

0001

1

2

3

4 STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

5

6

7

8 MARLYN YOUNG
VS.
UNION ELECTRIC COMPANY, d/b/a AMERENUE

9

Case No. EC-2006-0283

10

11

12

13 HEARING

14

VOLUME I

15

AUGUST 16, 2006

16

17

18

19

20

21

22

23

24

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

	PAGE
COMPLAINANT'S WITNESSES:	
MARLYN YOUNG	
Statement by Mr. Young	8:23
Questions by Commissioner Appling	13:7
Questions by Judge Voss	16:6
Questions by Commissioner Gaw	16:16
RESPONDENT'S WITNESSES:	
DEBORAH BUHR	
Direct Examination by Ms. Tatro	33:24
Cross-Examination by Mr. Young	40:21
Questions by Commissioner Clayton	45:16
STAFF'S WITNESSES:	
MARILYN DOERHOFF	
Direct Examination by Mr. Berlin	59:11

0003

	EXHIBITS INDEX	MARKED	REC'D
1			
2			
3	Exhibit No. 1		
	Complaint	6:2	8:16
4			
5	Exhibit No. 2		
	Objection and Response to Dismissal		
	of Complaint Against Ameren Union		
6	Company	6:2	8:16
7			
8	Exhibit No. 3		
	Motion and Order for Judgment Against		
	Union Electric Company	6:2	8:16
9			
10	Exhibit No. HC4		
	Answer of AmerenUE	6:2	35:14
11			
12	Exhibit No. HC5		
	AmerenUE's Reply to Complainant's		
	Response	6:2	35:14
13			
14	Exhibit No. HC6		
	Answer of AmerenUE to Motion for		
	Judgment	6:2	35:14
15			
16	Exhibit No. HC7		
	Staff Report	6:2	60:20
17			
18	Exhibit No. HC8		
	Staff Reply to Marlyn Young's "Objection		
	and Response to Dismissal of Complaint		
	Against Ameren Union Electric"	6:2	60:20
19			
20	Exhibit No. 9		
	Judgment	6:2	60:20
21			
22			
23			
24			
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Hearing

August 16, 2006

Jefferson City, Missouri

Volume 1

Marlyn Young,)	
)	
Complainant,)	Case No. EC-2006-0283
)	
v.)	
)	
Union Electric Company,)	
d/b/a AmerenUE Company,)	
)	
Respondent.)	

CHERLYN D. VOSS, Presiding,
REGULATORY LAW JUDGE
STEVE GAW,
ROBERT M. CLAYTON, III
LINWARD "LIN" APPLING,
COMMISSIONERS

REPORTED BY:
Patricia A. Stewart
RMR, RPR, CCR
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65109
(573) 636-7551

0005

1 APPEARANCES:

2

FOR COMPLAINANT:

3

Pro Se

4

5 FOR UNION ELECTRIC COMPANY, D/B/A AMERENUE:

6 Wendy Tatro, Attorney

1901 Chouteau Avenue

7 St. Louis, Missouri 63103

(314) 554-3484

8

9 FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:

10 Robert S. Berlin, Associate General Counsel

P. O. Box 360

11 Jefferson City, Missouri 65101

(573) 526-7779

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0006

1

P R O C E E D I N G S

2

(EXHIBIT NOS. 1, 2, 3, HC4, HC5, HC6, HC7,

3

HC8 AND 9 WERE MARKED FOR IDENTIFICATION BY THE COURT

4

REPORTER.)

5

JUDGE VOSS: My name is Cheryl Voss. I'm

6

the hearing examiner or administrative law judge

7

presiding over this case.

8

We're here for the case of Marlyn Young

9

versus Union Electric Company, d/b/a AmerenUE,

10

Case No. EC-2006-0283.

11

We will now take entries of appearance,

12

beginning with Mr. Young.

13

MR. YOUNG: Marlyn Young.

14

JUDGE VOSS: And then we'll move to Staff.

15

MR. BERLIN: Robert S. Berlin, Post Office

16

Box 360, Jefferson City, Missouri 65102, appearing on

17

behalf of the Staff of the Missouri Public Service

18

Commission.

19

JUDGE VOSS: On behalf of Union Electric

20

Company.

21

MS. TATRO: Wendy Tatro appearing on behalf

22

of AmerenUE, 1901 Chouteau Avenue, St. Louis, Missouri.

23

And I believe I have pending a motion to be

24

admitted pro hac vice.

25

JUDGE VOSS: Yes, I see that motion.

0007

1 One moment. I'm having trouble with the
2 camera.

3 Technology. Isn't it wonderful?

4 There we go. Do I have anyone objecting to
5 the motion to appear pro hac vice?

6 Seeing none, then it shall be granted.

7 MS. TATRO: Thank you.

8 JUDGE VOSS: Okay. Now, to let everyone
9 know -- first I'm going to swear you in, Mr. Young.

10 Are you ready?

11 MR. YOUNG: Yes, I am.

12 (Witness sworn.)

13 JUDGE VOSS: Great.

14 We have premarked as Exhibits 1, 2 and 3,
15 your Complaint, the Objection and Response to Dismissal
16 of Complaint against Ameren Union Electric filed on
17 April 24th and the Motion and Order for Judgment Against
18 Ameren -- excuse me -- against Union Electric Company
19 filed on June 22nd.

20 MR. YOUNG: Yes.

21 JUDGE VOSS: Okay. Is it your intention to
22 offer these exhibits as part of the testimony in support
23 of your complaint in this case?

24 MR. YOUNG: Yes, I do.

25 JUDGE VOSS: Do you affirm that your

0008

1 statements in those exhibits are true to the best of your
2 knowledge?

3 MR. YOUNG: The statements are true to the
4 best of my recollection and knowledge, yes.

5 JUDGE VOSS: If you were going to draft
6 these documents today, would you make any changes to
7 these documents?

8 MR. YOUNG: No, I don't think so. I
9 reviewed them, and there is nothing in any of them that I
10 would change.

11 JUDGE VOSS: Okay. Is it your intention,
12 then, to offer these exhibits into evidence?

13 MR. YOUNG: Yes, I do.

14 JUDGE VOSS: Are there any objections to the
15 admission of Exhibits 1, 2 and 3?

16 Seeing none, they're admitted into evidence.

17 (EXHIBIT NOS. 1 THROUGH 3 WERE RECEIVED INTO
18 EVIDENCE AND MADE A PART OF THE RECORD.)

19 JUDGE VOSS: Mr. Young, do you have any
20 additional comments to make in support of your complaint
21 or do you believe that your three exhibits speak
22 sufficiently?

23 MR. YOUNG: Only the fax that I sent you
24 yesterday titled Exhibit D alpha. I wanted that --

25 JUDGE VOSS: I did not receive that for some

0009

1 reason. I'm going to send an e-mail upstairs and try to
2 find out what happened to that document.

3 MR. YOUNG: Okay. It was sent at 5:55.
4 My confirmation key says 5:55 p.m., August 15th.

5 JUDGE VOSS: Do you have that document with
6 you now?

7 MR. YOUNG: Yes.

8 JUDGE VOSS: Is it very long?

9 MR. YOUNG: No. It's just some -- what
10 these documents are indicating is these were bills for
11 payment sent to me by AmerenUE for an account that was
12 set up for me, and I don't know the reason why.

13 JUDGE VOSS: Are these new bills? Are these
14 bills that were already attached to other filings?

15 MR. YOUNG: No. This is a totally new
16 account that was set up after I moved to my present
17 address, which is 2437 Wieck Drive, St. Louis, Missouri
18 63136.

19 JUDGE VOSS: Okay.

20 MR. YOUNG: And I wanted it entered into
21 evidence. So I sent it yesterday by fax.

22 JUDGE VOSS: And for some reason I do not
23 have it. But we have some problems because the other
24 parties didn't have a chance to look at that.

25 I'm going to send an e-mail up to my office

0010

1 and see if we can get that addressed, and we might come
2 back to that.

