

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

Doug Geno and)	
Nancy Geno,)	
)	
Complainants,)	
)	
vs.)	Case No. EC-2009-0400
)	
Union Electric Company, d/b/a)	
AmerenUE,)	
)	
Respondent.)	

MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company), and for its Motion to Dismiss the Complaint filed in this proceeding, states as follows:

On June 7, 2004, Doug and Nancy Geno ("Complainants") filed a Complaint against AmerenUE. Complainants contend that due to a "power surge" certain electrical appliances were damaged. Complainants request "replacement of the items [they] lost that occurred on 2/14/09." They requested "to have [their] lifestyle back the way it was before this event happened." *See Complaint*, Filed May 7, 2009.

Pursuant to Mo. Rev. Stat. §386.250 (2008), the Public Service Commission has jurisdiction over "the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the state" and corporations performing same. The Commission's jurisdiction extends to the establishment of proper rates and determinations related to safety and adequacy of service. This Commission is without subject matter jurisdiction, and thus authority, to award money damages to Complainants. *See American Petroleum Exchange v. Public Service Com'n*, 172 S.W.2d 952, 955 (Mo. 1943) (stating "[t]he commission has no

power to declare or enforce any principle of law or equity and as a result it cannot determine damages or award pecuniary relief.”); *See also State ex rel. Jenkins v. Brown*, 19 S.W.2d 484, 486 (Mo. 1929); *State ex rel. Laundry, Inc. v. Public Service Comm.*, 34 S.W.2d 37, 46 (Mo. 1931). To the extent the Complaint at issue seeks compensation for property damages, such relief is outside of the Commission's statutory mandate and should be dismissed.

WHEREFORE, for the reasons set forth above, AmerenUE respectfully requests the Commission dismiss the Complainants' request for compensation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via regular mail on this 10th day of June, 2009.

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