

FILED

MAR 5 2010

**VS.**

Case No.

Company Name: AMEREN U.E.  
Respondent

Complainant resides at KERRY TERBE (TRUSTEE)  
(address of complainant)

2021 AVALON MIST CIRCLE DARDENNE PRAIRIE MO 6336

1. Respondent, AMEREN U.F.  
(company name)

of COUNTY OF ST CHARLES, is a public utility under the  
(location of company)

jurisdiction of the Public Service Commission of the State of Missouri.

**2. As the basis of this complaint, Complainant states the following facts:**

SEE ATTACHED NARRATIVE

3. The Complainant has taken the following steps to present this complaint to the Respondent:

See Attached narrative

WHEREFORE, Complainant now requests the following relief:

See Attached Complaint narrative

March 2 - 2010  
Date

Kelly W. Selke Trustee  
Signature of Complainant

Attach additional pages, as necessary.  
Attach copies of any supporting documentation.

### Item Number 3

**The Complainant has taken the following steps to present this complaint to the Respondent.**

I Mr. Kerry Tebbe (Trustee) elected as such on December 7, 2009 Initially telephoned Ameren U.E. on December 15, 2010 regarding our street lights. I was inquiring about LED bulb technology. After retrieving the information regarding the Account for the Home Owners Association of Avalon, the customer service representative informed me that Ameren U.E. has not yet implemented led bulbs regarding street lights.

I was informed by the customer service representative that Avalon Home Owners Association leases the street lights from Ameren U. E. And that they are responsible for all maintenance of such. She also indicated to me that we had 21 street lights and informed as to where each light was located. When I heard the names of street known as Thayer Court, Benefit, and Promenade Court I questioned these street light locations and informed the Customer service representative that we had no such streets with those names in our subdivision.

Upon further investigation by the customer service representative asked the names of our streets within our subdivision. I gave her all the street names she then learned that Ameren was billing our Homeowners Association Known as Avalon for another Homeowners Association known as Providence. I asked how many street lights we were being billed for she replied 21 street lights however 9 of those lights should have been billed to a Homeowners Association known as Providence.

I asked and the customer service representative E-Mailed to me, a list of the 12 street lights with their identification numbers attached that were within the plat of the subdivision known as Avalon. **See Exhibit A Attached. Document Dated December 15, 2010 from Paula of Ameren U.E.**

I asked the customer service representative from Ameren U.E. for a copy of a recent bill that Avalon Home Owners Association had received, **I was sent via a PDF file the most recent bill dated November 25, 2009 . See Exhibit B**

I again telephoned Ameren U.E. about the problem of billing to Avalon Homeowners Association and was told that I need to talk with their Construction Department. I was transferred and after explaining the billing problem to the customer service representative I was told that they would look into the matter and credit out account.

I was contacted by a Ameren U.E. representative again and was told that they could only credit our account back to May 28, 2008 as the Account name had changed to Avalon Homeowners Association at that time. I indicated to them that Ameren should have known about this account and that this account always belonged to the Homeowners Association of Avalon and in additionally Ameren U.E. had erred in that

they had out account being billed as if it was in the City of O'Fallon and taxes were paid to O'Fallon out of our account. I protested and demanded that Ameren refund our account for the 9 lights back to when hey co-mingled the bills between Avalon Home Owners Association and the Association known as Providence Condominiums. Ameren refused to refund or credit any money To the Home Owners Association prior to May 28, 2010.

I then filed a complaint with the Missouri Public Service Commission. **See Exhibits C Response Letter from the P.S.C. Pam Consumer specialist II**

March 01, 2010

Mr. Kerry Tebbe (Trustee of Home Owners Association Known as Avalon)

2021 Avalon Mist Circle  
Dardenne Prairie, MO, 63368  
Telephone 314-606-6940

Secretary of the Missouri Public Commission  
ATTN: Data Center  
P.O. Box 360 Jefferson City, MO.65102-0360

RE: Formal Complaint between Ameren U.E. and Avalon Home Owners Association

Dear Sirs:

Ameren U.E. from on or about July 16, 2003 has wrongly co-mingled, lease lighting bills for two separate non for profit corporations. As a result of such the non for profit corporation known as the Avalon Homeowners Association was billed for not only for a lease for its 12 street lights, it was also billed for a lease of 9 street lights that belonged to Providence Condominium Association now known as Providence Homeowners Association. The name change to said corporation was requested and granted by The Missouri Secretary Of States Office.

