

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day
of April, 2005.

Cynthia Cline,

Complainant,

vs.

Union Electric Company, doing business
as AmerenUE,

Respondent.

Case No. EC-2005-0220

ORDER DISMISSING COMPLAINT

On January 7, 2005, Complainant Cynthia Cline filed her Complaint alleging that Respondent Union Electric Company, doing business as AmerenUE ("UE"), had improperly increased her bill for utility service by adding thereto certain unpaid accounts. Complainant asserts that she is not responsible for the accounts in question. The Commission issued its Notice of Complaint on January 12. On February 11, UE timely answered, stating that the unpaid accounts in question belonged to Complainant Cline and requesting that this matter be set for hearing.

On February 15, the Commission directed its Staff to investigate the facts alleged by both parties and to submit its written report of its findings and conclusions. Staff filed its Report on March 15, together with a Motion for Protective Order. Staff's Report has been designated Highly Confidential ("HC"). Staff advised the Commission to convene a prehearing conference and to direct the parties to prepare and file a procedural schedule.

The Commission adopted Staff's recommendations. On March 16, the Commission adopted its standard Protective Order and set a prehearing conference for March 30. The Commission also directed the parties to cooperatively prepare and file a proposed procedural schedule by April 6.

The prehearing conference was convened as scheduled. UE appeared by counsel, as did Public Counsel and the Commission's Staff. Complainant did not appear; neither did Complainant move to be excused, request to attend by telephone or offer any explanation for her nonappearance. At the prehearing conference, the presiding officer redesignated Staff's investigation report as nonproprietary upon being informed that its contents are available publicly elsewhere. Staff's report states that Staff was not able to find any evidence corroborating Complainant's position.

On March 31, UE filed its Motion to Dismiss, for Judgment on the Pleadings, and to Suspend Time for Filing Proposed Procedural Schedule.

Commission Rule 4 CSR 240-2.116 provides, "(3) A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session." The Commission finds that Complainant failed to appear at a scheduled prehearing conference. Commission Rule 4 CSR 240-2.070(6) provides that the Commission may dismiss a complaint for failure to comply with any provision of the Commission's rules or failure to comply with any order of the Commission. The Commission finds that Complainant failed to comply with its Order of March 16, which directed the parties to appear on March 30 for a prehearing conference.

For these reasons, the Complaint will be dismissed.

IT IS THEREFORE ORDERED:

1. That the Complaint filed by Cynthia Cline on January 7, 2005, is hereby dismissed.
2. That this order shall become effective on April 29, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Davis, Chm., Murray, and Appling,
CC., concur.
Gaw, C., dissents.
Clayton, C., absent.

Thompson, Deputy Chief Regulatory Law Judge