3 Can you give some us some details of what
4 was contained in that document that you had a problem
5 with?

6 MR. YOUNG: The most important thing that I
7 believe was contained in the document was the account
8 number, which was an account number I didn't know existed
9 until I went over some documentation and some bills that
10 had came to my house and my attention.

11 These bills -- or account was set up, which
12 was told to me because I had a disconnection service in
13 April of 2003, and what was told to me by the
14 representative was we had to set up this account separate
15 from all other accounts. That's why I had the bills.

16 I still don't understand the reason why a
17 separate account was set up when I already had an
18 account.

19 JUDGE VOSS: Are the amounts in that account
20 a part of this complaint or would that be a separate
21 issue, do you think?

22 MR. YOUNG: It's part of my complaint,
23 because I found out the amount of these accounts were
24 transferred to my present account.

25 JUDGE VOSS: I know that -- well, I guess

0011

1 we'll have to come back to this --

2 MR. YOUNG: Okay.

3 JUDGE VOSS: -- because with the other
4 parties not having a chance to look at this evidence
5 before you came -- before we started today.

6 MR. YOUNG: No. I understand.

7 JUDGE VOSS: So for now we'll just take
8 cross-examination on the information that you have. We
9 may have to try to sort the other issue out at a later
10 time.

11 So if you don't have any additional comments
12 to make regarding the evidence that is currently in the
13 record, I'm going --

14 MR. YOUNG: No, I don't.

15 JUDGE VOSS: -- to turn you over to
16 cross-examination from the parties.

17 Is that all right?

18 MR. YOUNG: I didn't understand what you
19 said.

20 JUDGE VOSS: If you don't have anything else
21 to add regarding the information that we've currently
22 admitted into evidence --

23 MR. YOUNG: No, I don't.

24 JUDGE VOSS: -- then I'm going to turn you
25 over for cross-examination, so the other parties can ask

0012

1 you questions that they may have.

2 Are you ready?

3 MR. YOUNG: Yes, I am.

4 JUDGE VOSS: AmerenUE, would you care --

5 MS. TATRO: AmerenUE has no questions. We
6 believe the pleadings take care of those issues.

7 Thank you.

8 JUDGE VOSS: Okay. Staff?

9 MR. BERLIN: Staff has no questions. We
10 believe also that the pleadings address the complaint
11 sufficiently.

12 JUDGE VOSS: Okay. I believe
13 Commissioner Appling has some questions.

14 COMMISSIONER APPLING: Just a couple.

15 Staff, to the best of your knowledge, has
16 anything changed in this case since we talked about it
17 last? Is there anything new to this change?

18 I've read everything that I can possibly
19 find in this case yesterday and today, and I'm searching
20 for an understanding of whether something has changed
21 here.

22 MR. YOUNG: Has anything changed --

23 COMMISSIONER APPLING: I'm not talking to
24 you, Mr. Young, at the present time. I'm talking to the
25 PSC Staff.

0013

1 MR. YOUNG: I'm sorry.

2 COMMISSIONER APPLING: Is there anything
3 that you can think of?

4 MR. BERLIN: No, Commissioner Appling.
5 Nothing has changed that we have observed or seen.

6 COMMISSIONER APPLING: Okay.

7 QUESTIONS BY COMMISSIONER APPLING:

8 Q. Mr. Young, I'm trying to understand at this
9 time -- and hopefully you can explain to me at the
10 present time. Please help me understand.

11 What are you seeking in front of the Public
12 Service Commission today? Explain to me, what are you
13 looking for here?

14 A. Okay. What I was seeking was a refund of
15 some over -- I believe that were overcharges to my
16 account, or previous accounts that I had with AmerenUE.

17 Q. I've looked through all of the files here,
18 but I don't see any account for that. Staff has been
19 over that on several different occasions. It just
20 doesn't seem to appear in the records where you have an
21 entitlement.

22 COMMISSIONER APPLING: If I'm wrong here,
23 Staff, help me out. If I'm wrong here, Ameren, help me
24 out here. Because I'm trying to understand, what is he
25 entitled to here? If there is nothing, then it's

0014

1 nothing.

2 MS. TATRO: It would be AmerenUE's position
3 that he's not entitled to any refund. We've gone above
4 and beyond. And any time there was -- he says someone
5 else lived in the house, not him, we credited it back,
6 even though he was the customer of record and he admitted
7 he was the customer of record.

8 We understand that the record can be a bit
9 confusing because he's had multiple accounts at multiple
10 residences. In our pleadings we've tried to lay that out
11 for you as clearly as possible.

12 But it would be our position that AmerenUE
13 owes him no money, and, in fact, at this time AmerenUE is
14 the party that is owed money by Mr. Young.

15 BY COMMISSIONER APPLING:

16 Q. Mr. Young, what do you respond to that?

17 A. I believe based on the information provided
18 by AmerenUE that I'm entitled to a refund in the amount
19 of \$955.

20 And I've also found out that there can't be
21 any punitive damages awarded with the Commission because
22 they have no jurisdiction over that.

23 Q. But do you understand that the Commission
24 has no jurisdiction to do punitive damage? You
25 understand that. Right?

0015

1 A. Did I understand that the Commission
2 couldn't?

3 Q. Yes.

4 A. I didn't understand -- I didn't understand
5 the last part of what you said.

6 Q. I'm saying, to your knowledge do you
7 understand that the Commission has no authority for
8 punitive damages? Do you understand that?

9 A. Yes, for damages, yes. But it was my belief
10 that the Commission does have the authority to have UE
11 refund any overcharges.

12 COMMISSIONER APPLING: Okay. Thank you very
13 much, sir.

14 JUDGE VOSS: Are there any other questions
15 for this witness?

16 COMMISSIONER GAW: Not right now. I'll wait
17 just a moment. I didn't get in on the first.

18 Has there been any evidence introduced into
19 the record other than the testimony from the complaining
20 party at this point before I stepped in?

21 JUDGE VOSS: There have been the first three
22 exhibits, which are the three pleadings filed, which he
23 authenticated and verified under oath.

24 COMMISSIONER GAW: Those are the Complainant
25 exhibits?

0016

1 JUDGE VOSS: Yes, his Complaint filed
2 January 3rd, the Objections and Response to Dismissal of
3 Complaint against Ameren Union Electric filed on
4 April 24th and his Motion and Order for Judgment Against
5 Union Electric Company filed on June 22nd.

6 QUESTIONS BY JUDGE VOSS:

7 Q. I did have one question, Mr. Young.
8 What fax number did you use? Because a fax
9 did not for whatever reason come through.

10 A. 573-751-6010.

11 Q. 6010?

12 A. Uh-huh.

13 JUDGE VOSS: Okay. I'll double-check that.

14 Did you have anything else,
15 Commissioner Gaw?

16 QUESTIONS BY COMMISSIONER GAW:

17 Q. Mr. Gaw, this is Steve Gaw. How are you
18 today?

19 A. Fine. How are you, sir?

20 Q. I'm good.

21 Can you tell me, in those exhibits that you
22 have, are there particular places that you wish us to
23 look on those exhibits that will detail out your position
24 in regard to how you came up with the \$955 that you say
25 is owed to you by Ameren?

0018

1 problem. The point is, these are extensive documents
2 that were issued not by me. They're not my documents.
3 They're UE's documents.

4 And what these documents are indicating is
5 that they have been collecting deposits from me since
6 1998. I'm not going back that far. I don't want to drag
7 this out. I'm going from the year 2000, which is March
8 of 2000, to 2002. That's where I'm at with deposits.

9 So when I asked about the deposit, nobody
10 know where they are. They know they were collected, but
11 don't nobody know what happened to them.

12 Q. Okay.

13 A. Okay. In December -- hello.

14 Q. Yes, you're still here.

15 A. Oh, boy. I thought I lost you.

16 Q. I don't know what that other noise was.

17 A. Okay. In December of 2002, I believe, I
18 left the property -- first of all, I'm in real estate, so
19 I move about in my properties. What I do, I live in my
20 properties and then I sell them off.