Ameren U. E. admits wrongly billing The Avalon Homeowners Association however has indicated that it only give a credit back to the date of May 27, 2008. Ameren claims that it was billing Taylor Morley Homes Corporation prior to that date. Let the following facts reflect to this Commission that this claim by Ameren U.E. is not true.

**Exhibit D** Enclosed are documents regarding **Declaration Of Trust, Covenants, Conditions and Restrictions Of Avalon..**You will Note the highlighted areas whereas on the February 10, 2003 Avalon Home Owners Association was formed. See Page 1, 2 Whereas section at the top of the page in regards to the maintaining of. And easements for utilities, and Article 1 and Definitions, Section 1. Pages 27, and 28 Whereas all signatures were affixed and notarize and submitted to the County of St. Charles, Book Number 3539 Page Number 582 .

**Exhibit E** In addition I have located the Plat known as **The Villas of Providence** located and Recorded in the County of St Charles. Plat Book 41. Page 150. **The Providence Condominium Association Declarations Of Trust,**

**Covenants, Conditions and Restrictions** submitted to and Recorded in the County St Charles Book Number 4033 Page Number 1014 on November 22, 2004.

**Exhibit F** Also enclosed are Documents from the Missouri Secretary of States Office documenting the Not for Profit Corporation known as Providence Condominium Association formed on July 16, 2003 Charter Number N00533503 and the Not for Profit Corporation known as Avalon Home Owners Association formed on January 27, 2003 Charter Number N00071146. This evidence indicates that Ameren was negligent in its billing practices whereas Ameren U.E. failed to bill separately for street light leases regarding 2 Not For Profit Corporations as indicated above.

**Exhibit G** Please see the General Warranty Deed Document as it relates to the development known as Avalon and Avalon Home Owners Association This Document was submitted to the County of St. Charles and Recorded on Book 3539 Page 555 on July 24, 2003. Also there is a tract of land known as a plat, submitted to the County of St Charles and recorded on Book 40, Page 63-64. You will note that the street names are clearly placed on the plot of land.

**Exhibit H** Articles of Incorporation of a Nonprofit Corporation known as Avalon Homeowners Association Registration Number N00071146 Dated January 27, 2003 Resignation of Registered Agent Page 4 and new agent registration page 5.

In 2003 Ameren U.E. knew very well what streets lights were located in the development known as Avalon as Ameren U.E. installed these street lights. These street lights are owned by Ameren U. E. and leased by the Home Owners Association known as Avalon. On or about July 16, 2003, Ameren combined their lease billings for street lights for 2 physically separate not for profit corporations, one known as the Providence Condominium Home Owners Association and the other known as The Home Owners Association known as Avalon. In my opinion Ameren should have known that they co-mingled street light lease billings between The Providence Home Owners Association and The Avalon Home Owners Association. Ameren U.E. was the company who installed and identified each lights location with a numeric tag. Since these not for profit corporations were recorded with the State of Missouri and the County Of St. Charles as two separate not for profit corporations. Ameren U.E. should have provided separate billings for leased street lights regardless of company was paying these bills on their behalf. **Exhibit B Recent Ameren U.E. Bill dated November 25, 2009.** Note The bill submitted, states that Avalon Homeowners Association has 21 lights, however it does not indicate specific location of each said street lights or it's identifier number. Ameren U. E. had also paid Municipal Taxes to the City of O'Fallon Missouri. Be advised that Avalon Subdivision is located within the City of Dardenne Prairie which has no Municipal Tax on Utilities. This error in tax was billed to Avalon Homeowners Association by Ameren U.E. and paid to the City of O'Fallon since on or about July 16, 2003 till the end of November billing statement of 2010.

