

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Richard D. Smith,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0106</u>
)	
Union Electric Company d/b/a)	
AmerenUE,)	
)	
Respondent.)	

ORDER SETTING PREHEARING CONFERENCE AND DIRECTING
FILING OF A PROPOSED PROCEDURAL SCHEDULE

Issue Date: November 21, 2006

Effective Date: November 21, 2006

On September 19, 2006,¹ Richard D. Smith filed a complaint with the Commission against Union Electric Company d/b/a AmerenUE ("AmerenUE"). Service issues are the basis for Mr. Smith's complaint, and the requested relief is the reinstatement of Black River Electric Cooperative of Fredericktown (Black River") as his electric provider.

Notice of the complaint was issued to AmerenUE on September 20, and Black River was added as a party to this action on October 17. AmerenUE filed its answer to the complaint on October 20, and Black River filed its response to the complaint on November 15. The Staff filed its Report in this matter on November 20.

¹ All dates throughout this order refer to the year 2006 unless otherwise noted.

This matter is now at issue and a prehearing conference and procedural schedule are appropriate to ensure its prompt resolution. **The Commission informs the parties that this prehearing conference is not an evidentiary hearing.** Sworn testimony will not be taken and no final decision will result from this prehearing conference. However, all parties are required to participate. Pursuant to Commission Rule 4 CSR 240-2.090, “Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party’s complaint, application or other action unless good cause for the failure to appear is shown.” As set out below, any party who wishes to attend by telephone will be permitted to do so.

Mr. Smith’s complaint includes a petition with multiple signatories. Mr. Smith is directed to Commission Rule 4 CSR 240-2.040(5), specifically addressing practice before the Commission, which states:

A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

Mr. Smith is advised that while he is free to prosecute his complaint to the Commission individually, he may not engage in the legal representation of any other person. Mr. Smith may not represent the persons listed in his petition, or any other individual or entity, unless he is an attorney authorized to practice law in the state of Missouri. Should it be Mr. Smith’s desire to see this complaint prosecuted as a single action with representation for all of these individuals, then the individuals on the petition must form an association and have an attorney authorized to practice law in Missouri serve as the association’s representative. Should Mr. Smith choose to prosecute his own separate complaint, and should a full evidentiary hearing be held

in this matter, then he may at his discretion call the individuals listed on his petition as witnesses to provide sworn testimony on his behalf.

It is further noted that in the “Wherefore” clause of AmerenUE’s Answer, it requests that the Commission issue an order dismissing Mr. Smith’s complaint because “Complainant has sought relief which is not proper in this proceeding, and because the Complaint is without merit.” In the “Wherefore” clause of Black River’s Answer, it requests “that the existing territorial agreement between Black River Electric Cooperative and AmerenUE remain in full force and effect and that Intervenor Black River be granted such other and further relief as this Commission deems just and proper under the circumstances.” Staff, in its Report, “recommends the Commission dismiss the Complaint.” Should any of these parties wish to pursue a form of summary relief, they are directed to file an appropriate motion for summary determination or a motion for determination on the pleadings pursuant to Commission Rule 4 CSR 240-2.117.

IT IS ORDERED THAT:

1. The parties shall appear at a prehearing conference to be held on December 6, 2006, beginning at 10:00 a.m. The prehearing conference will be held in Room 305 at the Commission’s offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this prehearing conference should call the Public Service Commission’s Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.
2. Any party wishing to appear by telephone shall notify the Regulatory Law Judge by calling 573-522-8459 no later than November 28, 2006.

3. The parties shall jointly prepare and file a proposed procedural schedule no later than December 13, 2006.

4. This order shall become effective on November 21, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of November, 2006.