21 In December of 2002, which was a property of
22 mine, I was paying the bill there. They had indicated
23 that I owed \$340 when I vacated the property. Okay?

24 I went to court for this, because I didn't
25 know anything about any of this until April of 2004.

0019

1 After I did a lot of investigating, looking
2 at my documents, going back all over my old bills, that's
3 when I started requesting all of this documentation from
4 AmerenUE.

5 And I believe it was before then. I think
6 it was at least eight, nine months before then that I
7 started collecting documentation.

8 Their claim -- the last reading was that I
9 owed \$340. I paid \$340. But when we looked at the
10 statement of account -- it's coded DCUR, one amount, and
11 another amount, PB, which is an underpaid deferred
12 balance, billing balance. Okay. From where?

13 Well, this is what the representative of
14 AmerenUE is saying. Where? I don't know. So the judge
15 has to go to AmerenUE, you should know. Are these your
16 records? Yes, it is. I don't know.

17 So what the judge awarded me was 340 some
18 dollars, plus court costs.

19 Q. Mr. Young, when was that?

20 A. That was the latter part of July 2005.

21 Q. Okay. And was there a docket entry
22 reflecting that from the court?

23 A. Yes, which I made a part of the record to
24 the Missouri Public Service Commission.

25 Q. So that's in our evidence then?

0020

1 A. Yes.

2 Q. Okay.

3 A. And what had happened, I wanted to do my
4 complaint in three parts. The judge said huh-uh, no.
5 We'll be here two days with all of this documentation.
6 No. I'm going to award you this judgment now. You come
7 back, because I'm not dismissing what you're saying with
8 prejudice. You can come back.

9 Subsequent to that I heard about the
10 Missouri Public Service Commission. I said, well,
11 maybe -- first I went on the Internet to see background
12 on the Commission and some history on how they judge
13 consumer actions, which I couldn't find anything. Then
14 that's when I forwarded my formal complaint.

15 Q. Okay. Now, how does this \$340 -- did you
16 get paid that \$340?

17 A. Yes.

18 Q. Okay.

19 A. Well, what had happened, AmerenUE was going
20 to give it to me as a credit. I told them no. This is a
21 money judgment. You give it to me money, in the form of
22 a check, which they did comply.

23 Q. Okay.

24 A. Now, this was supposed -- this would cover
25 the period December 29th, 2002. Stop right there.

0021

1 Between January of 2003 to May 15th of 2003 they still
2 had a running account on me. Even though I was gone they
3 had a running account, because you have to notify
4 AmerenUE that you moved.

5 I don't know what happened. They kept the
6 account open. And on May 15th, 2003 they said the amount
7 was \$504.42.

8 And this is the key to my whole case right
9 here, this amount of money, one of the keys to my whole
10 case. Because what had happened when I subsequently
11 moved to another address and got another account number
12 in, I believe, September of 2003, this -- this amount was
13 transferred to my account at 2629 Terrace Lane. It was
14 added up, because I moved in October of 2003 to 8831 May.

15 So they gave a final bill in the amount of
16 \$1,159 and some change, but getting a statement from UE
17 from the time I wasn't there. It was the same identical
18 thing they did at Eastchester. They still had a tab
19 running.

20 I left on October 3rd, 2003. They still
21 were billing me up until January of 2004 at 2629 Terrace
22 Lane.

23 So all of that money, plus this 504.42, they
24 added together and passed it to 8831 May in March of
25 2004.

0022

1 On April 1st -- I never will forget this --
2 of 2004 I got a call that they was going to disconnect my
3 service because the amount of the account at that time
4 was \$1,210.

5 My account at May up until that time was
6 clear. Everything was paid. They said, we were going to
7 have to discontinue your service. I said, why? Because
8 we have an amount that was transferred from Terrace Lane
9 to this account. I asked her to itemize this \$1,159 and
10 change, which she did.

11 Her name was Sheila Jones. I never will
12 forget her. She read it all to me.

13 Lo and behold, looking at it -- I'm going to
14 send it to you also -- \$504.42 crept right back into this
15 amount that was owed, plus -- plus -- plus all amounts
16 from October 3rd until, of course, January.

17 Any service amount, which I wasn't there,
18 they passed that on to me too.

19 That's when she told me that -- that's when
20 I vigorously started investigating every bill, everything
21 I had from UE, everything.

22 And at that point I said to myself, I am not
23 going to take them to court. I'm going to pay this plan
24 off, which I started paying. And I paid it religiously,
25 religiously, until July, which I was going to move again

1 to my present address.

2 Q. In July of what year, Mr. Young?

3 A. Go ahead.

4 Q. July of what year?

5 A. 2005.

6 Q. Thank you. Go ahead. I'm sorry.

7 A. I think that's when I went to court, because
8 I had enough evidence of what UE was doing. Because as a
9 consumer you have to be very careful on how you read
10 bills, because UE's accounting system is not for
11 consumers to digest, period.

12 They make it very complicated. I don't know
13 why. Because I believe billing should be something that
14 a consumer can easily digest or read.

15 I made four requests for what we call a
16 kilowatt hour pricing, how do you do your bill.

17 Because my -- my contention was, No. 1, if
18 they made a mistake here, how do I know they didn't make
19 a mistake in reading my bill? Four requests, could I
20 have anything telling me how to read my own account? No.
21 I never got it.

22 That sent all kind of flags to me that I'm
23 going to pursue this to the very end, because it was
24 unwarranted. It was spiteful in what they did.

25 So Mr. Jones told me, sir, I cannot

0024

1 understand her situation. All I know is this amount was
2 transferred from a prior address and you have to pay.
3 How are you going to do it?

4 I paid \$425 and paid the rest in a plan.
5 And I vowed when I got to the end of this payment plan
6 with UE, I was going to court, which I did. I got my
7 award, and then that's when I heard about the Missouri
8 Public Service commission.

9 Q. Okay. Mr. Young --

10 A. So that's where we are now.

11 Subsequent to that I started doing more
12 investigation and found out --

13 JUDGE VOSS: Excuse me. Mr. Young, I think
14 Commissioner Gaw had a question for you.

15 BY COMMISSIONER GAW:

16 Q. Mr. Young, I was -- in your documents that
17 you have filed, is there some way -- or perhaps the judge
18 can point to me where that circuit court decision is.

19 A. I think --

20 Q. I have the petition. I'm looking for a
21 docket entry.

22 A. Ms. Tatro -- I believe that's her name --
23 she should have a copy of it.

24 MR. BERLIN: It's in his formal complaint.

25 MR. YOUNG: Because in the Staff

0025

1 investigation we took ten minutes on this, because the
2 person who was doing the investigating claimed that you
3 got your money, your deposit, through a court judgment.
4 And I was saying no. She was saying yes.

5 So what I did, I submitted what the actual
6 verdict was. It was -- it was an overcharge of services
7 from AmerenUE.

8 Because I did not admit that, because I just
9 thought, you know, if it was an attorney, they would just
10 look at the case number and they would just read it
11 themselves, what it was, or what was the money judgment
12 for.

13 But in any event, I just submitted it to
14 them. I never heard anything else after that.

15 In July -- August 3rd, 2005 I moved to my
16 present address. Lo and behold they set up -- I have my
17 account number, 5145, the last four digits.

18 Lo and behold, I found out they set up a
19 separate account for me, which was the Account No. 5135.
20 I said, wait a minute. This doesn't make sense. Why
21 would they set up a separate account?

22 From August 3rd until January 2006 they had
23 a running bill for that account for that address, and I
24 wasn't there. It's the same thing they do, but this
25 time, instead in running it in the past, they did a

1 separate account. They made a separate account and
2 collected readings, what I owed, and they passed it on to
3 my present account in the tune of 1,000 plus dollars.

4 That's what I had sent to the Commission to
5 see, because I just put all of the bills together, and it
6 tells -- the bills indicate my final reading at the
7 address, and then all of the readings and fees and what I
8 owed from the time I moved up until now.