As of May 27, 2008 Avalon Home Owners Association bills are being paid by

City and Village Tax Co. Prior to May 27, 2008, Avalon Home Owners Association bills and disputes were handled by an identity known as **Taylor Morley Management Company**. This Company paid the bills on behalf of the Avalon Home Owners Association for a Monthly Fee. **Exhibit I Letter dated November 16, 2005 sent by Taylor Morley Management Company to a resident.** It clearly states that the Board of Directors of Avalon Homeowners Association was giving approval for property improvements of this resident. The letter also re-enforces our position that Ameren U. E's argument that The Home Owners Association of Avalon did not exist prior to May 27, 2008 is moot. All street light lease bills were merely being paid to Ameren U.E. by the Taylor Morley Management Company on behalf of The Avalon Home Owners Association.

**Exhibit A enclosed document e-mailed to me on December 15, 2009 by Ameren U.E. representative Paula .** Clearly identifying the street lights within Avalon It appears that not only did Ameren U.E. know where the street lights were located in the Subdivision of Avalon. In addition Ameren U.E. also had knowledge of specific light poles through their numbering system. Ameren did not list the identifying number and location of each light pole on its bill provided to The Avalon Homeowners Association.

In conclusion, Ameren U. E's argument regarding their bills being paid by the developer known as Taylor Morley Homes Inc. is simply not true. The fact is the street light lease bills prior to May 27, 2008 were being paid by separate company known as **Exhibit J Taylor Morley Management Company registered with the Missouri Secretary of State in 2002 and is current as of 01/13 2009. Registration Number 00263049** On behalf of **Avalon Home Owners Association**. Every individual homeowner that belongs to Avalon Home Owners Association was over billed for leased lights by Ameren U.E. since July 16, 2003 which was formally the incorporated identity, known as Providence Condominium Association. as provided in the Missouri Secretary of States documents.

No where can I find within the current Tariff provided by the Missouri Public Service Commission and Ameren U. E. where it addresses the leasing of street lights and errors of co-mingled billings and limitations of such by Ameren U. E. I can only find issues of disputed metered utility charges and the time limitations for credit or refund as it related to individuals and corporations .

The nine disputed street lights. ( Z-4109 thru Z- 4117) Located within The Villa's of Providence on the streets known as Promenade Court, Thayer Court and Benefit in the City of Dardenne Prairie, MO. 63368, have been and are still being leased from Ameren U. E. by The Providence Condominium Association. Now known as Providence Homeowners Association effective December 11, 2007. The Homeowners Association of Avalon have paid the leasing bills for street lights that are not located within the Plat of our subdivision.

Wherefore The Residents of Avalon and The Avalon Homeowners Association, now request the following relief from Ameren U.E. A refund and or credit including all taxes paid to the City of O'Fallon for the nine lights that clearly belonged to the Providence Homeowners Association. In addition The Homeowners Association demand that all taxes paid for the 12 street lights located within Avalon be reimbursed back to The Home Owners Association. We demand that Ameren U.E. Pay Avalon Homeowners Association all interest due per annum that is allowable by law, All the above stated request of relief from Ameren U.E. to be calculated from the date of July 16, 2003 ( The date of the Providence Homeowners Association was formed) to the date of May 27, 2007 whereas, Ameren U.E. has admitted that they erred in billing and has agreed to correct and credit Avalon as noted by Missouri Public Service Commission letter dated January 11, 2010. addressed to Mr. Kerry Tebbe Trustee Of the Avalon Homeowners Association

Very truly yours,

A handwritten signature in black ink, appearing to read "Mr. Kerry Tebbe". The signature is fluid and cursive, written over a horizontal line.

Mr. Kerry Tebbe Trustee Avalon Homeowners Association