

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
COLE COUNTY, MISSOURI  
JEFFERSON CITY

KEELEEE SWOPSHIRE	)	
	)	
COMPLAINANT,	)	
	)	
	)	
	)	CASE NO: #EC-2022-0148
VS.	)	
	)	
	)	INFORMAL COMPLAINT FILED: 11-23-2021
UNION ELECTRIC COMPANY	)	FORMAL COMPLAINT FILED: 12-2-2021
D/B/A AMEREN MISSOURI.	)	<b><u>EVIDENTIARY HEARING: 6-29-22 9:00 am</u></b>
LEGAL DEPARTMENT	)	
1901 Chouteau Avenue	)	ATTORNEY REPRESENTED
PO BOX 66149, Mail Code 1310	)	
St. Louis, MO 63166-6149	)	
	)	
AMEREN OF MISSOURI	)	
PO BOX 88068	)	
Chicago, IL 60680-1068	)	
	)	
RESPONDENTS.	)	

**Complainant’s Stipulated Facts, Position Statement and Proposed List of Issues, Witnesses,  
and Order of Cross-Examination in Accordance with the  
Missouri Public Service Commission’s April 27, 2022 Order**

COMES NOW, Keelee T. Swopshire, Esq., Attorney of Record and Complainant in the above-captioned matter and files her Position Statement, List of Issues, List of Complainant’s witnesses, and proposed order of cross-examination with the Commission according to its April 27, 2022 Order. Complainant also files her Position Statement and Stipulations of Facts and Conclusions of Law according to 20 CSR 4240-2.140(5).

The Missouri Public Service Commission’s Staff liaison, Don Cospser, has initiated several *Ex Parte* communications as defined under 20 CSR 4240-4.015(6) with the Parties of this case and has not yet filed copies of these communications on the record as required by 20 CSR 4240-4.020(1)(A) and/or

20 CSR 4240-4.020-(2)(a). Mr. Cospers has notified the Parties that the Missouri Public Service Commission plans to present its own case and has also requested to be included in determining the agreed upon matters at issue, order of witnesses, and evidentiary matters involved. The named parties in this matter are myself, Keelee Swopshire, a former customer of the respondent utility company, Union Electric Company D/B/A Ameren Missouri. An informal complaint was filed on November 23, 2021 and a formal complaint was filed on December 2, 2021 against Ameren Missouri. This matter is not a *Staff Assisted Rate Case* described under 20 CSR 4240.075(4). Under 20 CSR 4240-4.020(4), the Commission may issue an Order to show cause why sanctions should not be ordered against a “party”, in this case a member of the Commission, initiating an *ex parte* communication on substantive issues.

### **Stipulated Facts and Conclusions of Law**

1. Union Electric Company D/B/A Ameren Missouri is an electrical utility provider serving Missouri and Illinois.
2. Keelee Swopshire is a former customer of Ameren Missouri and received utility service at 3029 Lafayette Ave, Apt. 109, St. Louis, Missouri 63104 between August 17, 2019 and October 25, 2021.
3. The Missouri Public Service Commission is the regulatory body for Utility Services for the state of Missouri.
4. The Missouri Public Service Commission’s Staff investigates complaints filed with the Commission regarding utility service disputes.
5. Keelee Swopshire filed an informal complaint against Ameren Missouri with the Missouri Public Service Commission on November 23, 2021. She also filed a Formal Complaint against Ameren Missouri with the Commission on December 2, 2021. The informal and formal complaints concerned electrical utility services for an account that operated between the dates of August 17, 2019 and October 25, 2021 at 3029 Lafayette Ave, Apt, 109, St. Louis, MO 63104.
6. The Missouri Public Service Commission requires that Missouri Utility Service Providers issue correct statements of billing and payments under 20 CSR 4240-13.020.
7. The Missouri Public Service Commission requires that Commission members, including Staff members, abide by a prescribed Standard of Conduct under 20 CSR 4240-4.020, particularly regarding *Ex Parte* communications under 20 CSR 4240-4.020(1)(a) and (2)(a). This prescribed

Standard of Conduct generally forbids *ex parte* communications among the parties and staff of the Commission regarding substantive issues of the case.