9 But I wasn't there. So I asked the
10 representative, the customer service, why do you have a
11 separate account to me in the first place? She said,
12 quote, unquote, Mr. Young, it's April of 2003. You had a
13 disconnection of services by AmerenUE. We set this
14 account up because of that disconnection service.

15 I said, Miss, that's three years ago. I
16 haven't -- my services hasn't been disconnected since
17 then. Well, what are these running meter readings?
18 That's -- those are your readings. You have to pay for
19 them.

20 BY COMMISSIONER GAW:

21 Q. Mr. Young, let me ask you a question here.

22 After the judgment was entered by the court,
23 do you maintain that subsequent to that date, after that
24 date, that you overpaid the amount that you owed on your
25 electric bill moving forward from the date of that

1 judgment?

2 A. No.

3 Q. All right.

4 A. On April 1st of 2004 the amounts transferred
5 to my account, which I can prove were overcharges,
6 because they were charges for meter readings when I
7 wasn't in the property, and, No. 2, for monies at another
8 property, in other words, the total amount from another
9 property was passed on, and I caught it by reading it.
10 It was passed on from one address to one address to that
11 address, but it was hidden.

12 So Ms. Jones broke out where all of the
13 costs came from and she itemized it. Lo and behold,
14 \$504 -- I never will forget -- \$504.42, the same amount
15 from the address at 9414 Eastchester for those months
16 that I'd already indicated, from January to May,
17 miraculously appeared again.

18 And what could I do? She said, you've got
19 to pay for it.

20 From that point, that's when I really did
21 serious investigating of AmerenUE and their billing
22 practices. That's when I really started. But I kept
23 with the plan and paid it.

24 Hello.

25 Q. Mr. Young, when you -- so you're telling me

1 that after the judgment was entered, from that point
2 forward you do not have issues in regard to the amount of
3 your bill? Is that correct?

4 A. No. I've had -- let me be specific when I
5 had issues with the bill.

6 I had issues with the bill when I moved from
7 Terrace Lane, which was in October of 2003.

8 Q. Yes, sir.

9 A. Because I kept saying, why are my bills so
10 high? It's like I could never get from behind the eight
11 ball on these bills.

12 Q. Yes, sir.

13 A. So when I moved to 8831 May, that's when in
14 April I paid my bills. And this happens all of the time.
15 It happened at this address. I paid my bills.
16 Everything was paid at May. And then all of a sudden,
17 boom, you have a bill here for \$1,210.

18 Q. Mr. Young, do you own any of these
19 properties that are in contention here in any name other
20 than your own at any point in time during the time frame
21 that you're discussing?

22 A. They were in my name.

23 Q. All right. And let me ask you another
24 question.

25 A. One of them, my girlfriend lived in it.

1 Q. All right. That's okay. Let me ask you
2 another question.

3 The time frames when you're saying that they
4 billed you when you were not in those residences, or
5 those buildings, are you -- were the -- to your knowledge
6 was the account set up in someone else's name during
7 those time frames?

8 A. No. Each time there wasn't anybody in the
9 property. Because I just went over and just -- you know
10 how you go over and look. Nobody was in the property at
11 that time.

12 Ownership had passed to a real estate
13 agency, and I just assumed they were just holding the
14 property to fix it up or something to sell it.

15 Q. So when you say you were no longer in the
16 property, you were also telling me that during those
17 dates you no longer owned the property?

18 A. I no longer -- let me do it like this. I
19 wasn't the owner of record. I did own the properties.
20 They were gone. They were in somebody else's name.

21 And UE, I have to give them credit where
22 credit is due. They're not saying that I was in the
23 property. They're not saying that.

24 My contention -- because if they were hiding
25 something, they wouldn't send me any records at all. But

0030

1 the records they sent plainly shows you, if I moved on
2 this date, I wasn't there. So why is there a reading in
3 the property on this date?

4 Q. Well, on those dates that you say you moved,
5 Mr. Young, are you telling me that you did not after that
6 date own those properties?

7 A. No, I did not own the properties.

8 And to make it clear, the one at 94, the
9 first time that this happened, AmerenUE -- and I
10 understand they don't believe people. I understand.

11 I had to go to the courthouse, produce all
12 of these records before they would say, okay, Mr. Young.
13 Okay. You weren't really there. But we can't just take
14 your word. You have to provide proof.

15 Q. I understand. Mr. Young, I'm not trying to
16 cut you off here, but I know that our -- our report is
17 somewhat limited, as I understand it, on your telephone,
18 and if I could just ask you. There is the opportunity
19 for more here in a minute, but I just want to get through
20 a couple more questions, or at least one.

21 A. Okay.

22 Q. And that is, in the time frame that we're
23 discussing here, we are -- in looking through your
24 exhibits, I cannot see a copy of the judgment entry that
25 is admitted by the parties to exist, but the actual entry

0031

1 of that judgment, I don't see a copy of it.

2 Do you have a copy of it?

3 A. Yes, I do.

4 Q. And if you think you've already provided
5 that, then we'll look for it.

6 A. I provided it, because there was a Staff
7 conference call with Mr. Berlin.

8 Q. Yes.

9 A. And what I did was -- I did have a copy,
10 other than there was a judgment. Everybody knew that.

11 Q. Well, everyone is acknowledging that. It's
12 not in dispute. I'm just interested in the language that
13 was in that docket entry on that judgment.

14 A. And that's where I had sent to them. I
15 found it and I said, well, let me just send it. And this
16 way it would end all of this.

17 And lo and behold I never heard anything
18 about it until the hearing right now, because I made it
19 available. It's a matter of public record.

20 Q. It would be a matter of record. I'm just
21 trying to find a copy of it, is the difficulty.

22 Well, I'm going to stop asking you
23 questions.

24 A. I can always make sure that copies are
25 available for everybody. I've got them here in my file.

1 Q. Okay. Maybe that's something that could be
2 faxed.

3 A. Oh, no. I'll make sure you get it. I've
4 got about -- or at least three or four of them. I just
5 keep them for myself because they may get lost. So this
6 helps me keeping track of my record.

7 COMMISSIONER GAW: I understand.

8 That's all of questions I have right now,
9 Mr. Young. I think there is an opportunity for you to do
10 additional testimony if you wish in a minute.

11 MR. YOUNG: Okay. Thank you.

12 JUDGE VOSS: Does Ameren have any questions
13 based on comments and questions from the bench?

14 MS. TATRO: We do not. Thank you.

15 JUDGE VOSS: Staff?

16 MR. BERLIN: Staff has no questions,

17 Your Honor.

18 JUDGE VOSS: I have a question for Staff.

19 Do you have a copy of that judgment? Did he
20 give you a copy?

21 MR. BERLIN: I have no copy of any kind of
22 court document other than what he submitted in his
23 original complaint.

24 JUDGE VOSS: Okay. That might save some
25 time if you had a copy of it.

0033

1 Seeing no further questions for Mr. Young,
2 Mr. Young, we're going to now swear in the witness --

3 COMMISSIONER GAW: Does he have any
4 additional testimony based on our questions?

5 JUDGE VOSS: That's true.

6 Mr. Young, do you have any additional
7 comments you'd like to make based upon Commission
8 questions?

9 MR. YOUNG: No, not at this time.

10 JUDGE VOSS: Okay. Then, Ameren, did you
11 have a witness or exhibits you'd like to present?

12 MS. TATRO: We do.

13 She can testify from here?

14 JUDGE VOSS: Yes. Make sure that you get
15 close to the microphone.

16 MS. TATRO: I'd like to call Deborah Buhr to
17 the stand.

18 JUDGE VOSS: I'm sorry. Could you repeat
19 your name, please?

20 MS. BUHR: It's Deborah Buhr, B-u-h-r, and
21 I'm the supervisor in the call center for Ameren.

22 (Witness sworn.)

23 JUDGE VOSS: Okay. You may proceed.

24 DIRECT EXAMINATION

25 BY MS. TATRO:

0034

1 Q. Okay. I'm handing you a document that was
2 previously labeled Exhibit 4, and it is titled Answer of
3 AmerenUE, filed on February 2nd, 2006.

