

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

Charles Harter,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2023-0281</u>
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
)	
Respondent.)	

STAFF’S RESPONSE TO COMPLAINANT’S MOTION FOR STAY

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its *Response to Complainant’s Motion for Stay*, states as follows:

1. Charles Harter filed his *Complaint* on March 7, 2023.
2. On June 6, 2023, Complainant filed a motion claiming that Respondent threatened to disconnect his electric service despite the pendency of this proceeding and by letter required him to provide a deposit in order for his service to be continued. In his motion, Complainant asks the Commission to issue an order prohibiting Ameren Missouri from disconnecting or threatening to disconnect his service, or demanding a deposit prior to any upcoming hearing on the issues pending in this matter. Complainant also states that Ameren Missouri has failed to respond to his Data Requests.
3. The Commission directed Staff and Ameren Missouri to respond to Complainant’s motion no later than June 14, 2023.
4. Staff has no knowledge whether or not Respondent has responded to Complainant’s Data Requests.

5. Chapter 13 of 20 CSR 4240 concerns deposits and disconnection of service to residential customers. Rule 20 CSR 4240-13.070(6) provides:

A utility shall not discontinue residential service relative to the amount in dispute during the pendency of an informal complaint and until at least thirty-one (31) days after the date of the letter issued pursuant to section (4), and shall in no case discontinue this service without leaving a notice of discontinuance after the date of the letter issued pursuant to section (4). (Emphasis added).

6. Subsection (7) of Rule 20 CSR 4240-13.070 provides:

Failure of the customer to pay the amount of a bill which is not in dispute, as determined pursuant to sections 4 CSR 240-13.045(5) or (6) of these rules, shall be grounds for discontinuance of service and dismissal of an informal or formal complaint.

7. There is no provision that prohibits disconnection of service during pendency of a **formal** complaint. Additionally, even in the case of an informal complaint, during the pendency of which Respondent is prohibited from terminating service, the Company **may** disconnect if the customer fails to pay the undisputed portion of the unpaid bill. Complainant did not pay the undisputed portion and, accordingly, his service was disconnected for some hours on May 11, 2023. It was reconnected upon payment by Complainant. It is Staff's view that the disconnection was proper.

8. Also on May 11, the Company advised Complainant by letter that a deposit was now required on his account because of one or more of the following: "new service, disconnection of service, meter tampering, payment history, or due to a bankruptcy filing."

9. Subsection (2)(A) of Rule 20 CSR 4240-13.030 provides:

A utility may require a deposit or guarantee as a condition of continuing or re-establishing residential service if— (A) The service of the customer has been discontinued by the utility for nonpayment of a delinquent account not in dispute[.]

10. Pursuant to Subsection (2)(A) of Rule 20 CSR 4240-13.030, the Company was authorized to require a deposit from Complainant in that it had disconnected his service for failure to pay an amount not in dispute. It is Staff's opinion that the Company acted appropriately.

11. Complainant has moved for a "stay" pursuant to the Missouri Due Process Clause, Art. I, § 10: "[t]hat no person shall be deprived of life, liberty or property without due process of law."

12. It is Staff's view that Ameren Missouri has acted properly and that Complainant has received all of the process he is due under the circumstances. Staff recommends that the Commission **DENY** Complainant's *Motion for Stay*.

WHEREFORE, Staff respectfully prays that the Commission will **DENY** *Complainant's Motion for Stay*; and grant such other and further relief as the Commission deems just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson
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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, 2023.

/s/ Kevin A. Thompson