

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

TUCKER SHELL, LLC

Complainant

V.

UNION ELECTRIC COMPANY
D/B/A AMERENUE

Defendant.

CASE NO. _____

COMPLAINT

COMES NOW Complainant, Tucker Shell, LLC, by and through its attorneys, BETH C. BOGGS, KARI A. ROTHERMICH and BOGGS, AVELLINO, LACH & BOGGS, L.L.C., and for its Complaint against AmerenUE states as follows:

1. Defendant, AmerenUE, is an electric corporation under Section 386.020(15) RSMo 2000 and, as such, is a public utility subject to the jurisdiction of the Missouri Public Service Commission (Commission) pursuant to Section 386.250 RSMo 2000.
2. On September 28, 2008, Complainant, Tucker Shell, LLC, operated a gas station located at 721 North Tucker, St. Louis, Missouri 63101.
3. Defendant owns and/or controls and maintains the electrical lines in the area of Complainant's gas station.
4. Defendant had a duty to use a reasonable degree of care in inspecting and maintaining the electrical lines in the area of Complainant's gas station
5. Defendant, disregarding and breaching its aforesaid duty, was guilty of one or more of the following negligent acts or omissions:
 - a. Failing to inspect the electrical lines in the area of Complainant's

business;

- b. Negligently maintaining the electrical lines in the area of Complainant's business; and
- c. Was otherwise careless and negligent.

6. As a direct and proximate result of one or more of the foregoing acts or omissions, the electrical lines located behind Complainant's gas station caught fire, and caused an explosion.

7. As a direct result of the fire and explosion, Complainant's gas station lost power, and various items were damaged inside the business, including but not limited to the cash register, computer system, ATM, and outside canopy lights.

8. As a direct result of the fire and explosion, Complainant's business was closed from 2:00 p.m. on September 28, 2008 until 3:30 a.m. the following day.

9. As a direct result of Defendant's negligence, Complainant incurred the sum of \$33,245.26 in property damages to the business.

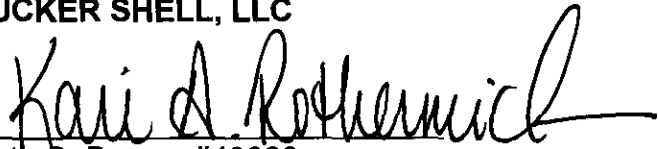
10. As a direct result of Defendant's negligence, Complainant incurred the sum of \$3,748.60 in lost income due to the closure of the business.

WHEREFORE, Complainant respectfully requests the Commission find that AmerenUE was negligent in the maintenance of the electrical lines as aforesaid, and further requests the Commission authorize Plaintiff to seek civil penalties in Circuit Court and order such other and further relief as the Commission may find just and reasonable.

Respectfully submitted,

TUCKER SHELL, LLC

By: _____

A handwritten signature in black ink, reading "Kari A. Rothermich". The signature is written in a cursive style with a long horizontal stroke at the end.

Beth C. Boggs, #43089

Kari A. Rothermich, #59558

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