### **Complainant's Position Statement**

It is my position that Union Electric Company D/B/A Ameren Missouri violated the general Billing and Payment Standards regulations under 20 CSR 4240-13.020 and failed to correct those deficiencies once notified of its errors.

Complainant contacted Ameren Missouri when she received her Final Bill on October 26, 2021. She contested the identity of the listed meter Ameren claims it upgraded based on the location of the meter at issue. Ameren Missouri stated it would have its personnel inspect the location of the meter at issue. Ameren did not send a technician to the location until the end of November 2021 and the technician stated that the meter I identified as being the meter for the residence at issue was actually a "general use" meter for the entire building. Ameren claimed the meter for my former residence was located in another area of the property unknown to myself at the time. Based on the location of the meter I identified in my complaint as belonging to my former residence, I contend that the meter was actually located at its position due to the proximity of my former residence to the meter as were all the other meters on that section of the building. My former residence sat south of a fenced off area and aligned with the rest of the apartments south of the fence that had meters that also aligned with the actual locations of their apartments. The meters were in "quads" but the meter I identified as belonging to my former apartment was not in a quad and believed to have been a standalone meter due to the odd number of apartments south of the fenced area. Any "quads" north of the fenced area I reasoned as being associated with the number of apartments north of the fenced off area. I later viewed pictures Ameren presented to the Commission and it showed a technician with a meter standing in a sunken place, which would have been inaccessible to myself.

Once I received what Ameren labeled as a FINAL BILL on October 26, 2021, I contacted Ameren Missouri to dispute the charges and also the identity of the meter involved. I received a email confirmation of my termination of the utility service as defined in 20 CSR 4240.13.015(EE) on October 25, 2021 at approximately 6:00 P.M. The electrical service at the location was disconnected at approximately 8:00 A.M. that morning. I verified the disconnected meter numbered #44272640 with Service Point #94770235 at approximately 11:40 A.M. on October 25, 2021 on Ameren's website and the meter and Service Access Point was labeled as "**INACTIVE**", as in service had been terminated by

either myself or discontinued by the utility company. This verification occurred approximately two and half hours following the disconnection of service on October 25, 2021. Following the verification of that information on October 25, 2021, I received the FINAL BILL on October 26, 2021 for an amount of \$377.63 due by November 17, 2021. When I disputed the charges with Ameren Missouri on October 26, 2021, I waited a few weeks before again checking the status of the account online. I checked the status of the account on November 23, 2021 and found that Ameren Missouri had reactivated the status of the meter and listed it as **ACTIVE**. I disputed this labeling with Ameren Missouri directly. I was told that because there was an amount still due on the bill, the meter was listed as ACTIVE. I disputed the rationality of this designation and Ameren's response and unwillingness to correct the labeling was one of the reasons why I filed a complaint against them with the Missouri Public Service Commission.

Ameren Missouri is in violation of the Billing and Payments Standards regulations in general and specifically under 20 CSR 4240-13.020(8), in which it states that "a Utility shall not assess an additional charge upon a customer by reason of the customer's failure to pay any balance due and owing prior to the delinquent date unless this additional charge has been approved by commission as part of the utility's commission-approved tariffs." Ameren Missouri has also violated 20 CSR 4240-13.020(9) with regard to accurate billing in general. 20 CSR 4240-13.020(9) details the requirements of an accurate reporting of service for Utility Service Providers under the regulations. These two sections combined when applied to Ameren Missouri's designation of my account and the associated meter #44272640 with a Service Point of #94770235 as ACTIVE after it had already disconnected the service on October 25, 2021 and labeled it as INACTIVE is *prima facie* evidence of incorrect billing on the account. It also demonstrates that the named meter at issue may be misrepresented as attached to the residence at issue in this matter.

