

Jill Covington Beatty,

Complainant,

v.

Union Electric Company,
d/b/a Ameren Missouri,

Respondent

STAFF'S INITIAL BRIEF

Attorney for the Staff of the
Missouri Public Service Commission

May 16, 2019

INTRODUCTION

Staff submits this Initial Brief to the Commission to clarify two points raised at the evidentiary hearing held on April 23, 2019: (1) the power of the Commission to award monetary damages and (2) the basic principles of energy assistance programs.

While giving her direct testimony at the evidentiary hearing, Ms. Beatty stated that she requests Ameren Missouri pay her \$50,000 for her pain and suffering for each case.¹ This case incorporated a current complaint filed by Ms. Beatty and two previously filed complaints; therefore, Ms. Beatty is requesting \$150,000 be awarded to her by the Commission.² Under Missouri Statute Section 386.390.1, only complaints under the Commission's jurisdiction related to applicable statutes, rules, and Commission-approved company tariffs may be heard::

Complaint may be made by...any corporation or person...by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility in violation, or claimed to be in violation of any provision of law subject to the commission authority, of any rule promulgated by the commission, or any utility tariff, or of any order or decision of the commission...

Pain and suffering and the monetary damages Ms. Beatty is requesting do not fall under this statute. Further, the Commission does not have the authority to award money.³ As of result of the investigation conducted in this case, Staff concluded that Ameren Missouri has not violated any applicable statutes, Commission Rules, or Commission-approved Company tariffs related to Ms. Beatty's complaint.

¹ Tr. Vol. I, p. 26, l. 8-10.

² This case incorporates cases EC-2010-0142 and EC-2017-0198; both cases were previously dismissed without prejudice.

³ ***American Petroleum Exchange v. Public Service Commission***, 172 S.W.2d 952, 955 (Mo. 1943).

During the evidentiary hearing, Ms. Beatty stated she received energy assistance (EA) and Judge Graham inquired about the EA process, asking a number of clarifying questions. Staff would like to provide some insight on the type of payment assistance it believes Ms. Beatty received on November 14, 2013, and how customers apply for energy assistance.

Ms. Beatty offered Exhibit 16, an energy assistance receipt. At the top of the receipt, beside Program Name the acronym LIHEAP is referenced along with the letters EMA. Based on the information provided in Exhibit 16, Staff believes that on November 14, 2013, an energy assistance agency pledged \$251.00 toward Ms. Beatty's Ameren Missouri account. According to the Account Activity Statement⁴, the EA payment posted to Ms. Beatty's account on November 29, 2013.

Staff is of the opinion that the type of energy assistance pledged to Ms. Beatty's account on November 14, 2013 was from the Low Income Home Energy Assistance Program (LIHEAP), which is a federal program (block grant) that assists eligible low-income households with energy costs. The State of Missouri Family Support Division (FSD) receives LIHEAP funding and then contracts with Missouri Community Action Agencies (CAA) or other agencies to determine applicant eligibility and process payments. Customers can apply for LIHEAP funds by submitting an application to a contracted agency by mail or in person.

Staff continues to support the conclusion, first submitted in its Staff Report filed on January 19, 2019, that Ameren Missouri violated no applicable statutes, Commission

⁴ Ameren's Account Activity Statement dated September 26, 2016, is included in Staff's Report, Schedule 6.

rules, or Commission-approved company tariffs, and submits this brief to help clarify this conclusion.

Respectfully submitted,

/s/ Casi Aslin

Associate Counsel

Missouri Bar No. 67934

P.O. Box 360

Jefferson City, MO 65012

(573) 751-8517 (Telephone)

(573) 751-9285 (Fax)

casi.aslin@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission, on this 16th day of May, 2019.

/s/ Casi Aslin