

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

Richard D. Smith,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2007-0106</u>
)	
Union Electric Company d/b/a)	
AmerenUE,)	
)	
Respondent.)	

**ORDER ACCEPTING REPORT ON SECOND AND THIRD MILESTONES
AND CLOSING CASE**

Issue Date: September 14, 2007

Effective Date: September 14, 2007

On September 19, 2006, Richard D. Smith filed a complaint with the Commission against Union Electric Company d/b/a AmerenUE ("AmerenUE"). The gravamen of the complaint related to Mr. Smith experiencing frequent outages and interruptions in his electric service. On February 14, 2007, the Commission's staff filed a "Joint Report of the Parties After Technical Conference." The parties jointly agreed that AmerenUE would commit to certain milestones to improve service to Mr. Smith; i.e. the "Milestone Agreement." Those milestones included completion of a substation and reconductoring of certain lines. The time line for these milestones is as follows:

- June 1, 2007 - New 161kv/25kv Belgrade substation completed;
- September 1, 2007 - Existing single phase line from Younkers Road to John Smith Road rebuilt;

- September 1, 2007 – Installation of fuses at Mr. Smith’s property or near the end of the line serving Mr. Smith, if determined beneficial;
- December 1, 2007 - Two miles of existing 25kv circuit north of the new Belgrade substation and four miles of existing 25kv circuit south of the new Belgrade substation reconducted with 556 all aluminum conductor; and,
- December 1, 2008 – Report on outages at Mr. Smith’s residence for the previous 12 months.

The parties further agreed that within five days of each date listed above, AmerenUE would file with the Commission a report stating whether or not it met the projected completion date for that milestone and, if not, when AmerenUE expected that milestone to be completed. For any missed completion dates, AmerenUE was directed to file a supplemental report within five days of the actual completion date of that milestone.

On February 27, 2007, the Commission issued an order adopting the parties’ plan as the unanimous resolution to the complaint and instructed the parties to comply with the terms of their agreement.

AmerenUE completed its First Milestone and the Belgrade substation has been completed.¹ On September 5, 2007, AmerenUE filed its “Report on Second and Third Milestones.” In that report AmerenUE stated that it completely rebuilt the line from Younkers Road to John Smith Road and energized it the week of August 20. Additionally, AmerenUE stated that it elected to rebuild the line along John Smith Road in conjunction with installing the new fuses. AmerenUE expects that completely rebuilding the line, as opposed to just installing new fuses will take two additional weeks for completion.

On September 6, 2007, the Commission issued an order establishing a time to respond to AmerenUE’s Milestone Report. No party filed a response. The Commission

¹ See Report on First Milestone filed by AmerenUE on July 27, accepted by order of the Commission on August 8.

finds AmerenUE's Milestone Report demonstrates that it has complied with the second and third milestones of the Milestone Agreement approved by the Commission. The Commission will also, once again, close this case finding that no additional action needs to be taken by the Commission until the next Milestone Report is filed by AmerenUE.

As was noted in previous orders in this matter, because it is not the policy of this Commission to keep complaint cases open on the Commission's docket indefinitely, and because the parties unanimously agreed to and requested the milestone report method as the best method to resolve Mr. Smith's complaint, the Commission adopted the parties' agreement as the resolution of Mr. Smith's complaint and ordered the case to be closed. The Commission emphasized then, and repeats again, that the designation of closing the case from the Commission's docket is merely a ministerial act that does not in any way preclude any party from future filings that would update the status of this case or revive the complaint should any party become dissatisfied with the progression of the joint solution that was adopted.

Each subsequent filing under this case number serves to alert the assigned Regulatory Law Judge, as well as the Chief Regulatory Law Judge, of every action in this matter, *i.e.* supplying the necessary oversight required by the Regulatory Law Judge. Nor does designating the case as being closed in any way preclude additional active oversight by Mr. Smith, the Commission's Staff or OPC, all of whom need only file a single pleading under this case number with the Commission to reactivate the complaint process.

IT IS ORDERED THAT:

1. Union Electric Company d/b/a AmerenUE's Report on Second and Third Milestones is accepted and the Commission recognizes that Union Electric Company d/b/a AmerenUE has complied with the second and third milestones of the Milestone Agreement.

2. This order shall become effective on September 14, 2007.

3. This case shall be closed September 15, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over the printed name.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of September, 2007.