If the meter at issue was terminated by myself on October 25, 2021 and labeled as INACTIVE on the same date, the fact that it was relisted as ACTIVE following that date and discovered by myself a month later on November 23, 2021 demonstrates some irregularities involved with the account. Ameren has contended that the meter was relabeled as ACTIVE because an amount is still owing and due on the bill. However, Ameren Missouri disconnected the service on October 25, 2021 and issued its **FINAL BILL** the next day on October 26, 2021. At that time, a bill was still owing and due on the account for \$377. 63. The fact that a bill was still owing and due on October 25, 2021 did not prevent it from labeling the meter and Service Access Point as "INACTIVE" on that date, which was correct on that day and should have remained so following that day for my account with Ameren. To represent a meter as

Active on an account that has service disconnected or inoperable is a misrepresentation of verifiable facts.

Ameren Missouri has stated that my former residence at 3029 Lafayette Ave, Apt 109, St. Louis, Missouri 63104, and the meter associated with that address, is not “In Service” or does not have a customer associated with that meter as of May 2022. However, Ameren Missouri still has the meter and Service Point listed as “ACTIVE” under my account. This irregularity is unusual since my account was disconnected on October 25, 2021, no other resident has occupied the former address with the meter since then according to Ameren Missouri, and because of Ameren Missouri’s relabeling of the meter’s status as ACTIVE after it had issued a FINAL BILL on the account and labeled it as INACTIVE.

It is my position that Ameren Missouri violated the general regulations under 20 CSR 4240-13.020 regarding billing and payment standards and misrepresented the real status of the meter involved with my account. It is also my contention that this fact is possible evidence of additional fraud or tampering by either Ameren Missouri and the property owners at 3029 Lafayette Ave and/or committed with either direct knowledge of the discrepancy *or* malfeasance by Ameren Missouri and/or the property owners.

### **List of Issues Involved**

1. Did Ameren Missouri violate Billing and Payment Standards as defined under 20 CSR 4240-13.020 in general and specifically 20 CSR 4240-13.020(8) and (9) when it labeled the disconnected meter under the relevant account as INACTIVE when it disconnected service on October 25, 2021 and then as ACTIVE at some point following its issuance of the final bill on the account?
2. Did Missouri Public Service Commission Staff violate the Ex Parte communications regulations listed under 20 CSR 4240-4.020? And if so, did Missouri Public Service Commission Staff report these communications in the official record? If not, is an Order from the Commission to Show Cause appropriate?

### **List of Witnesses I Plan to Call**

I will testify on my own behalf. I also plan to call as direct witnesses Ameren’s named employees Aubrey Krcmar and Mark Braun.

### **Order of Cross-Examination**

1. I plan to present my case first and call Aubrey Krcmar and Mark Braun. Respondent and Missouri Public Service Commission Staff may perform a cross-examination for these witnesses in that order.
2. Respondent will call myself as a witness. There is no reason why I would cross-examine myself. Staff has chosen to be involved and may want to perform a cross. Respondent will call its witnesses Aubrey Krcmar and Mark Braun for direct examination. I will perform my cross-examination of these witnesses in the order of the witness called. Staff may want to also cross-examine Respondent's witnesses.
3. Staff will call myself as a witness. There is no reason why I would cross-examine myself. Respondent may want to cross-examine me based upon testimony elicited from Staff's direct examination. Staff will also call its own witnesses it named as staff members Saeid Dinderloo and Debbie Bernsen. I will cross-examine these witnesses in the order of their testimonies. Respondent may also choose thereafter to perform a cross-examination for these witnesses.

### **Conclusion**

Complainant files this required filing by direction of the Missouri Public Service Commission's April 27, 2021 Order for a List of Witnesses, Order of Cross-Examination, List of Issues, and Position Statement by June 8, 2022. A Formal Hearing is set for June 29, 2022 at 9:00 A.M. via WebEx with the Missouri Public Service Commission.

Respectfully Submitted on June 4, 2022.

KEELEE SWOPSHIRE, ESQ.

/s/

*Keelee Swopshire*

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**CERTIFICATE OF SERVICE**

I, Keelee Swopshire, certify that I have delivered by electronic mail this required filing due by the April 27, 2022 Order of the Missouri Public Service Commission by June 8, 2022 to Respondent Union Electric Company D/B/A Ameren Missouri and its attorneys Eric Banks and Jerome Grubbs on this 4<sup>th</sup> day of June 2022.

KEELEEE SWOPSHIRE, ESQ.

/s/ Keelee Swopshire

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