4 Are you familiar with this document?

5 A. Yes, I am.

6 Q. Do you have any corrections or additions to
7 make to this document?

8 A. No, I don't. Except for on page -- on
9 page 3 -- it would be the third bullet down -- we'd like
10 to withdraw the statement or the sentence or part of the
11 statement that said -- that begins with "this judgment
12 was for a deposit" and ends with "was minimal" and just
13 delete that part from our response and begin that
14 sentence with "a decision was made to accept the judgment
15 rather than to dispute its accuracy."

16 Q. Okay. I'm now handing you a document
17 labeled Exhibit 5, previously marked as Exhibit 5, and
18 the title is AmerenUE's Reply to Complainant's Response
19 filed on May 4th, 2006.

20 Are you familiar with this document?

21 A. Yes, I am.

22 Q. Do you have any additions or corrections to
23 this document?

24 A. No, I don't.

25 Q. Okay. I'm handing you a document previously

0035

1 labeled Exhibit 6, titled Answer of AmerenUE to Motion
2 for Judgment, filed on June 26th, 2006.

3 Are you familiar with this document?

4 A. Yes, I am.

5 Q. Do you have any corrections or additions to
6 make to this document?

7 A. No.

8 MS. TATRO: I would move for admission of
9 these three documents.

10 JUDGE VOSS: Are there any objections to the
11 admission of the three documents as corrected?

12 Seeing none, Exhibits 4, 5 and 6 are
13 admitted into evidence.

14 (EXHIBIT NOS. HC4, HC5 AND HC6 WERE RECEIVED
15 INTO EVIDENCE AND MADE A PART OF THE RECORD.)

16 BY MS. TATRO:

17 Q. Now, Ms. Buhr, you were present for the
18 discussion with Mr. Young, and he made several
19 allegations that I'd like to go through with you and
20 hopefully clarify things.

21 JUDGE VOSS: If we can go off the record for
22 a second.

23 MS. TATRO: Yes. Excuse me.

24 JUDGE VOSS: Mr. Young, just to let you
25 know, Ameren's attorney is getting their witness to do

0036

1 the same things that I did for you at the beginning of
2 the hearing, so that you know what is going on.

3 MR. YOUNG: Yeah, I understand.

4 JUDGE VOSS: Okay. Please continue.

5 BY MS. TATRO:

6 Q. Okay. Let's start with the small claims
7 judgment that is referenced. Do you know what the amount
8 of that judgment was?

9 A. I know that a check in the amount of \$322.84
10 was issued to the St. Louis County Circuit Court in
11 November of 2005 to satisfy a judgment garnishment fee on
12 9414 Eastchester Drive.

13 Q. So that \$322.84 would have included the
14 judgment and court costs and the fees that were involved?

15 A. Yes.

16 Q. Was an adjustment made to his account for
17 that amount?

18 A. Um, what we -- I guess I need to kind of
19 recap the whole situation there at that 9414 Eastchester
20 Drive just to kind of give an idea as to what was going
21 on.

22 On December 29th of '02, I believe Mr. Young
23 stated that the account balance was 340 some dollars.

24 Okay. Excuse me.

25 The amount owed on that account as of

0037

1 December 29th of '02 was \$341.20. The account balance on
2 December 2nd and the bill that was issued was in the
3 amount of \$416.99.

4 There was one more bill issued after that
5 for service that was used from November 26th of '02 to
6 December 29th of '02 for \$72.21. And then there was a
7 payment of \$148 received. So that left an account
8 balance of \$341.20.

9 Okay. Now, that was the account balance as
10 of December 29th of '02.

11 Additional charges of 163.22 were added from
12 December 29th of '02 to May 15th of '03 when the account
13 was actually closed. And that brought the final bill to
14 504.42, which is the amount that you heard Mr. Young talk
15 about.

16 That 504.42 was transferred to an account on
17 Terrace Lane. We later canceled the bills for service
18 that was used from January 17th of '03 to May 15th of '03
19 after Mr. Young provided a document saying that he was
20 evicted, and the charges of 146.28, which was for service
21 that was used from December 29th of '02 to May 15th of
22 '03, were canceled and replaced with a new bill for
23 service that was used from December 29th to January 17th
24 in the amount of \$31.47.

25 This left a credit of \$114.81. That credit

0038

1 was transferred to an account on May, which you heard
2 Mr. Young mention earlier.

3 So there were charges that were canceled,
4 and the credit was actually applied to the May account,
5 which was the active account at that time.

6 Q. So just to clarify, what you're saying is
7 after AmerenUE received proof that he didn't live at the
8 residence, we removed the charges for the service during
9 that time?

10 A. Yes.

11 Q. Okay. Now, the judgment was awarded in
12 2005. Correct?

13 A. That's when the check was issued.

14 Q. And Mr. Young indicated that a second
15 account was opened?

16 A. Yes. As a result of that judgment, the
17 account on May -- the active account at that time was
18 closed and then a new account was opened.

19 Q. What was the purpose for that account? Did
20 he request that?

21 A. I think it was more for accounting purposes.
22 We wanted to separate what was in dispute from the time
23 after the dispute.

24 The actual amount that was on the disputed
25 account was \$108.23. Yeah, \$108.23. That amount was

0039

1 transferred to the new account on May, which is the
2 account number that Mr. Young mentioned earlier that
3 ended with the 05135. And the billing actually continued
4 on that account then for several months.

5 We did eventually cancel all of the charges
6 that had accumulated on that second account at May, which
7 returned the amount owed to the 108.23, which was the
8 original final bill on the May account.

9 Q. Were there any other times that AmerenUE
10 removed a bill from his account?

11 A. Yes. There was a -- I believe it was a
12 \$52 bill for service that was -- I forget which address
13 it was, but it was in Mr. Young's name.

14 Apparently there was a lady that was living
15 there, and he allowed her to have service in her name
16 while she got her affairs in order. And this amount was
17 transferred to one of his accounts, and he disputed it,
18 and we did remove that from his account then.

19 Q. To the best of your knowledge -- and I'm not
20 talking about current bills at his current residence --
21 but in the disputed amount, what amount does Mr. Young
22 still owe AmerenUE?

23 A. \$108.23.

24 MS. TATRO: I have no further questions.

25 JUDGE VOSS: Mr. Young, do you have any

0040

1 questions?

2 MR. YOUNG: Yes, I sure do.

3 This is something I received called a Staff
4 Report.

5 JUDGE VOSS: This is not the Staff's
6 witness.

7 Excuse me. This is not Staff's witness.
8 She wasn't talking about the Staff's Report, if that
9 helps you. That was AmerenUE's witness.

10 MR. YOUNG: Okay. I don't understand.

11 Hello.

12 JUDGE VOSS: Yeah. You can ask questions
13 about what the witness talked about or the three exhibits
14 that they entered into evidence.

15 MR. YOUNG: Let me go back to a statement
16 she made.

17 JUDGE VOSS: Okay.

18 MR. YOUNG: I think she got it wrong when
19 she said \$108 went back to May. It went to Wieck. This
20 is what she claimed that I owed.

21 CROSS-EXAMINATION

22 BY MR. YOUNG:

23 Q. And on that note, why would they set up an
24 account anyway?

25 JUDGE VOSS: Mr. Young, are you addressing

0041

1 me or the Ameren witness?

2 MR. YOUNG: The Ameren witness.

3 I think her name is Delores -- I think her
4 name is Delores, I believe.

5 THE WITNESS: Debbie. It's Debbie.

6 MR. YOUNG: Yes.

7 THE WITNESS: Okay. I think --

8 MR. YOUNG: Specifically talking about
9 Account No. 05135.

10 THE WITNESS: Right. That was the second
11 account that was set up on May. And it began -- hold on
12 just a second. Let me get my -- get some information
13 here.

14 That second account at May, the one that
15 ends in 05135, okay, that one -- it looks like that one
16 opened up on August 24th of '05.

