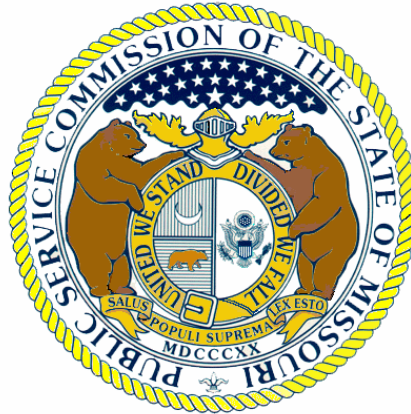


**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**



Marlyn Young,

Complainant,

v.

Union Electric Company, d/b/a AmerenUE

Respondent.

Case No. EC-2006-0283

REPORT AND ORDER

Issue Date: September 21, 2006

Effective Date: October 1, 2006

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Marlyn Young,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2006-0283</u>
)	
Union Electric Company, d/b/a AmerenUE)	
)	
Respondent.)	

Appearances

Marlyn Young, Pro Se
2437 Wieck Drive
St. Louis, Missouri 63136

Wendy K. Tatro, Attorney at Law
Ameren Services Company
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, Missouri 63166-6149
For: Union Electric Company, d/b/a AmerenUE

Bob Berlin, Senior General Counsel
P.O. Box 360, Jefferson City, Missouri 65102
For: Staff of the Missouri Public Service Commission

REGULATORY LAW JUDGE: **Cherlyn D. Voss**

REPORT AND ORDER

Summary

The Commission finds that Mr. Young has failed to present evidence to establish that Union Electric Company, d/b/a AmerenUE is in violation of its tariff or Commission

Rules, or that AmerenUE acted in an unjust or unreasonable manner in handling Mr. Young's accounts. Mr. Young's complaint is denied.

FINDINGS OF FACT

Procedural History

Marlyn Young filed a complaint against Union Electric Company, d/b/a AmerenUE, on January 3, 2006, which resulted in the Commission opening this case. AmerenUE filed a verified Answer on February 2, 2006. The Staff of the Commission was ordered to investigate the matter and file a report, which it did on March 24, 2006.

On March 27, the Commission directed Mr. Young to file a response to Staff's report setting forth the reasons that his Complaint should not be dismissed. On April 24, Mr. Young filed his Objection and Response to Dismissal of Complaint Against AmerenUE (Complainant's Objection and Response).

On May 2, 2006, Staff filed a reply to Complainant's Objection and Response. AmerenUE filed its reply to Complainant's Objection and Response on May 4, 2006.

An evidentiary hearing was conducted on August 16, 2006.

Young's Complaint

Mr. Young alleges that AmerenUE failed to return deposits to him totaling \$816.00 and charged him \$1,260.00 for unauthorized service fees.¹ In Complainant's Objection and Response to the Staff report recommending dismissal of his complaint, Mr. Young objected to Staff's conclusions claiming that Staff should have used his "official AmerenUE account statements" for its report, instead of documents created for its report, which he

¹ Marlyn Young's Complaint was admitted into evidence without objection and marked Exhibit 1.

claimed could not be validated.² In that pleading Mr. Young also identified eleven issues that he believed merited further consideration by the Commission. *Id.*

In response to Mr. Young's evidence, AmerenUE presented the testimony of its call center supervisor, Debra R. Buhr. AmerenUE also offered as evidence its verified Answer which included both copies of and a detailed analysis of Mr. Young's account records spanning the years 1998 to 2006, five accounts, and four separate residences.³ Next, AmerenUE offered its verified reply to Complainant's Objections and Response, which provided additional documentation and analysis disputing each of Mr. Young's eleven issues. AmerenUE's reply also offered evidence that the records reviewed by Staff during its investigation of Mr. Young's were appropriate given that they were the company's official account records.

Staff's witness, Marilyn Doerhoff, also submitted evidence related to Mr. Young's complaint. Ms. Doerhoff has been a consumer services specialist for the Commission for five years. Ms. Doerhoff offered into evidence her investigative report and supporting documentation which included her detailed analysis of both AmerenUE's official billing records and Mr. Young's complaint.⁴ Staff further offered its reply to Complainant's Objection and Response in which it addressed the appropriateness of the records utilized

² Marlyn Young's Objection and Response to Dismissal of Complaint Against Ameren Union Electric was admitted into evidence without objection and marked Exhibit 2.

³ Union Electric Company, d/b/a AmerenUE's Answer to the complaint was admitted into evidence without objection and marked Exhibit 4.

