

I, MATT BLUNT, Secretary of State of the State of Missouri,
do hereby certify that the records in my office and in my
care and custody reveal that
RESTORATION ST. LOUIS, INC.

was incorporated under the laws of this State on the 11th
day of JULY, 2001, and is in good standing, having fully
complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my
hand and imprinted the GREAT SEAL of
the State of Missouri, on this, the
26th day of MARCH, 2003.


Secretary of State



No. LC0047208

STATE OF MISSOURI



Matt Blunt
Secretary of State

CERTIFICATE OF GOOD STANDING

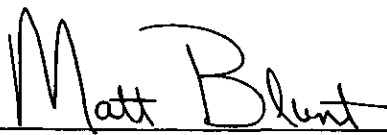
LIMITED LIABILITY COMPANY

I, MATT BLUNT, Secretary of State of the State of Missouri,
do hereby certify that the records in my office
and in my care and custody reveal that

NEW LINDELL TOWERS, LLC

was filed in this office on the 30th day of JANUARY, 2001,
became effective on the 30th day of JANUARY, 2001, and is in
good standing, having fully complied with all requirements
of this office.

IN TESTIMONY WHEREOF, I have set my
hand and imprinted the GREAT SEAL of
the State of Missouri, on this, the
27th day of MARCH, 2003.


Secretary of State

