

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

Raymond Joseph Freeman, III,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2009-0048</u>
)	
Union Electric Company,)	
d/b/a AmerenUE,)	
)	
Respondent.)	

ORDER DIRECTING FILING

Issue Date: January 23, 2009

Effective Date: January 23, 2009

The Missouri Public Service Commission is directing Mr. Freeman to state whether he has any additional facts or legal allegations which would be a claim for which the Commission could grant him relief.

Raymond Joseph Freeman, III, filed a formal complaint against Union Electric Company, d/b/a AmerenUE, on August 15, 2008. In his complaint, Mr. Freeman alleges that:

1. AmerenUE has sent him several disconnection notices for amounts which are less than \$100; and
2. He is dissatisfied with the difference in his summer and winter rates.

For relief Mr. Freeman requests that AmerenUE not be allowed to disconnect a customer unless that customer owes a set amount (e.g., \$150 to \$300).

AmerenUE filed its Answer and Motion to Dismiss on September 18, 2008. AmerenUE submits that it has, at all times, acted appropriately and in accordance with its

Commission-approved tariff. AmerenUE requests that the Commission issue an order dismissing this complaint for failure to state a claim upon which relief may be granted. In other words, AmerenUE argues that, taking everything stated in the Complaint to be true, the Commission has no legal reason or authority to give Mr. Freeman what he asks for.

Staff conducted an investigation of the complaint and filed its verified report on October 7, 2008. Staff reported that Mr. Freeman has not alleged any violations of Missouri statute, Commission rules, or AmerenUE's tariff, and that Staff did not find any such violations. Staff recommended that the case be dismissed.

At this stage of this case, Mr. Freeman has not stated any facts upon which the Commission could conclude that AmerenUE has violated its approved tariff, applicable Commission rules, or Missouri statutes. Therefore, the Commission would like to hear from Mr. Freeman before making a determination on the motion to dismiss this case for failure to state a claim. Accordingly, Mr. Freeman will be given time to file a statement or pleading setting forth the legal or factual reasons why he believes AmerenUE has acted in violation of some tariff, rule or other Missouri law.

If no response is received, the Commission will make its decision based on the current documents and recommendations before it.

THE COMMISSION ORDERS THAT:

1. Raymond Joseph Freeman, III, shall file a statement, by not later than 5:00 p.m. on February 13, 2009, which addresses the statements contained in Union Electric Company, d/b/a AmerenUE's answer and Staff's report in this matter and sets forth the legal and factual reasons why this case should not be dismissed for failure to state a cause of action.

2. This order shall become effective upon issuance.

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)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of January, 2009.