

Charles Harter,)
)
Complainant,)
)
v.) **File No. EC-2013-0491**
)
Union Electric Company d/b/a)
Ameren Missouri,)
)
Respondent.)

Issue Date: September 24, 2013 Effective Date: September 24, 2013

On August 29, 2013, Mr. Harter filed a pleading captioned “Complaint”, alleging that Ameren Missouri was attempting to disconnect his electric service in violation of Commission rules prior to the evidentiary hearing regarding matters in dispute. Ameren Missouri responded, alleging that disconnect notices it sent to Mr. Harter in July and August 2013 were for undisputed delinquent charges for electric service incurred after his formal complaint was filed on May 7, 2013. The Commission ordered Ameren Missouri not to

disconnect Mr. Harter's service until it determined whether Ameren Missouri was acting in accordance with Commission Rule 4 CSR 240-13.070(6). Prior to the hearing, the parties to this case submitted a joint list of issues for determination, including whether Ameren Missouri violated any statute, Commission rule, order or tariff when it sent Mr. Harter disconnect notices after the filing of his May 7, 2013 complaint. At the evidentiary hearing, the regulatory law judge asked the parties if there were any objections to amending Mr. Harter's complaint to include the additional issue proposed by the parties concerning disconnect notices sent after the complaint was filed. No party objected, and the complaint was amended to include that additional issue.

Ameren Missouri now requests that the Commission act on its Motion expeditiously by issuing an order by September 23, 2013 authorizing it to disconnect Mr. Harter's electric service after October 2, 2013, provided Ameren Missouri gave appropriate notice and Mr. Harter failed to make the required payment. Requests for expedited treatment are governed by Commission Rule 4 CSR 240-2.080(14). That rule requires that such requests state with particularity the harm to be avoided or the benefit that will accrue from granting the request and that the motion was filed as soon as possible or an explanation why it was not.

Ameren Missouri argues that the undisputed evidence at the hearing establishes that the July and August 2013 disconnect notices did not relate to the amounts in dispute in the complaint and, therefore, that disconnection of service for that reason would not violate Commission rules. Ameren Missouri states that permitting it to disconnect Mr. Harter's electric service for non-payment of undisputed charges will have no negative effect on its customers or the general public and may discourage other customers from filing complaints to avoid payment obligations. However, Mr. Harter states in both his response to the

Motion and his testimony at the hearing that the pending disconnect notices do involve a matter in dispute under the complaint.

It is clear that the issue concerning Ameren Missouri's recent attempts to disconnect Mr. Harter's electric service involves matters of disputed fact that are now before the Commission for a final decision. Granting the Motion would require the Commission to issue a Report and Order containing findings of fact and conclusions of law for either that single issue or all the issues in the case by September 23, 2013. The Commission could not issue a Report and Order in the time requested by Ameren Missouri because the transcripts and briefs of the parties have not yet been filed, and the Commission has not had sufficient time to review and consider the arguments of the parties. The Commission concludes that Ameren Missouri has failed to provide sufficient justification for granting the Motion and will deny it.

THE COMMISSION ORDERS THAT:

1. Union Electric Company d/b/a Ameren Missouri's *Motion for Expedited Treatment and Authority to Proceed with Disconnection* is denied.
2. This order shall become effective immediately upon issuance.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of September, 2013.