

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
vs.)	<u>Case No. EC-2016 -</u>
)	
Union Electric Company d/b/a Ameren Missouri,)	
)	
)	
Respondent.)	

STAFF COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission and for its *Complaint*, states as follows:

Introduction

1. This matter concerns the actions of Respondent Ameren Missouri (“AmMo”), in violation of Commission Rule 4 CSR 13.045(5) by failing to suspend payment for a disputed charge, and automatically withdrawing the amount from a customer’s bank account.

Complainant

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel as authorized by Commission Rule 4 CSR 240-2.070(1).

Respondent

3. Union Electric Company d/b/a Ameren Missouri (“AmMo”) is a regulated public utility under the jurisdiction of the Missouri Public Service Commission

("Commission"). AmMo is an "electric corporation" and a "public utility" as defined in section 386.020(15), (43), RSMo (Supp. 2011).

4. Pursuant to the Missouri Secretary of State's website, AmMo is a general business corporation in good standing headquartered at One Ameren Plaza, 1901 Chouteau Ave., St. Louis, MO 63103. AmMo's registered agent is CT Corporation System, 120 South Central Ave., Clayton, MO 63105.

Jurisdiction

5. AmMo is subject to the jurisdiction of this Commission under Chapters 386 and 393, RSMo. The Commission has jurisdiction over the subject matter of this Complaint as it involves the service provided to its customers and concerns over a disputed charge for that service.

6. Section 386.390.1, RSMo, authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, 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, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission

7. The Commission has by rule authorized the Staff Counsel's Office to bring complaints on the behalf of the Staff: "A complaint may also be filed by ... the commission staff through the staff counsel ...".¹

¹ Rule 4 CSR 240-2.070(1).

8. Section 386.570.1, RSMo, provides for a penalty between \$100.00 to \$2,000.00, per offense for any corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, of the commission” Each day that a continuing violation persists is counted as a separate offense.² In the case of a corporate respondent, the acts and omissions of its officers, agents and employees are deemed to be the acts and omissions of a corporation.³ All penalties are cumulative.⁴

Complaint

Failure to Suspend Disputed Amounts Included in Formal Complaint

9. The essence of Staff's *Complaint* is that AmMo failed to suspend collection of a disputed balance that is the subject of a formal consumer complaint, allowed the disputed amount to be automatically withdrawn from the customer's bank account, and as of now, has failed to remit the amount back to the customer.

10. On information and belief, Staff states that AmMo provides service to ** _____, ** who presently has a formal complaint case pending before this Commission.⁵

11. In May 2015, AmMo discovered the meter for ** _____ ** residence had been switched with that of her neighbor. This information was forwarded to

² Section 386.570.2, RSMo.

³ Section 386.570.3, RSMo.

⁴ Section 386.590, RSMo.

⁵ **EC-2015-0347.**

AmMo's customer accounts department, and AmMo updated their records to show the actual meter at the residence and a rebill was completed to correct the billing from April 30, 2014 to April 29, 2015.

12. On May 28, 2015, ** ____ ** advised AmMo that she would not pay the outstanding balance of \$737.39.

13. ** ____ ** filed an informal complaint with the Commission (C201501741) against AmMo on May 28, 2015, and requested that Staff investigate AmMo rebilling her account.

14. In reviewing all of the information Staff received from AmMo in the informal complaint investigation, Staff concluded that AmMo was in compliance with statutes, rules, and Commission-approved Company tariffs regarding ** ____ ** account, and ** ____ ** requested a formal complaint packet to be mailed to her; Staff mailed the formal complaint packet on June 4, 2015.

15. ** ____ ** formal complaint filed June 29, 2015, includes a dispute over the rebilled charges in the amount of \$737.39.

16. On July 7, 2015, a payment of \$862.58, which included the \$737.39 in dispute, was made on ** ____ ** account bringing the account balance to \$0.00.

17. On July 29, 2015, through discussions with ** ____ ** and AmMo, Staff learned that AmMo did not suspend the disputed amount of \$737.39, and when ** ____ ** bill became due AmMo took the full account balance out of her banking account, due to her payments being automatically withdrawn each month.

18. Commission Rule 4 CSR 13.045(5) states:

If a customer disputes a charge, s/he shall pay to the utility an amount equal to that part of the charge not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute, and any other pertinent factors in determining the amount not in dispute.

19. Staff contacted AmMo regarding the rebilling, and failure to suspend the disputed amount. AmMo advised Staff that due to the formal complaint being filed shortly before a holiday, and because their offices were closed on July 2 – 3, 2015, they were unable to stop the automatic payment.

20. AmMo received notice of the formal complaint and AmMo's counsel filed an entry of appearance in the case on June 30, 2015.

21. AmMo was put on notice of the exact amount in dispute, through discussions with ** — , ** the filing of an informal complaint, and the filing of a formal complaint.

22. AmMo could have suspended the disputed amount on June 30, 2015, or July 1, 2015, but did not.

23. Further, AmMo has had ample time to rectify the error by refunding the customer the disputed amount; as of this date, AmMo has not done so.

24. By the conduct described above, AmMo violated Commission Rule 4 CSR 240-13.045(5), which states, "[i]f a customer disputes a charge, s/he shall pay the utility an amount equal to that part of the charge that is not in dispute."

WHEREFORE, Staff prays that the Commission will give due notice to the Respondent and, after hearing, determine that Respondent has violated Missouri statutes and Commission rules and orders as set out above, and thereupon authorize

its General Counsel to seek in Circuit Court the penalties allowed by law; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Mark Johnson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, on this 6th day of November, 2015.

/s/ Mark Johnson