17 So when that one opened, then the account at
18 May that ended in 05126 closed. And when 05126 closed,
19 the account balance was 108.23. That is the amount that
20 transferred to the new account on May, the 05135. There
21 were some additional charges.

22 We continued to bill you at that address
23 September, October, November, December, January, and then
24 we closed that account and canceled all of the charges on
25 that second account, with the exception of the 10823 that

0042

1 was transferred in, and then we transferred that back.

2 So that is actually -- or was transferred back to the

3 05126 account.

4 Now, you have to understand with our billing

5 system, any time a name matches, why, that bill will

6 transfer again to any new active account, which has

7 happened a couple of times since then, and then we've had

8 to manually transfer that bill back to the original

9 account here at May, and we have done that.

10 But you are right, that bill did transfer to

11 a couple of your new active accounts, but when we were

12 made aware of that, we transferred it back.

13 So right now that bill, that 108.23, is on

14 the May account right now.

15 BY MR. YOUNG:

16 Q. Okay. But what was posed to me by a

17 representative of AmerenUE yesterday was I owed as of

18 August 3rd, \$1,082.83, and AmerenUE is making an attempt

19 to collect that, because I have the bill right here. And

20 what they're saying is, if you don't pay it, we're going

21 to cut off your services.

22 A. Let's see. Are you talking about the Wieck

23 account?

24 Q. Okay. We were just talking about the

25 Account 05135.

0043

1 A. Right.

2 Q. You had given an account of what had
3 happened with the account, but that's not what they're
4 telling me.

5 First of all, there is still an active
6 account. No. 2, they're making an attempt to collect on
7 the account \$1,082.83 and threatening to turn off my
8 electricity if I don't pay it.

9 A. What's the account number?

10 Q. I'll do it again. The account number is --
11 okay. Here it is. 79686-05135. The amount from this
12 account was transferred to my present account. And it's
13 here. They didn't try to hide anything.

14 \$1,082.83 is -- this amount was transferred
15 from this 5135, and which she says, quote, unquote, you
16 have to pay it or we're going to turn off your
17 electricity.

18 A. Um, Mr. Young, I'm a little confused. Right
19 now I believe we've got two active accounts in your name
20 and only two active accounts that would -- or could
21 possibly come in threat of being disconnected.

22 One is the Wieck account, the 2437 Wieck
23 Drive. And that 108.23 bill from May did transfer over
24 to that account, but it has been transferred back. That
25 was transferred back in March, on March 21st of '06.

0044

1 Now, the active account on Wieck is -- the
2 account balance is around \$1,300 right now.

3 MR. YOUNG: Okay. I don't have any more
4 questions.

5 BY MR. YOUNG:

6 Q. You're saying my account is \$1,300?

7 A. On Wieck Drive, yes.

8 Q. Okay. Which I just said all of these
9 arrears and amounts or whatever are transferred from
10 5135. That's what I'm saying. The same thing you've
11 been doing. It's a clever way of collecting two ways.

12 Because I called yesterday --

13 JUDGE VOSS: Mr. Young, are you testifying
14 or asking questions?

15 This is your opportunity to ask questions.

16 We don't --

17 MR. YOUNG: I'm asking a question then.

18 BY MR. YOUNG:

19 Q. The question is: No. 1, the bill from 5135
20 has been transferred to my account in the amount of
21 \$1,300.

22 JUDGE VOSS: That's not a question,
23 Mr. Young. That's a statement.

24 Are you asking them if it has been
25 transferred?

0045

1 MR. YOUNG: If it's been transferred.

2 THE WITNESS: The only bill from that
3 account, the 05135, is \$108.23. Now, that was
4 transferred to the Wieck Drive account. It was
5 transferred in March, but we transferred it back off in
6 March.

7 Now, all of the charges on the Wieck Drive
8 account, all \$1,300 worth, accumulated on Wieck Drive.
9 There were no other amounts transferred.

10 MR. YOUNG: I won't ask any more questions.
11 Thank you very much.

12 JUDGE VOSS: All right, Mr. Young.

13 Are there any questions from the bench?

14 COMMISSIONER CLAYTON: Yes. Thank you,
15 Judge.

16 QUESTIONS BY COMMISSIONER CLAYTON:

17 Q. Ma'am, I heard you say Debbie, but I didn't
18 catch the last name.

19 A. Buhr.

20 Q. Buhr?

21 A. Uh-huh. B-u-h-r, Buhr.

22 Q. B-u-h-r, Buhr.

23 A. Buhr.

24 Q. Okay. First of all, can you tell me the
25 date of the judgment that the Complainant received

0046

1 against AmerenUE?

2 A. No. I'm sorry. I wasn't involved in that
3 portion of the -- of the bills at that time. I do know
4 that the check was issued in November.

5 MR. YOUNG: The date of the judgment was
6 August the 24th, 2005.

7 THE WITNESS: That would correspond with
8 when that second account was opened at May, so that is
9 very likely correct.

10 COMMISSIONER CLAYTON: Thank you, Mr. Young.

11 August 24th, 2005 would have been the date
12 of the judgment that Mr. Young received against Ameren.

13 Does anyone dispute that date?

14 MR. TATRO: No.

15 COMMISSIONER CLAYTON: Everyone is shaking
16 their head in the negative. So everyone seems to agree
17 to that date.

18 BY COMMISSIONER CLAYTON:

19 Q. So everyone agrees that the judgment amount
20 was paid to the Complainant. Is that correct?

21 Is that your understanding?

22 A. Yes.

23 Q. Okay. Now, can you tell me, after that
24 check was written -- I guess I ought to ask a couple
25 preliminary questions here.

0047

1 Have you been working for Ameren going back
2 to all of this time frame --

3 A. Yes.

4 Q. -- through 2005?

5 A. Uh-huh. Yes.

6 Q. And you were knowledgeable about all of the
7 accounts that the Complainant has going back at least to
8 August 24th, 2005?

9 A. Yes.

10 Q. Okay. So theoretically, once the judgment
11 was entered and once Ameren tendered the amount of the
12 judgment, is it a fair statement that at that point there
13 was a zero balance between Ameren and the Complainant,
14 that no money was owed back and forth among the parties?

15 A. No. There was still some money owed and
16 even on that account. I believe the judgment was based
17 on an account off of a statement that was provided at the
18 court at that time. There was no documentation or
19 history beyond a certain point.

20 And since there was no clear explanation of
21 the prior amount that was owed, then that's the amount
22 that I think the judge rendered the judgment on.

23 Q. All right. For August 2005, at that time
24 how much does Ameren believe Mr. Young owed?

25 A. Again, we refer back to the 108.23, I

0048

1 believe, because we closed --

2 Q. So as of August 2005 Ameren owed Mr. Young
3 whatever the judgment amount was -- I don't have the
4 number close at hand -- and you-all paid that?

5 A. Uh-huh.

6 Q. And also at the same time Mr. Young still
7 had a bill outstanding for \$108.23, and that was the
8 extent of the obligations among the parties. Correct?

9 A. Yes.

10 Q. Okay. Now, on August 24th, 2005, at what
11 address was Mr. Young living at that time, are you aware,
12 or where was he receiving service?

13 A. I don't know.

14 Q. Did he have an open account on August 24th,
15 2005?

16 A. You have to realize, he's had several
17 accounts.

18 Q. That's why I'm asking. I want to know what
19 account he had opened on August 24th, 2005.

20 This is what you-all do for a living, so I'm
21 playing catch-up, and I'm having difficulty following
22 along. Mr. Young obviously is aware of these things. So
23 I apologize for going through this perhaps again, but I
24 need to get it clear in my mind.

25 COMMISSIONER CLAYTON: Mr. Young, can you

0049

1 tell me, while they're looking, where were you living in
2 August 2005?