⁴ The Staff Report was admitted into evidence without objection and marked Exhibit 7.

by Staff during its investigation and addressed in detail each of the eleven issues raised by Mr. Young.⁵

The Commission has reviewed the original Complaint, the eleven points asserted in Complainant's Objection and Response, the verified pleadings of the parties, the official records of Mr. Young's accounts provided by AmerenUE, and the evidence provided during the evidentiary hearing.

The Commission finds that Staff appropriately utilized the company's official account records relating to Mr. Young's accounts in its investigation of his complaint. The Commission has further considered the arguments of the parties and finds as follows with regard to Mr. Young's Complaint and his 11 points asserted in his Objection and Response:

1. Mr. Young asserts that AmerenUE collected deposits in the amount of \$416.00, which were never credited or returned. The Commission finds that Mr. Young has provided no proof, other than his allegation, that he actually paid the \$416.00. The official records of his AmerenUE accounts do not show receipt of such deposits. Instead, AmerenUE assessed a deposit in this amount, which was later reduced to \$164.00. Thereafter, the \$164.00 deposit request was canceled and the account was closed. All other deposits made by Mr. Young for various accounts were properly credited.⁶

2. Mr. Young asserts that he did not take possession of the premises at 2629 Terrace Lane until October 2001. But Mr. Young does not provide any documentation to support this claim. Rather, the account at this address was opened in his name on May 11, 1999. AmerenUE provides further proof that Mr. Young was the customer of

⁵ The Staff Reply to Marlin Young's Objection and Response to Dismissal of Complaint Against Ameren Union Electric was admitted into evidence without objection and marked Exhibit 8.

⁶ See: Exhibit 5, pp. 5-6 and Schedule 1; Exhibit 7, pp. 4-5 and Exhibit 8, pp. 5-6.

record and responsible for this account regardless of the deed filing he mentions. AmerenUE had contact with Mr. Young by telephone on September 28, 1999, payments were received beginning March 8, 2000, and an insufficient funds check dated May 5, 2000, with 2629 Terrace Lane in the memo section, was received from Mr. Young.⁷

3. Mr. Young asserts that he was awarded a judgment for \$316.00 and claims to have had a zero balance for services on his account at 9414 Eastchester as of December 29, 2002. AmerenUE does not dispute that such a judgment was given, and at the Commission's request submitted a copy of that judgment into the record.⁸ The Commission finds that Mr. Young's assertion that he had a zero balance is not supported by any evidence in the record. The accounting records for this location show a balance of \$341.20 as of December 29, 2002. Mr. Young seems to argue that the judgment cleared the account entirely and resulted in a zero balance. However, during the evidentiary hearing Mr. Young testified that the judgment in question only addressed one of several issues raised and amounts requested.⁹ Further, the judgment itself does not indicate that it addresses the then-outstanding balance on Mr. Young's account. *Id.* The Commission finds that the judgment addressed only a portion of a disputed account balance and not the entirety of the account.¹⁰

4. Mr. Young complains that he was charged \$504.42 for services from January through June 2003, but that he did not live at the 9414 Eastchester location during that time. The Commission finds that according to the official accounting records, Mr. Young

⁷ See: Exhibit 5, pp. 4-5 and Attachment 2; Exhibit 7, p. 4; and Exhibit 8, p. 6.

⁸ The Judgment was received into the record and marked Exhibit 9.

⁹ Tr. p. 20, lns 3-9.

¹⁰ See: Exhibit 5, pp. 5-6 and Attachment 3.

was charged only \$146.28 for that time period. The Commission also finds that AmerenUE, after learning of Mr. Young's eviction from that location, adjusted his account and the adjustment resulted in a credit of \$114.81 which was applied to his account at 8831 May.¹¹

5. Mr. Young states that his final bill at 2629 Terrace Lane should have been \$1,107.71 instead of \$1,159.23. The Commission finds that the \$51.52 complained of by Mr. Young is clearly accounted for in the accounting records. This amount was credited to him on October 2, 2003.¹²

6. Mr. Young states that the final bill of \$1,159.23 was transferred to his account at 8831 May Ave. As noted in paragraph 5, the account was properly credited. The Commission finds that the transfer of this balance to Mr. Young's other account is appropriate under AmerenUE's tariff and Commission rule 4 CSR 240-10.050(2)(B).¹³

7. Mr. Young complains that he was billed for services at 2629 Terrace Lane after he vacated the property, that transfers of \$504.42, \$51.52, and \$62.35 to his accounts were improper, and that he did not get his deposit back. The Commission finds that the issues surrounding the \$504.42 were resolved in paragraph 4 of the Commission's findings above. The issue of the \$51.52 was resolved in paragraph 5 of these findings. The bill for \$62.35 was for services at 8831 May Ave., not for services at 2629 Terrace Lane. The Commission finds that the deposit complained of, \$316.00, was properly credited to Mr. Young's account at 2629 Terrace Lane on October 20, 2003. The entry is actually a credit of \$336.40, which includes the \$316.00 plus accrued interest of \$20.40.¹⁴

¹¹ See: Exhibit 5, pp. 6-7; Exhibit 7, p. 5 and Schedule 1; and Exhibit 8, p. 6.

