

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Spigel Properties,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2005-0110</u>
)	
AmerenUE,)	
)	
Respondent.)	

ORDER DIRECTING FILING

Issue Date: June 3, 2005

Effective Date: June 3, 2005

To move toward a resolution of this matter, the Missouri Public Service Commission held a prehearing conference on March 9, 2005. During that conference, the parties agreed that due to a wiring problem in one of Ameren's meters, Spigel Properties was under-billed \$182,588.67.

The parties also agreed that the applicable law is Ameren's tariff, Schedule No. 5, 8th Revised Sheet 170 – 170.1, paragraph c, which states:

Bills rendered which are based on incorrect registrations due to improper meter connections, the application of an improper meter constant, improper application of any rate schedule not selected by customer, or similar reasons, shall be subject to adjustment for the current and sixty (60) prior billing periods, as can be substantiated by Company records. No billing adjustment will be made where the dollar amount of the adjustment is less than \$15.00. No interest shall be paid or collected on any billing adjustment provided for herein.

Based on this tariff provision, Ameren is attempting to collect an amount that was under-billed over a three-year period. Spigel informed the Commission that according to leases entered into with its tenants, it is only able to collect under-billings up to one year after being due.

During the prehearing conference, the parties agreed that the facts are as stated above and that the applicable law is as stated above. Spigel, however, argued that because it is only able to collect from its tenants up to one year of the under-billed amount and Ameren is billing Spigel for three years, a strict application of the law is unfair.

The parties were then instructed to attempt to settle the matter. Not having heard from the parties since the prehearing conference in March, the Commission issued an order on May 17, 2005, directing the parties to file a pleading informing the Commission of the status of the matter. Ameren filed its pleading, stating that Spigel has not responded to a proposed Stipulation of Facts. Spigel filed its pleading, stating that the parties are unable to reach a stipulation as to facts. Both parties suggest setting the matter for a hearing.

Unable to determine what factual dispute the parties could possibly have, and with the understanding that there are no facts in dispute, the Commission will require Spigel to file a pleading setting forth the facts in dispute and, having been granted its initial relief of an independent investigation, what relief it seeks from the Commission.

IT IS THEREFORE ORDERED:

1. That Spigel Properties shall file no later than June 20, 2005, a statement setting forth the facts in dispute.
2. That Spigel Properties shall file no later than June 20, 2005, a statement of the relief it seeks from the Commission.

3. That this order shall become effective on June 3, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale'.

Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of June, 2005.