

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

Jimmie E. Small)	
)	
Complainant)	
)	
v.)	<u>Case No. EC-2011-0247</u>
)	
Union Electric Company d/b/a Ameren Missouri,)	
)	
Respondent)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and recommends that the Missouri Public Service Commission (Commission) set this matter for hearing so that the Complainant may have the opportunity to provide evidence in support of his allegations. In support of this recommendation, Staff states as follows:

The Informal Complaint

1. On August 6, 2010, Jimmie E. Small (Complainant) initiated an informal complaint against Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company) alleging that his service had been improperly disconnected.

2. As indicated in Appendix A, Staff investigated Mr. Small's informal complaint and advised him that, based upon all available evidence, it appeared that Ameren had acted in accordance with both the Commission's rules and regulations as well as Ameren's filed and approved tariff.

The Formal Complaint

3. On February 4, 2011, Mr. Small filed a formal complaint, citing his prior informal complaint to support his allegation that Ameren Missouri had improperly disconnected his service. Specifically, Mr. Small seeks "findings of fact that Respondent AmUE breached a valid agreement causing personal injury to complainant Small" and "enter conclusions of law that

AmUE disconnect was a violation of State and federal law and used falsified records to influence MO. Pub. Ut. Serv. Commission to rule for Respondent and against ADA complaining disabled veteran . . .” [sic]

4. On March 7, 2011, Ameren Missouri filed its Answer to Mr. Small’s formal complaint, generally denying any allegations of wrongdoing and requesting that the Commission issue an order denying Complainant’s request for relief or, in the alternative, set the matter for hearing.

Staff Investigation

5. As shown in Appendix A and the related schedules, attached hereto and incorporated by reference herein, in the course of its investigation Staff reviewed all documentation and statements provided by the Complainant and examined records and all available information relating to Mr. Small’s disconnection.

6. Commission Rule 4 CSR 240-13.050 governs discontinuation of service:

(1) Service may be discontinued for any of the following reasons:

(A) Nonpayment of an undisputed delinquent charge;

7. Staff’s investigation found that Ameren appears not to have violated this rule because on each occasion that service was in fact discontinued on Mr. Small’s account, there was an outstanding balance, not in dispute, and the company had followed appropriate notification procedures.

8. Staff’s investigation found that the Company’s decision to disconnect service to Mr. Small was never motivated by anything more than Mr. Small’s nonpayment on his delinquent account.

9. Staff’s investigation also found that the Company appears not to have violated any payment agreements entered into with Mr. Small due to subsequent disconnections.

Conclusion

10. Based upon Staff's investigation, Staff is of the opinion that Ameren Missouri has not violated any Commission rule or tariff provisions relating to disconnection of service.

11. Staff does not believe that Mr. Smith has provided sufficient documentation or evidence to support his claims. However, because Mr. Small claims to possess further documentation supporting his allegations (despite multiple requests by Staff to obtain this information) Staff recommends that the Commission set this matter for hearing in order to provide Mr. Smith with the opportunity to present that additional evidence.

WHEREFORE, the Staff requests that the Commission set this matter for hearing to allow the Complainant an opportunity to provide evidence that may support his allegations

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie

Legal Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18th day of March 2011.

/s/ Samuel D. Ritchie