

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

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|-------------------------------------|---|-------------------------------------|
| Keelee Swopshire, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. EC-2022-0148</u> |
| |) | |
| Union Electric Company d/b/a Ameren |) | |
| Missouri, |) | |
| |) | |
| Respondent |) | |

STAFF POSITION STATEMENT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Staff Position Statement*, states as follows:

- 1. Did Ameren Missouri violate any applicable statute, Commission rule, or Commission-approved tariff by allegedly billing the customer for the wrong meter with respect to the Keelee Swopshire account?**

No. Ameren Missouri did not bill Ms. Swopshire for the wrong meter. As detailed in the *Staff Report* filed on April 1, 2022, Staff’s field investigation and its inspection of all information provided by Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and Ms. Swopshire in relation to this matter did not reveal any violations by Ameren Missouri of any applicable statutes, Commission rules, or Commission-approved tariffs.

- 2. Did Ameren Missouri violate billing and payment standards as defined under 20 CSR 4240-13.020 in general and specifically 20 CSR 4240-13.020(8) and (9) when it labeled the disconnected meter under the relevant account as**

inactive when it disconnected service on October 25, 2021, and then as active at some point following its issuance of the final bill on the account?

No. This issue is referencing Ms. Swopshire's account dashboard at Ameren Missouri's website.¹ Neither subsection (8) nor (9) of 20 CSR 4240-13.020, nor anywhere else, does it discuss requirements for how a utility should label the active or inactive status of a customer's meter within the customer's account dashboard while logged in at the utility's website. Ms. Swopshire cites 20 CSR 4240-13.020(8), which states "[a] utility shall not assess an additional charge upon a customer by reason of the customer's failure to pay any balance due and owing prior to the delinquent date unless this additional charge has been approved by the commission as a part of the utility's commission-approved tariffs." This is completely off-topic from the issue Ms. Swopshire has raised.

3. Did Missouri Public Service Commission Staff violate the ex parte communications regulations listed under 20 CSR 4240-4.020?

No. Ms. Swopshire is referencing email exchanges between Staff counsel and herself regarding this case. The definition of an ex parte communication is listed under 20 CSR 4240-4.015(6): "[a]ny communication outside of the case between a member of the office of the commission and any party, or the agent or representative of a party, regarding any substantive issue in, or likely to be in, a case or noticed case." Note that there is no violation of this rule regarding exchanges merely between the parties themselves.

¹ Ms. Swopshire's December 3, 2021 filing titled: Exhibits 1 and 2 (Photos) Regarding 'Active' Status of Meter on 11/23/2021 and 'Inactive' Status of Meter Date of Move Out and Disconnection on October 25, 2021: (1) meter information as of 11232021.pdf, and (2) img-4971.png.

4. If so, did Missouri Public Service Commission Staff report these communications in the official record?

Inapplicable because there were no ex parte communications between Staff and the Office of the Commission regarding substantive matters in this case.

5. If not, is an order from the Commission to show cause appropriate?

No, because there were no ex parte communications between Staff and the Office of the Commission regarding substantive matters in this case.

WHEREFORE, Staff submits its *Staff Position Statement* for the Commission's information and consideration.

Respectfully submitted,

/s/ Don Cosp

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Attorney for the Staff of the
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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 parties and/or counsel of record on this 13th day of June, 2022,

/s/ Don Cosp