

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Linda Shivers,)	
)	
Complainant,)	
)	<u>Case No. EC-2009-0271</u>
v.)	
)	
Union Electric Company,)	
d/b/a AmerenUE,)	
)	
Respondent.)	

STAFF REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, for its *Staff Report and Recommendation* states as follows:

1. On January 22, 2009, Linda Shivers (Ms. Shivers or the Complainant), filed a *Complaint* with the Missouri Public Service Commission (the Commission) against Union Electric Company, d/b/a AmerenUE (AmerenUE or the Company).

2. In her *Complaint*, Ms. Shivers asserts several allegations against AmerenUE concerning the balance of her account, allegedly based upon a period of estimated billing.

3. On January 27, 2009, the Commission ordered a *Notice of Complaint and Order Directing Staff Investigation*, directing Staff to file a report and recommendation no later than thirty (30) days after the Company files an answer in response to the *Complaint*.

4. On February 26, 2009, AmerenUE filed its *Answer*, denying any allegations that the Complainant was improperly billed and/or that the Complainant is entitled to an adjustment of her account balance. In its *Answer* AmerenUE requests that the Commission issue an order dismissing the *Complaint*, or in the alternative, setting the matter for hearing.

5. In the investigation of Ms. Shivers' *Complaint*, Staff examined the allegations contained in the *Complaint* itself, information obtained pursuant to a prior informal complaint investigation, account information obtained from the Company, information obtained through direct contact with the Complainant, as well as the applicable Commission rules and Company tariffs.

6. Staff successfully contacted Ms. Shivers on December 19, 2008 to discuss an informal complaint based upon the same factual allegations, and again on March 16, 2009 to discuss both the substance and procedure of her formal *Complaint*.

7. While the Complainant bases her legal argument upon the inapplicability of Commission Rule 4 CSR 240-13.020, which outlines certain exceptions to the requirement that utilities render billing based upon actual usage, in the attached Report of the Staff, labeled as Appendix A, Staff maintains that such rule does not pertain to a scenario in which a customer has been improperly billed due to equipment error and in which a billing adjustment is required in order to correct the inaccuracy.

8. Rather, Staff would apply 4 CSR-13.025(1)(B) which states that "[i]n the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods or four (4) quarterly billing periods, calculated from the date of discovery, inquiry or actual notification of the utility, whichever was first."

9. In the Appendix A, Staff states that "[b]ased on the information provided by Ms. Shivers and AmerenUE's account records, Staff concludes that the Company is not in violation of the above Commission Rule."

10. Staff does however indicate a willingness to review and consider any information or documentation which may warrant a reduction in Ms. Shivers' estimated bill.

WHEREFORE, Staff requests that the *Complaint* be dismissed or in the alternative that the Commission continue to proceed towards an evidentiary hearing so that Ms. Shivers may have the opportunity to present evidence in support of her allegations.

Respectfully submitted,

/s/ Eric Dearmont

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of March, 2009.

/s/ Eric Dearmont