

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

Jimmie E. Small)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2012-0050</u>
)	
Union Electric Company d/b/a)	
Ameren Missouri,)	
)	
Respondent.)	

STAFF’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully submits the *Staff’s Response To Order Directing Filing (Response)* to the Missouri Public Service Commission (“Commission”) stating the following:

1. On September 16, 2011, the *Staff’s Response to Complainant’s August 31, 2011 Complaint* stated a utility is restricted pursuant to Sections 393.130.2 and 393.130.3 from providing a special rate for service or subjecting any person to “undue or unreasonable prejudice or disadvantage in any respect whatsoever.” The Staff stated the position that the Commission has the authority to hear a complaint on the grounds of discrimination in the provision of service, and to determine based on the evidence presented whether such actions violate any statute applicable to the provision of public utility service, rule or order of the Commission, as well as any provision of the utility’s tariff.

2. On October 26, 2011, the Commission issued an *Order Directing Filing*, directing the parties to file by November 7, 2011, a pleading that “shall state what

remedy, if any, the Commission has authority to grant Mr. Small in the event he prevails in his complaint.”

3. The Commission has primary jurisdiction over utility matters and the authority to issue findings of fact and conclusions of law as to certain customer and utility actions.

4. Should the evidence support that Union Electric Company d/b/a Ameren Missouri (“Company”) discriminated against the Complainant in the provision of utility service, the Commission could order the Company to cease and desist from violating the Commission’s statute against discrimination. The Commission could also order the general counsel to initiate an action to recover penalties from the Company under Sections 386.570 and 386.600 RSMo (2000) for the Company’s past or continuing violations.

5. Also, while the Commission cannot grant a remedy pursuant to the federal statutes the Complainant cites in various filings, a Commission Report and Order with findings of fact and conclusions of law in favor of the Complainant would allow the Complainant to use such order as he deemed appropriate in other forums.

WHEREFORE, the Staff submits this *Response* for the Commission’s information and consideration.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
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Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via first class U.S. postal mail, postage prepaid, on Jimmie E. Small, 3535 Locust Street, Quincy, IL 62301; Sarah Giboney and Wendy Tatro, attorneys for Ameren Missouri at giboney@smithlewis.com and AmerenMOService@ameren.com; and the Office of Public Counsel at opcservice@ded.mo.gov this 7th day of November 2011.

/s/ Jennifer Hernandez