¹² See: Exhibit 5, p. 7 and Attachment 4; Exhibit 7, Schedule 2; and Exhibit 8, p. 7.

¹³ See: Exhibit 5, p. 7; and Exhibit 8, p. 7.

¹⁴ See: Exhibit 5, pp. 7-8 and Attachment 5; Exhibit 7, p. 4 and Schedules 2 and 3; and Exhibit 8, p. 7.

8. Mr. Young alleges that he made payments for 8831 May Ave. between January and March 2004 totaling \$171.34, which were never accounted for. The Commission finds that Mr. Young has provided no proof of such payments. The accounting records for 8831 May Ave. show payments of \$425.00 and \$60.00 on April 2, 2004, which were properly credited.¹⁵

9. Mr. Young alleges that AmerenUE reinstated an old debt for services from January through June 2003 at 9414 Eastchester, though he did not live there. He alleges that on November 18, 2003, AmerenUE transferred \$555.00 plus an unpaid balance of \$604.23, but he does not identify the account or location to which the transfer was made. Notable to the Commission, these amounts total \$1,159.23, the sum dealt with in paragraphs 5 and 6 of the Commission's findings. The time period January through June 2003 was dealt with in paragraph 4 above. The total bill during that period was \$146.28 and AmerenUE gave Mr. Young proper credit after his eviction resulting in a credit of \$114.31 which was applied to the 8831 May account. The Commission finds that Mr. Young has not established that the transfer of \$1,159.23 from the account at 2629 Terrace Lane to the account at 8831 May was improper.¹⁶

10. Mr. Young alleges that he did not receive credit for a payment of \$60.00. The Commission finds, as it did in paragraph 8 above, that the \$60.00 payment was properly credited to the account at 8831 May Ave.¹⁷

11. Mr. Young alleges that he did not get back his deposit of \$168.00 for the account at 8831 May Ave., and that he did not have any service there after August 9, 2005.

¹⁵ See: Exhibit 5, p. 8; and Exhibit 8, pp. 7-8.

¹⁶ Exhibit 5, p. 8.

¹⁷ Exhibit 5, p. 9-10 and Attachment 6; Exhibit 7, Schedule 3; and Exhibit 8, p. 8.

The Commission finds that the accounting records clearly show that the \$168.00 plus interest of \$10.10 was applied to Mr. Young's account on August 24, 2005.¹⁸

CONCLUSIONS OF LAW

The Missouri Public Service Commission has reached the following conclusions of law.

AmerenUE is a public utility as defined by Section 386.020(42), RSMo Cum. Supp. 2005. Furthermore, AmerenUE is an electric corporation as defined by Section 386.020(15), RSMo Cum. Supp. 2005. As such, AmerenUE is subject to the Commission's jurisdiction pursuant to Chapters 386 and 393, RSMo.

Section 386.390, RSMo 2000, authorizes a person, such as Mr. Young, to bring a complaint before the Commission regarding a public utility.

As the complaining party, Mr. Young bears the burden of proving the allegations in his complaint.

DECISION

Having considered all of the competent and substantial evidence upon the whole record, and applying the facts, as it has found them, to its conclusions of law, the Commission has reached the following decision. Mr. Young's complaint is not supported by the evidence and he has not met his burden of proof. The complaint must be denied.

IT IS ORDERED THAT:

1. Marlyn Young's complaint against Union Electric Company, d/b/a AmerenUE, is denied.

¹⁸ Exhibit 5, p. 10 and Attachment 7; Exhibit 7, p. 4; and Exhibit 8, p. 8.

2. This report and order shall become effective on October 1, 2006.
3. This case may be closed on October 2, 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, Clayton, and
Appling, CC., concur;
Gaw, C., dissents; a separate dissenting
opinion may follow;
and certify compliance with the provisions
of Section 536.080, RSMo.

Dated at Jefferson City, Missouri,
on this 21st day of September 2006.