

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

A. Pheonix Dancer,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2004-0578
)	
AmerenUE,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a AmerenUE (“AmerenUE” or “Company”), and in response to the Complaint filed by A. Pheonix Dancer (“Complainant”) in this proceeding on May 10, 2004, states as follows:

ANSWER

1. AmerenUE admits that Complainant resides at 4324 Hartford #1-F, St. Louis, Missouri 63116.
2. AmerenUE admits that its business address is 1901 Chouteau Ave., St. Louis, Missouri 63103, and that it is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.
3. AmerenUE notes that the remaining allegations in the Complaint are contained in a 6-1/2 page, single-spaced letter containing literally dozens of factual allegations, many of which the Company has no direct knowledge. However, AmerenUE admits that the Complainant received the wrong bill for service between 1/23/03 and 1/25/04, and that this billing error was corrected pursuant to the letter of February 25, 2004 attached to the Complaint. AmerenUE admits that in February, 2003, a repairman was called to Complainant’s neighboring

apartment, and he declined Complainant's request that he examine the internal wiring of both apartments. AmerenUE admits that Company employee Mark Braun later determined, based on an inspection of the Complainant's apartment, that two outlets in the apartment are cross-wired with a neighboring apartment. AmerenUE admits that Mr. Braun has been unable to obtain access to the neighboring apartment to pursue this inspection further. AmerenUE admits that the Complainant's service has been shut off due to Complainant's failure to pay her bill since July 2003.

4. AmerenUE denies that its employees have treated the Complainant in a rude or unprofessional manner, or in violation of Commission rules or its tariff. AmerenUE denies that it has any responsibility for customer-owned internal wiring problems. AmerenUE has no basis to admit or deny the remaining allegations in the Complaint; therefore it denies these allegations.

MOTION TO DISMISS

5. AmerenUE respectfully requests that the Commission dismiss this Complaint because it requests relief that is beyond the Commission's jurisdiction to award. The Complaint concerns a problem with the customer-owned internal wiring of the apartments occupied by the Complainant and her neighbor. Neither the Commission nor AmerenUE has authority over these wires, or any authority to "re-wire" the apartments to correct the problems that apparently exist. AmerenUE's tariff makes it clear that the installation and maintenance of customer-owned equipment is the responsibility of the customer. *See* Union Electric Company's Schedule of Rates for Electric Service, PSC Schedule No. 5, General Rules and Regulations, Section I.G.(5), Sheet No. 136. This is a matter for the Complainant to resolve with her landlord, who is the owner of the internal wires.

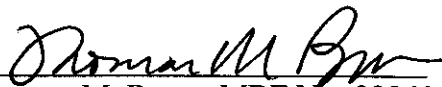
6. In addition, the request of the Complainant that charges for service provided to her meter dating back to October, 2003 be eliminated as compensation to her is completely unjustified. Again, any problems with bills for this period which may exist are due to internal wiring issues, which are the responsibility of the Complainant's landlord.

7. Finally, AmerenUE notes that the Commission is without authority to award damages. See American Petroleum Exchange v. Public Service Commission, 172 S.W.2d 952, transferred 176 S.W.2d 533 (1943) and State ex rel. and to Use of Kansas City Power & Light Company v. Buzard, 168 S.W.2d 1044 (1943).

WHEREFORE, for the reasons set forth herein, AmerenUE respectfully requests that the Complaint in this proceeding be dismissed. In the alternative, AmerenUE requests that the Commission establish a procedural schedule for this docket.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

By 
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Dated: July 20, 2004


CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 20th day of July, 2004.

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