

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

STERLING MOODY, STERLING'S MARKET
PLACE AND STERLING'S PLACE, I,

Complainants,

v.

AMERENUE, UNION ELECTRIC CO. d/b/a
AMERENUE, and MIKE FOY, LEROY ETTLING,
and SHERRY MOSCHNER, as employees of
AmerenUE,

Respondents.

Case No. EC-2002-112

RESPONDENTS' LIST OF ISSUES

Come now respondents, by and through their attorneys, and submit their List of Issues. The issues in this case are as follows:

1. Does complainant Sterling Moody have standing individually to bring the claims alleged in the Complaint?

2. Can the Public Service Commission award consequential and punitive damages against respondents, as requested in complainants' Complaint?

3. Do complainants have standing in this proceeding to seek the entry of fines or penalties against respondents? If so, does the Public Service Commission have jurisdiction in this proceeding to assess any fines or penalties against respondents?

4. Did the actions of respondents as alleged by complainants violate AmerenUE's tariff or the regulations of the Public Service Commission?

a. If so, do those violations warrant the imposition of a fine or penalty?

- b. If so, were the individual actions of respondents Sherry Moschner, Mike Foy and Leroy Ettling done in the scope of their official duties as employees of respondent AmerenUE?

5. Did a "constructive payment arrangement" exist between AmerenUE and Sterling's Marketplace I, Inc. with respect to the latter's payment of bills for electric service. If so, did that "arrangement" preclude respondent AmerenUE's disconnection of service for unpaid delinquent bills?

6. Did respondent AmerenUE, pursuant to the terms of its tariff and the regulations of the Public Service Commission, have any responsibility with respect to the wiring of complainants' premises?

7. Did AmerenUE provide proper notice of disconnection of service to Sterling's Marketplace I, Inc. for the disconnection of service which occurred on April 10, 2001 pursuant to AmerenUE's tariff and the regulations of the Public Service Commission?

8. Did AmerenUE provide proper notice of disconnection of service to Sterling's Marketplace I, Inc. for the disconnection of service which occurred on April 17, 2001 pursuant to AmerenUE's tariff and the regulations of the Public Service Commission?

9. Did the May 18, 2001 agreement between AmerenUE, Sterling's Marketplace I, Inc. and P.& B. Real Estate, L.L.C. constitute a compromise and settlement of all claims then existing among and between the parties?

**ORDER OF RESPONDENTS' WITNESSES
AND ORDER OF CROSS-EXAMINATION**

Respondents submit the following Order of Respondents' Witnesses and Order of Cross-Examination for the evidentiary hearing to be held in this matter on July 8 through 10 and 26, 2002.

Respondents propose to call their witnesses and for the witnesses to be cross-examined in the following order:

WITNESS

ORDER OF EXAMINATION

Respondents

James E. Devers	Office of Public Counsel, Staff, Complainants
Judy Rowe	Office of Public Counsel, Staff, Complainants
Ronaldo P. Parks	Office of Public Counsel, Staff, Complainants
Curtis Tunstall	Office of Public Counsel, Staff, Complainants
Darrell Cotton	Office of Public Counsel, Staff, Complainants
Frank P. Lefler	Office of Public Counsel, Staff, Complainants
John F. McKenna	Office of Public Counsel, Staff, Complainants
Charles M. Foy	Office of Public Counsel, Staff, Complainants
Sheryl P. Moschner	Office of Public Counsel, Staff, Complainants
Leroy W. Ettling*	Office of Public Counsel, Staff, Complainants

*Scheduled to testify July 26, 2002.

Complainants and respondents have discussed whether any of respondents' witnesses can be excused from attending the hearing of this matter, with the Public Service Commission's concurrence. As of this date, complainants have identified James E. Devers, Ronaldo P. Parks and John F. McKenna as witnesses whose appearance will not be required at the evidentiary hearing, again subject to the concurrence of the Public Service Commission.

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Attorneys for Respondents AmerenUE,
Union Electric Co d/b/a AmerenUE,
Mike Foy, Leroy Ettling and Sherry
Moschner

Certificate of Service

The undersigned hereby certifies that a copy of Respondents' List of Issues and Order of Witnesses and Order of Cross Examination was mailed first class, postage prepaid this 25th day of June 2002 to Office of Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, Office of General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102 and Freeman Bosley, Jr., 1601 Olive Street, First Floor, St. Louis, Missouri 63103-2344, attorney for complainants.

Michael A. Vitale / sh