

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day
of October, 2006.

Marlyn Young,

Complainant,

v.

Union Electric Company, d/b/a
AmerenUE,

Respondent.

Case No. EC-2006-0283

ORDER DENYING APPLICATION FOR REHEARING

Issue Date: October 24, 2006

Effective Date: October 24, 2006

Syllabus: This order denies the application for rehearing filed by Marlyn Young as without merit and not timely filed.

On September 21, 2006, the Commission issued a Report and Order denying Mr. Young's complaint on the basis that Mr. Young had failed to present evidence to establish that Union Electric Company, d/b/a AmerenUE was in violation of its tariff or Commission Rules, or that AmerenUE acted in an unjust or unreasonable manner in handling Mr. Young's accounts. That order had an effective date of October 1, 2006, to allow Mr. Young the opportunity to timely seek a rehearing before the Commission.

On October 19, 2006, Mr. Young filed an Application for Rehearing of Case. In his application Mr. Young inaccurately contends that his application for rehearing is authorized under Section 386.500, RSMo 2000. Section 386.500.2 reads in pertinent part,

No cause or action arising out of any order or decision of the commission shall accrue in any court to any corporation or the public counsel or person or public utility unless that party shall have made, **before the effective date of such order** or decision, an application to the commission for a rehearing. (emphasis added)

Accordingly, the Commission is without statutory authority to consider Mr. Young's untimely application for rehearing and must deny that application.

Even if Mr. Young had timely filed his application for rehearing, the Commission would have denied it, because Mr. Young failed to establish sufficient reason to grant an application for rehearing. Under Section 386.500.1, RSMo 2000, the Commission shall grant a timely filed request for rehearing only if in its judgment there is sufficient reason to do so. Mr. Young's basis to request a rehearing is that he disagrees with statements made by AmerenUE's witness and that he did not have an opportunity to examine AmerenUE's witness during the hearing. While Mr. Young may disagree with the testimony of AmerenUE's witness, that does not change the fact that, as set out in detail in the Report and Order, he failed to offer evidence that supported the allegations in his complaint. Mr. Young's contention that he did not have an opportunity to "examine the witness" during the hearing is also without merit and is, in fact, contrary to the official transcript of that hearing. Specifically, his cross-examination of AmerenUE's witness is set out from line 1 on page 40 through line 10 on page 45 of the official transcript. In fact, on page 44, lines 2-3 Mr. Young stated, "Okay. I don't have any more questions. Then again on page 45, line 10, Mr. Young stated, "I won't ask any more questions." In the judgment of the Commission, Mr. Young failed to establish sufficient reason to grant an application for rehearing even if that application had been timely filed.

IT IS ORDERED THAT:

1. The application for rehearing filed by Marlyn Young on October 19, 2006, is denied.
2. This order shall become effective on October 24, 2006.
3. This case may be closed on October 25, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Voss, Regulatory Law Judge