

Exhibit No.	_____
Issue:	_____
Witness:	Louis Biernbaum
Sponsoring Party:	
Type of Exhibit:	Direct Testimony
Case No.	EC-2002-112

**BEFORE THE PUBLIC SERVICE COMMISSION**

**STATE OF MISSOURI**

**DIRECT TESTIMONY**

**OF**

**LOUIS BIERNBAUM**

**ST. LOUIS, MISSOURI**

**DIRECT TESTIMONY OF  
LOUIS BIERNBAUM**

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**DIRECT TESTIMONY OF  
LOUIS BIERNBAUM  
ON BEHALF OF STERLING'S MARKET PLACE  
CASE NO: EC-2002-112**

1 Q. **PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. My name is Louis Biernbaum. My address is 1025 South Lafayette, Florissant, Missouri  
3 63031.

4 Q. **WHAT WAS YOUR OCCUPATION FROM SEPTEMBER 1999 UNTIL**  
5 **OCTOBER 2001?**

6 A. I was an employee of Sterling's Market Place located at 8350 N Broadway. I was a  
7 special project manager. My duties included purchasing, promotional items, building  
8 displays and helping to run the store.

9 Q. **PLEASE DESCRIBE YOUR EMPLOYMENT BACKGROUND.**

10 A. From 1984 – 1994, I was a salesman in the wholesale toy business. From 1994 – 1997 I  
11 was part owner of Gateway Liquidators. In 1997, I was appointed by the Court to serve  
12 as a liquidator for the remaining 6 Zams party stores in the St. Louis area.

13 Q. **WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

14 A. The purpose of my testimony is to:

15 1. Describe the operations of Sterling's Market Place.

16 2. Discuss my experiences in dealing with AmerenUE and its employees between  
17 February 2001 and May 18, 2001.

18 3. Describe the efforts put forth to have the electric service restored.

19 4. Demonstrate that Sterling's Market never received timely notice that our service  
20 would be disconnected for non-payment of arrearage.

1           5.       Discuss the economic impact of the termination of electric service to Sterling's  
2                   Market Place I.

3   Q.       **GIVE A BRIEF DESCRIPTION OF STERLING'S MARKET PLACE I AND ITS**  
4           **PHYSICAL MAKE-UP.**

5   A.       The store was approximately 65,000 square feet located in the center of the mall  
6           surrounded by adjacent tenants on 13 acres of land. The grocery store had a completely  
7           stocked deli department, produce department, meat department, liquor department and  
8           offered full customer service.

9   Q.       **PLEASE DESCRIBE THE CONTACTS THAT YOU HAD WITH ANY**  
10           **AMERENUE EMPLOYEES DURING THE PERIOD IN QUESTION.**

11   A.       In April 200, Mr. Leroy Ettling, Senior Credit Manager, began calling the store looking  
12           for Sterling Moody to discuss the arrearage on the electric bill. Sometimes I would talk  
13           to Mr. Ettling and express our concerns to him about the bills being too high and  
14           including usage for other tenants on the Mall. Sometimes I would be asked by Sterling  
15           Moody to take payments to Mr. Ettling to the AmerenUE corporate headquarters on  
16           Chouteau prior to the first termination on April 10, 2001.

17   Q.       **WOULD MR. ETTLING EVER SAY TO YOU THAT THE SERVICE WOULD**  
18           **BE DISCONNECTED IF THE ARREARAGE WAS NOT PAID IN FULL?**

19   A.       No.

20   Q.       **DESCRIBE WHAT YOU WERE DOING ON APRIL 10, 2001 PRIOR TO**  
21           **TERMINATION.**

22   A.       We were getting ready for the Easter weekend and going over store plans when the lights  
23           went out. Shortly after the lights went out, a lady from AmerenUE showed up with an

1 envelope and was looking for Sterling. Sterling immediately began trying to contact Mr.  
2 Ettling and the lights were turned back on after several hours had passed.

3 **Q. WHERE WERE YOU ON APRIL 17, 2001 WHEN THE SECOND**  
4 **TERMINATION OCCURRED?**

5 **A.** I was at the store when an AmerenUE employee came in and said that he was there to  
6 disconnect the service. Sterling Moody started calling to the main office to try to work  
7 something out but the lights were shut off at about 2:00pm. I contacted Mr. Ettling and  
8 he told me that the matter was taken out of his hands but that he was not aware that  
9 AmerenUE was planning to shut the electricity off.

10 **Q. DESCRIBE WHAT YOU DID AFTER THE SERVICE WS DISCONNECTED ON**  
11 **APRIL 17, 2001.**

12 **A.** I wanted to try to help get the service back on so I contacted Mr. Ettling's supervisor, Mr.  
13 Mike Foy, Supervisor of Credit and Collections. I spoke with Mr. Foy and offered to  
14 bring in \$5,000 immediately and his answer was no. I contacted Mr. Foy about 3 or 4  
15 times that day in an effort to get the service restored. I was told by Foy that it would take  
16 the entire amount. I asked Foy if we could make payment arrangements and he told me  
17 that the entire amount was \$265,000 and end of conversation.

18 **Q. DESCRIBE WHAT HAPPENED AFTER THE SERVICE WAS RESTORED.**

19 **A.** The service was restored 31 days later. The store was a total loss. All perishables, meat,  
20 produce, the deli, dairy and milk products, frozen food packs and ice cream were ruined.  
21 The store was never the same. Money was not available to us to restock the store. Most  
22 of our customers were people who walked in from the neighborhood. They never  
23 returned.

1 Q. **DOES THIS CONCLUDE YOUR TESTIMONY?**

2 A. Yes.

