

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

FILED²

FEB 19 2004

Missouri Public
Service Commission

Thomas A. Tompkins,

Complainant,)

v.

Case No. EC-2004-0254

Union Electric Company,
d/b/a/ AmerenUE,

Respondent.)

**Thomas A. Tompkins, Tompkins Farms,
Response To The Motion To Dismiss By AmrenUE**

Under section (5) of the Respondent's sightings of the Commission's jurisdiction, AmerenUE notes: "the Commission's jurisdiction extends to the establishment of proper rates and **determinations related to safety** and adequacy of service."

The Board Mission Statement: The Public Service Commission works to ensure for the citizens of the State of Missouri that regulate utility services are **safe**, of the highest quality, and delivered to the consumer in a timely manner at just and reasonable rates. These services are to be provided by utility companies that operate with efficiency, innovation and customer focus while providing the company an opportunity to earn a reasonable return on its investment. The Public Service Commission also regulates the mobile home, modular unit.....established for the protection of the consumer.

Thomas A. Tompkins, citizen of Missouri and Complainant, comes before you now, to answer AmerenUE's request to dismiss.

1. The Commission has the jurisdiction to hear this pleading, as this

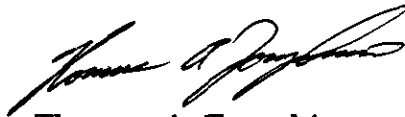
case was created by an unsafe condition of AmerenUE distribution of electrical services.

2. The Complainant contends, said guy wire was unmarked and kept in an unsafe manner in an uncleared area, if marked and kept free of trees extending into electric wires, no sight obstruction would be present nor danger perceived to precipitate the accident and no damages would have been incurred to AmerenUE's distribution pole.

Therefore, in consideration of the above determinations related to safety, Thomas A. Tompkins (Tompkins Farms) respectfully appeals to the Commission consider all facts, rule; and not dismiss on this Complaint.

Dated: February 16, 2004

Respectfully extended,



Thomas A. Tompkins

Tompkins Farms

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