

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

In the Matter of an Investigation of Union            )  
Electric Company d/b/a Ameren UE's Storm        )  
Restoration Efforts in the St. Louis Area        )            **Case No. EO-2007-0037**

**DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY**

Yesterday, the Commission ordered Staff to begin a formal, docketed investigation of Union Electric Company, d/b/a Ameren UE's storm preparation and restoration efforts following two major storms in Eastern Missouri on July 19 and July 21, 2006. The Commission also authorized Staff to investigate AT&T Missouri and Missouri American Water Company on the same basis, as well as "any other regulated utilities whose activities have an impact on storm restoration efforts". Finally, the Commission authorized Staff to file a complaint against any regulated utility that Staff finds appropriate grounds for such complaint following the investigation. I dissent from the Commission's Order because I believe it is overbroad and that it is an unnecessary process when Staff has already committed to conducting an investigation under its own discretion with regular reports to the Commission.

First, I object to the Commission's Order because it is far reaching, vague and overbroad when it names "any other regulated utilities whose activities have an impact on storm restoration efforts". These utilities remain unnamed and existing regulated utilities in Eastern Missouri, of which there are many, can only guess whether or not the Commission means to include them in this dubious investigation. The Commission should be more precise in opening this type of formal investigation and should have named any utility it was investigating in the same manner as it named Ameren UE, AT&T and Missouri American Water Company.

In any major storm that creates damage causing large outages, the Commission Staff takes the time to investigate the affected utility's performance, both in preparing for the disaster and in responding to the disaster after it occurs. These investigations are extensive; reviewing everything from web page performance to general service issues, such as tree-trimming, that may have affected how the storm damage occurred. Devastating storm damage is not new to Missouri.<sup>1</sup> In each of the last 3 years, Ameren UE has suffered extensive damage from wind storms resulting from "super cells" in the Greater St. Louis area and Eastern Missouri. In 2002, an ice storm hit the western half of Missouri causing extensive damage and outages in the service areas of three different electric utilities. Following each event, Commission Staff conducted a thorough investigation resulting in a report to the Commission with recommendations where utility improvement was needed. These investigations were not opened in formal, docketed cases; but were informal investigations that better allowed staff and the utilities to exchange data and discuss issues.

Why now is the Commission ordering a formal investigation docket when in reality it is completely unnecessary? I can only speculate that the gravity of this event has touched off a public and political maelstrom of criticism of Ameren UE and other utilities. The Commission, however, does not have to respond by worrying about the political expediency of opening a formal investigation to show the public that we are doing something. All we really need do is let the public know that we are conducting an

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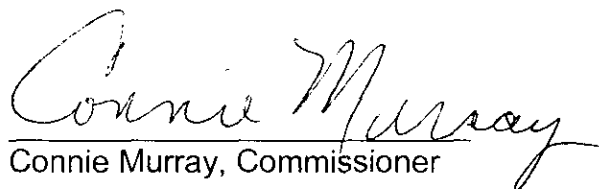
<sup>1</sup> The Concurring Opinion filed by Commissioners Clayton and Gaw demands an investigation into the suspicious circumstances surrounding their allegation that "St. Louis has suffered from significant power outages for three straight summers, unlike any other U.S. city". Are these Commissioners concerned that Mother Nature has some dubious plot to reap havoc on the citizens of St. Louis and that we should and could do something about it? Have they missed the outages suffered by New York City, New Orleans, and numerous cities on the Gulf Coast that repeatedly have been hit by hurricanes over the last three years?

extensive review in our traditional manner, without creating a case that is nothing more than a political gesture. If Ameren UE, or any other utility, did something it should not have, or did not do something it should have, Staff would file a complaint and pursue the appropriate remedy without this docket. Further, if there are private citizens with specific grievances in this matter, we have a simple process for the public to file complaints.

Prior to the Commission's Order, Staff had prepared a preliminary list of items to be investigated with regard to Ameren UE in the traditional, informal investigation process.<sup>2</sup> There is no reason to believe that Staff needed an order from the Commission to continue with its expert and thorough process of examining all issues and making recommendations for improvement where warranted. Nor is there any reason to believe that Staff would hesitate to file a complaint against Ameren UE or any other Missouri-regulated utility.

The instigation of a formal investigation will only resolve the murmurings of those who are second-guessing the Commission's response to this event. I do not believe that that is a sufficient reason to initiate this process.

**Respectfully submitted,**

  
Connie Murray, Commissioner

Dated at Jefferson City, Missouri  
on this 28<sup>th</sup> day of July, 2006.

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<sup>2</sup> I have attached the preliminary list put together by members of the Commission's staff to illustrate how thorough Staff is and how ahead of the issue they already are. If Staff had failed to include some issue that any Commissioner wanted reviewed in the informal process, then all that Commissioner would have needed to do was contact Staff and tell them to include it.

Attachment

**Review of AmerenUE Storm Restoration Effort (Outline)**

Storms / Arrival Times / Outages by Day - Morning & Evening (w/maps)

Crew Needs Determination

Mutual Assistance Agreements

Search for Outside Crews

When Crews Called In

Any Delays in Crew Availability/Arrivals

How Long Crews Were Kept

Outage Tracking & Field Dispatch Coordination

Prioritization of Outage Repairs

Priority Treatment Groups (fire, medical, police, water, sewer, etc...)

Prioritization of Remaining Customers

Call Center Operations During Storm

Customers Calling In To Report Outages (Telco Problems?)

Overflow Provisions

Automated Call Back Functions

"You should receive service by X O'Clock"

"You should have service on in your area at this time"

Internet Linkage Problems Early On

Consumer Services Specific Issues/Observations

Medical Needs Customer Registration and Notifications

Contact w/City Officials & Agencies

Vegetation Management

Status of Trimming, Still on Track?

Any Need to Accelerate Trim Schedule?

## Attachment

Any Need to Consider Additional Programs?

Any Special Contracts/Initiatives

Years for Transmission vs. Distribution

Service Lines in Yards

Types of Trees & Clearance Distances

Replacement of Problem Trees / Incentives (Ornamentals)

Grid Reliability Standards Issues & Infrastructure Maintenance

Evaluation of Restoration Effort & Recommendations