

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

Anita Wessling,

Complainant

vs.

Union Electric Company d/b/a Ameren Missouri

Respondent

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**File No. EC-2018-0089**

**STAFF REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and for its *Motion for Extension of Time* hereby states:

1. On September 28, 2017, Complainant filed her *Complaint* in this docket.
2. On December 13, 2017, a mediation session was held and the parties were unable to reach mutual resolution.
3. On January 9, 2018, the Commission issued its *Order Setting Initial Procedural Schedule*, which required Staff to file its *Report* no later than February 2, 2018.
4. On February 2, 2018, Staff filed its *Motion for Extension of Time*, and on February 5, 2018, the Commission granted Staff's motion and ordered Staff to file its report no later than February 13, 2018.
5. As discussed in Staff's Memorandum, attached hereto and incorporated by reference, Staff's investigation found no violation of the Company's tariffs, Commission rules, or Missouri statutes. Staff does, however, note additional steps the

Company could take to reduce the number of potential future outages at Complainant's residence. Such steps include, but are not limited to:

- a. install cages around the wires at risk for animal contact that have caused outages to Complainant's residence during the past three years, and
- b. conduct additional vegetation management patrols around Circuit 56, identified in the Company's *Answer* as being "prone to outages."

6. Staff notes that the Commission does not have the jurisdictional authority to require a refund, order damages, or grant equitable relief,<sup>1</sup> so even if it did determine that the Company violated a tariff, rule, or statute, it could not grant the relief requested by the Complainant, namely, damages in the amount of \*\* \$ \*\*.

7. If the Commission determines there was no violation of any tariff, rule, or statute, it may dismiss the complaint for failure to state a claim on which relief may be granted.<sup>2</sup>

8. While Staff agrees that the Company has not violated any tariff, rule, or statute and was not negligent in its responses to Complainant's outages, it is notable that the Complainant has experienced numerous outages in a short timeframe. If the Commission determines the Company should make additional efforts to provide service to Complainant on an adequate and continuous basis, Staff recommends the actions outlined above, in paragraph 5, as reasonable steps the Company could take in order to mitigate Complainant's concerns about future outages.

**WHEREFORE**, Staff respectfully submits its *Report* for the Commission's consideration and recommends the Commission dismiss the complaint for failure to

---

<sup>1</sup> State ex. rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n, 116 S.W.3d 680, 695 (Mo. App. 2003)

<sup>2</sup> 4 CSR 240-2.070(7)

state a claim, or in the alternative, require the Company to take additional steps to reduce the number of outages, including but not limited to: a.) install cages around wires at risk for animal contact that have caused outages at Complainant's residence in the past three years, and b.) conduct additional vegetation management measures around circuit 56; and such other and further relief the Commission deems necessary.

Respectfully submitted,

**/s/ Marcella L Forck**

Associate Staff Counsel  
Missouri Bar No. 66098  
Attorney for the Staff of the  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4140 (Telephone)  
(573) 751-9265 (Fax)  
[Marcella.forck@psc.mo.gov](mailto:Marcella.forck@psc.mo.gov)

### **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 13th day of February, 2018.

**/s/ Marcella L. Forck**