3 MR. YOUNG: On August the 3rd, 2005, I was
4 living at 2437 Wieck.

5 COMMISSIONER CLAYTON: You were at the Wieck
6 address --

7 MR. YOUNG: Yes.

8 COMMISSIONER CLAYTON: -- in August?

9 Okay. So following the judgment, you would
10 have been still receiving service from Ameren at the
11 Wieck address?

12 MR. YOUNG: Yes.

13 COMMISSIONER CLAYTON: Do you agree with the
14 assertion that the \$108.23 was owed by you to AmerenUE as
15 of August 24th, 2005?

16 MR. YOUNG: No. I don't believe I owed it.

17 COMMISSIONER CLAYTON: You didn't think you
18 owed anything at that time?

19 MR. YOUNG: Because she failed to make me
20 aware that I paid a deposit of \$168, but don't nobody
21 know where the deposit went. It disappeared also.

22 THE WITNESS: I do know about the deposit.

23 BY COMMISSIONER CLAYTON:

24 Q. Go ahead and tell me about the deposit.

25

0050

1 COMMISSIONER CLAYTON: Sorry, Mr. Young. I
2 have to cut you off. I'm supposed to be asking Ameren
3 questions. The judge is going to get me in trouble here.

4 BY COMMISSIONER CLAYTON:

5 Q. Ms. Buhr, go ahead.

6 A. Okay. Attachment 1, page 12 of 21, there
7 was a deposit of \$168 that was billed in five
8 installments, from May 12th of '04 through September 12th
9 of '04. The total amount of the deposit that was billed
10 was \$168. There was the depo--

11 Q. I'm sorry. What document are you looking
12 at? I'm trying to find -- what was the exhibit again?

13 A. I think it's 12 of 21 and Attachment 1.

14 MS. TATRO: I believe it's in Exhibit 5,
15 which is entitled AmerenUE's Reply to Complainant's
16 Response. Is that right?

17 THE WITNESS: Yeah, that's it.

18 BY COMMISSIONER CLAYTON:

19 Q. You were looking at a chart though. What
20 was the date of the chart?

21 A. It is labeled Attachment 1, page 12 of 21 on
22 what we've labeled Exhibit 5, which is AmerenUE's Reply to
23 Complainant's Response. The top of this is statement of
24 account.

25 Q. So you-all applied his -- you claim you

0051

1 applied his deposit to his account in how many different
2 installments?

3 A. We billed the deposit in five installments
4 of \$33.60 each, for a total of \$168.

5 Q. Okay. That's him paying you. Correct?

6 A. Yes, him paying us, that's correct.

7 And then when this account closed on
8 August 24th of '05, the deposit and interest in the
9 amount of \$178.10 was applied to the account. And after
10 that was applied to the account, that left an account
11 balance of 108.23.

12 Q. And August 24th was when that address was --
13 that account was closed?

14 A. Yes. And I believe we established that that
15 was the date of the judgment.

16 So we closed that account and opened a new
17 account at the same address, and that 108.23 then was
18 then transferred to the new account at that address. And
19 you'll see that in that same packet on page 19.

20 Q. I'm sorry, ma'am. I don't have any pages
21 numbered. I really don't know what you're talking about.
22 I don't have anything marked exhibits. All I have is
23 answer of AmerenUE, and there is no -- is it attached to
24 this?

25 MS. TATRO: May I approach?

0052

1 JUDGE VOSS: Yes.

2 COMMISSIONER CLAYTON: It's probably my
3 fault.

4 MS. TATRO: She's referring to this page.

5 COMMISSIONER CLAYTON: Attachment 1.

6 MS. TATRO: You're looking at the wrong one.
7 I'm sorry.

8 You're welcome to have this.

9 COMMISSIONER CLAYTON: When did this come
10 in?

11 MS. TATRO: We just admitted it at the
12 beginning.

13 COMMISSIONER CLAYTON: So do we have copies
14 of these that you handed out, if you just admitted it?

15 MS. TATRO: You know, I don't think you were
16 here, so that can be your copy. I have another one.

17 COMMISSIONER CLAYTON: Has Mr. Young
18 received copies of this material?

19 MR. YOUNG: No.

20 MS. TATRO: It was filed in the docket, so,
21 yes, he was served with copies of it.

22 COMMISSIONER CLAYTON: By mail or is it just
23 in EFIS and he has to collect it out of the computer
24 system?

25 MS. TATRO: No, sir. We mailed it to him.

0053

1 COMMISSIONER CLAYTON: Mr. Young, this
2 should have been a packet of material. It's a thick
3 document, some -- AmerenUE's Reply to Complainant's
4 Response. I guess it's now been marked as Exhibit 5.
5 You should have received it by mail.

6 MR. YOUNG: I don't have it.

7 COMMISSIONER CLAYTON: Well, I didn't have
8 it either, Mr. Young.

9 JUDGE VOSS: I believe you responded to it.

10 COMMISSIONER CLAYTON: You should have
11 received it. A lot of these printouts are --

12 MR. YOUNG: The Staff Report. Is that what
13 you're talking about?

14 COMMISSIONER CLAYTON: No, it's not the
15 Staff Report. This is a filing by AmerenUE.

16 MR. YOUNG: No, I don't have that.

17 MS. TATRO: It would have been mailed to you
18 back in May, sir.

19 BY COMMISSIONER CLAYTON:

20 Q. Looking at this document, on this
21 Attachment 1, Statement of Account, No. 7968605126,
22 8831 May.

23 Well, wait a minute. I thought he was
24 living at Wieck at this time.

25 COMMISSIONER CLAYTON: Did you move to Wieck

0054

1 in August?

2 MR. YOUNG: August the 3rd.

3 BY COMMISSIONER CLAYTON:

4 Q. August the 3rd. So this is the account at
5 8831 May, would you agree, Ms. Buhr?

6 A. Yes.

7 Q. I'm looking at this -- and I'm not sure
8 if -- is there a place where the balance -- the running
9 balance is listed? It doesn't look like it.

10 It's got bill amount and then it's got a
11 payment amount and then the date of the bill, the date of
12 the payment, but there is no balance.

13 So it shows a reduction of the bill at
14 8831 May of \$178.10, and it's your assertion that that is
15 his deposit and interest applied. Correct?

16 A. That's correct.

17 Q. All right. And that was applied to a bill
18 that looked like -- well, I don't know what the balance
19 of the account was. It doesn't say. It said that there
20 was a bill for August 11th of \$213.42.

21 COMMISSIONER CLAYTON: Mr. Young, who was
22 living at that address on August 11th?

23 MR. YOUNG: Which one? The Wieck address?

24 COMMISSIONER CLAYTON: At May. On 8831 May.

25 MR. YOUNG: I just took pictures for --

0055

1 under the assumption that I would be at the hearing, and
2 nobody was there other than the big real estate sign on
3 the window.

4 CLAYTON: Okay. Thank you, Mr. Young.

5 Go ahead, Ms. Buhr.

6 THE WITNESS: Yeah, Commissioner Clayton, if
7 you'll look on page 18, I believe that may be what you
8 were looking for.

9 Does it look like this?

10 BY COMMISSIONER CLAYTON:

11 Q. Uh-huh.

12 A. Okay. That second box down under the total
13 bill, you'll see \$390.75. And then that next line down,
14 it says deposit, dated September 1st of '05, and under
15 the payments and credits column it's got the 178.10, with
16 an arrow next to it.

17 And then the next line is \$70.29, which is a
18 bill for service that was used from August 11th to
19 August 24th, and that left a total bill then of 282.94.

20 Then there was a payment of 174.71 on
21 September 2nd, which left an account balance of 108.23,
22 which it says transfer, and that was the one that was
23 transferred then, the 108.23.

24 Q. Okay. Ms. Buhr, I'm just going to ask you
25 generally speaking. It sounds to me like Ameren has

0056

1 credited Mr. Young's account on at least three different
2 occasions. Is that correct?

3 A. That is correct.

4 Q. With either assertions that either there was
5 a problem or an effort of resolution of the matter.

6 There have been at least three, maybe four credits. Is
7 that correct?

8 A. Yes.

9 Q. Okay. Now, has Ameren determined that
10 perhaps it was doing something wrong in its billing that
11 would lead it to do that --

12 A. No.

13 Q. -- on that many occasions?

14 A. No.

15 Q. So what is the reason behind making all of
16 the credits or changing its policies allegedly in not
17 collecting the full amount of the bill?

