

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 19 2018

Missouri Public
Service Commission

Anita Wessling,)

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Complainant)

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File No. EC-2018-0089

vs.)

)

Union Electric Company d/b/a Ameren Missouri)

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Respondent)

Anita Wessling's Response to Staff Report and Ameren's Response to Staff Report

1. In the Staff Report dated February 13, 2018, Staff noted that in its investigation of this Complaint it found no violation by the Company of the Company's tariffs, Commission Rules, or Missouri statute and that the Company was not negligent in response to the Complainant's outages. The Complainant disagrees.

- a) The Company, as a regulated utility providing service to retail customers, has an obligation to provide service at all times. Complainant experienced thirteen outages in 22 months. Three of those outages occurred in May, one in June, three in July, one in September and one in October of 2017, a total of nine in

five months. The outages continue, as the most recent outage occurred on March 2, 2018.

- b) The Company has as an obligation to make all reasonable efforts to provide the service requested on an adequate and reliable basis. Repeatedly, the Company failed to make all reasonable efforts. Animals caused numerous outages; adequate protection to the equipment was not added (a violation of Tariff Sheet 105). Overhead malfunctions caused numerous outages; no preventative measures were taken (a violation of Tariff Sheet 105). Broken trees caused numerous outages; vegetation management wasn't implemented in a timely manner (A violation of Tariff Sheet 105 and 4 CSR 240-24.030).

2. Staff recommended that the Commission dismiss the Complaint for failure to state a claim. Complainant disagrees. The Company repeatedly failed to make all reasonable efforts to provide the service requested on an adequate and continuous basis, a violation of Tariff Sheet 105. Further, the Company failed to perform vegetation management in a timely manner, a violation of 4 CSR 240-23.030.

3. Staff found that the Company was not negligent in its response to the outages. Complainant disagrees. In spite of the extremely high number of outages, the Company failed to take action necessary to prevent further service interruptions. In response to the high number of outages, actions that could have been taken include conducting infrared studies, installing equipment to isolate blown circuits, conducting vegetation

patrols, and installing cages to protect transformers from animals, to name a few.

Rather, the Company took no action, causing financial and other damages to

Complainant and other customers.

4. Staff recommended that the Company take additional steps to reduce the number of outages. Complainant finds these recommendations inadequate.

a) Staff recommended additional vegetation management measures. In

Company's response to Staff Report, it was reported that vegetation

management was most recently completed in mid-January, 2018. This

action was inadequate and ineffective as outages continue to occur,

most recently on March 2, 2018.

b) The Staff also recommended that the Company install cages around

wires at risk for animal contact. In the Company's response to Staff

Report, it was reported that "unguarded transformers along the tap were

found and corrective measures will be performed during the 3rd quarter

of 2018". This is unacceptable as the Company, by its own admission,

was aware that this tap is located in a heavily wooded area and prone

to animal contact, proving that they failed to perform their duty to "make

all reasonable effort". Further, two outages was attributed to a squirrel

accessing unguarded equipment, further demonstrating the Company's

failure to “make all reasonable effort”. Postponing the installation of protective equipment until 3rd quarter of 2018 is unacceptable.

5. With regard to Staff’s Memorandum dated February 13, 2018:

- a) Staff reported that five outages occurred in 2017, three outages in 2016, and one outage in 2015. Complainant disagrees. According to Company’s Response prepared by Robert J. Schnell dated January 12, 2018, nine outages occurred in 2017, four in 2016, and one in 2015. Momentary outages were omitted and “not considered outages” without stating sources to justify these omissions.
- b) Staff concludes that the Company could not have reasonably been able to prevent these outages. Complainant disagrees. Fourteen outages in 22 months in an isolated area should have prompted action on the Company’s part, yet they did nothing. Had action been taken, the number of outages would have been reduced.
- c) Staff notes, as proof of compliance with the Vegetation Management Rule, that the Company vegetation supervisor visited on August 31, 2017, found a limb and removed it the next day. Staff should have noted that numerous outages were attributed to vegetation issues well before August 31, 2017, serving as notification to the Company, yet inspections were not performed.

d) Staff refers to a Company statement noting that "the physical features of circuit 56 simply makes the line particularly prone to outages due to limb contact during stormy, windy, icy or hot conditions, due to lightening, and due to animal contact, and because access is challenging, to prolonged outages in the case of fallen limbs, broken trees, blown fuses and actual pole or conductor damage". This statement proves the Company was aware that special inspections were required in order to provide reliable and adequate service, yet they failed to do so.

Wherefore, Complainant respectfully requests that the Commission hear this case and grant relief as it deems appropriate and necessary.

Respectfully submitted,



Anita Wessling

Complainant

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