18 A. We were trying to resolve a complaint with
19 Mr. Young, you know. The 50 some dollar bill that was in
20 the lady's name, that was while the account was listed in
21 his name. We did transfer that off of his bill at his
22 request. You know, the judgment was in his favor. We
23 went ahead and --

24 Q. So how much has Ameren credited his account
25 in total, would you say?

0057

1 A. Are you talking about the deposits?

2 Q. I'm not talking about deposits. I'm talking
3 about disputes in billing, where AmerenUE has chosen to
4 either reduce his bill or give him a credit for
5 something. I'm not talking about his money that he's put
6 into the system that he would automatically -- I mean,
7 that he's owed that money. So I'm talking about money
8 that Ameren supposedly had put in in credit.

9 A. I'd say that the judgment amount, the 322,
10 and I'd say that the bill that was -- the \$52.30, I think
11 it was, bill, we removed that from his account.

12 Q. So that's it. I thought there were a couple
13 other credits that you mentioned earlier.

14 A. Oh. I'm sorry. Well, we did cancel the
15 service at May when he provided us with the eviction
16 notice. So we did cancel that bill. That was 107-- just
17 a second. Let me get the amount here.

18 Q. So that's --

19 A. I'm sorry. You can look at that on page 19
20 of 21, and that does show that all of those bills that
21 were canceled, the 41.30 -- the 112.09, the 41.30, the
22 10.41, 7.84, 7.84, 4.07, 4.16, all of those were
23 canceled.

24 Q. Okay.

25 A. I'm sorry.

0058

1 COMMISSIONER CLAYTON: Thank you, Ms. Buhr.

2 And I know that we're running out of time
3 here, and I know we want to conclude this hearing. So I
4 appreciate Ameren coming down here today.

5 Mr. Young, I just want to say, I'm one of
6 the five members of the Commission. I appreciate your
7 willingness to participate in this matter. I know it
8 hasn't been easy for a layperson to take advantage of the
9 complaint process, and it's very complicated.

10 We have lots of document that you have
11 supplied to the Commission. It's been a very thorough
12 filing in this matter. So I can assure you we'll all be
13 looking at this closely.

14 But since we are going to turn into a
15 pumpkin, we only have five minutes left, there are some
16 other matters that need to be taken into consideration.

17 So thank you, Mr. Young, and thank you to
18 the parties, and I will stop asking questions.

19 JUDGE VOSS: At this time, Staff, I believe
20 you still have exhibits that you want admitted into
21 evidence.

22 MR. BERLIN: Yes. Your Honor, Staff would
23 like to admit Exhibit No. 7, Staff Report, HC7. And
24 Staff would like to admit Exhibit 8, HC8, Staff Reply to
25 Marlyn Young's "Objection and Response to Dismissal of

0059

1 Complaint Against Ameren Union Electric." And Staff
2 would like to admit into evidence exhibit No. 9, Staff's
3 Concurrence with AmerenUE's Answer to Motion for
4 Judgment.

5 JUDGE VOSS: And who is going to sponsor?

6 MR. BERLIN: Staff witness Marilyn Doerhoff.

7 (Witness sworn.)

8 JUDGE VOSS: Okay. Continue.

9 MR. BERLIN: I'll try to make this as quick
10 as I can.

11 DIRECT EXAMINATION

12 BY MR. BERLIN:

13 Q. Ms. Doerhoff, would you please state how
14 you're employed?

15 A. I'm a consumer service specialist with the
16 Missouri Public Service Commission.

17 Q. And how many years have you been employed by
18 the Commission?

19 A. Five.

20 Q. Did you participate in developing Staff's
21 Report and in reviewing the filings of the Complainant,
22 Mr. Young?

23 A. Yes, I did.

24 Q. And did you also review the filings made by
25 AmerenUE?

0060

1 A. Yes, I did.

2 Q. Is there anything -- if you were to write
3 your testimony today or that has been admitted or will be
4 admitted as Exhibits 7, 8 or 9, that would cause you to
5 change any of that testimony?

6 A. No.

7 Q. And is this testimony true to your best
8 information and belief?

9 A. Yes.

10 MR. BERLIN: Thank you, Your Honor.

11 JUDGE VOSS: Okay. Are there any objections
12 to the admission of Exhibits 7 and 8 --

13 MS. TATRO: None.

14 JUDGE VOSS: -- and 9?

15 Hearing none, 7, 8 and 9 are admitted into
16 the record.

17 And I believe those are all HC exhibits?

18 MR. BERLIN: No. 7HC and 8HC.

19 JUDGE VOSS: Great. Thank you.

20 (EXHIBIT NOS. 7HC, 8HC AND 9 WERE RECEIVED
21 INTO EVIDENCE AND MADE A PART OF THE RECORD.)

22 JUDGE VOSS: At this point, due to the
23 shortness of time, I want to ask, do the parties want to
24 brief this?

25 Which, Mr. Young, for your information is

0061

1 just a final summation in writing, or do you want to just
2 let everything filed stand?

3 Mr. Young?

4 MR. YOUNG: Yes. I haven't even presented
5 my case yet. All I hear is a lot of testimony from
6 AmerenUE.

7 JUDGE VOSS: Well, actually, Mr. Young, you
8 had 45 minutes that we were addressing your testimony.

9 MR. YOUNG: Okay.

10 JUDGE VOSS: I mean, it was about a quarter
11 'til when we started talking to Ameren.

12 But you have all of the things that you
13 filed --

14 MR. YOUNG: You do however you want. Go
15 ahead.

16 JUDGE VOSS: I just want to make you aware
17 that everything that you filed in the docket in those
18 Exhibits 1, 2 and 3, all of that evidence has been
19 admitted into the record and will be considered by the
20 Commission.

21 MR. YOUNG: Is this testimony being
22 recorded?

23 JUDGE VOSS: Yes, it is.

24 MR. YOUNG: Then they didn't give me cross.
25 They didn't give me anything other than what she was

0062

1 talking about.

2 But that's okay. Go ahead.

3 JUDGE VOSS: Well, they were here. They
4 heard everything. The Commissioners asked her questions.
5 At the time you said you didn't have any additional
6 questions.

7 MR. YOUNG: What you said was I couldn't say
8 anything right now. Somebody else was talking.

9 JUDGE VOSS: When did I say that?

10 MR. YOUNG: Okay. That's okay. Go ahead.

11 JUDGE VOSS: Would the parties like to brief
12 this issue?

13 MR. YOUNG: That's okay. Let's proceed on
14 and let's get this over with.

15 I thought I had a chance to ask questions.
16 Are you saying no, I can't, unless --

17 JUDGE VOSS: I'm sorry. You had your
18 opportunity to ask question of Ameren's witness.

19 Would the parties like to brief this or
20 would they prefer to just have the Commission decide it
21 based on everything everyone has filed?

22 MR. BERLIN: Staff prefers that the
23 Commission decide this based upon the pleadings filed and
24 the evidence entered into the record in this case.

25 MS. TATRO: AmerenUE concurs and further

0063

1 asks that the Commission not -- if they decide that the
2 complaint is without merit, that they so state rather
3 than just dismiss, because Mr. Young has already
4 indicated his intent to file this in another
5 jurisdiction.

6 JUDGE VOSS: Well, it would not just be
7 summarily dismissed, because Mr. Young did submit
8 testimony and has filed. This case will be decided on
9 the merits.

10 Is that okay with you, Mr. Young? Did you
11 want to file anything else?

12 MR. YOUNG: No. That's fine with me.
13 Whatever you-all decide.

14 JUDGE VOSS: Okay. Thank you.
15 This concludes the on-the-record
16 presentation. I very much appreciate everyone's
17 participation.

18 Good afternoon.

19 WHEREUPON, the hearing was concluded.

20

21

22

23

24

25