

1

2

3

4 STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

5

6

7

PETER B. HOWARD  
8 VS.  
UNION ELECTRIC COMPANY, d/b/a AMERENUE

9

Case No. EC-2008-0329

10

11

12

TRANSCRIPT OF PROCEEDINGS

13

PREHEARING CONFERENCE

14

VOLUME I

15

JUNE 30, 2008

16

17

18

19

20

21

22

23

24

25

1

2

STATE OF MISSOURI

3

PUBLIC SERVICE COMMISSION

4

TRANSCRIPT OF PROCEEDINGS

5

Prehearing Conference

6

June 30, 2008

7

Jefferson City, Missouri

8

Volume I

9

10

Peter B. Howard,

)

11

Complainant,

)

Case No. EC-2008-0329

12

)

v.

)

13

)

Union Electric Company,

)

14

d/b/a AmerenUE,

)

)

15

Respondent.

)

16

17

NANCY DIPPELL, Presiding,

DEPUTY CHIEF REGULATORY LAW JUDGE

18

19

20 REPORTED BY:

21

Patricia A. Stewart

RMR, RPR, CCR 401

22

Midwest Litigation Services

3432 West Truman Boulevard, Suite 207

23

Jefferson City, Missouri 65109

(573) 636-7551

24

25

1 APPEARANCES:

2

FOR PETER B. HOWARD:

3

PRO SE

4

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

6 Wendy K. Tatro, Associate General Counsel

1901 Chouteau Avenue

7 St. Louis, Missouri 63155

(314) 554-3484

8

9 FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:

10 Sarah Kliethermes, Legal Counsel

P. O. Box 360

11 Jefferson City, Missouri 65101

(573) 751-6726

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 JUDGE DIPPELL: This is Case  
3 No. EC-2008-0329 in the matter of Peter B. Howard,  
4 Complainant, versus Union Electric Company, doing business  
5 as AmerenUE.

6 My name is Nancy Dippell. I'm the  
7 regulatory law judge assigned to this case, and I'll be  
8 conducting the prehearing conference -- the on-the-record  
9 portion of the prehearing conference this morning.

10 What we'll do is we'll take entries of  
11 appearance from everyone and then discuss a few  
12 preliminary matters, and after we do that formal part  
13 that's on the record, if you-all want some time to discuss  
14 your case together, we'll go off the record and you guys  
15 can remain on the line and do that without the court  
16 reporter transcribing everything.

17 So the purpose today is really to bring you  
18 all together and see if we can work out kind of a  
19 settlement to this or to proceed with procedural details  
20 so that we can keep this case moving.

21 I'll go ahead and begin then with entries of  
22 appearance, and we'll start with Staff.

23 MS. KLIETHERMES: Sarah Kliethermes for the  
24 Staff of the Missouri Public Service Commission, Governor  
25 Office Building, Suite 800, 200 Madison Street,

1 P. O. Box 360, Jefferson City, Missouri 65102.

2 JUDGE DIPPELL: And can you-all on the phone  
3 hear Ms. Kliethermes?

4 MS. TATRO: Barely.

5 JUDGE DIPPELL: Just barely.

6 MS. KLIETHERMES: I'll speak up.

7 JUDGE DIPPELL: She'll speak up if she has  
8 some input later. I'm right next to the phone, and she's  
9 a little bit away from it.

10 Then Ms. Tatro.

11 MS. TATRO: Wendy Tatro for AmerenUE,  
12 1901 Chouteau Avenue -- are you still there?

13 JUDGE DIPPELL: Yes.

14 Has someone joined us?

15 Mr. Howard, are you still there?

16 MS. TATRO: Should I complete my entry of  
17 appearance.

18 JUDGE DIPPELL: Go ahead and complete your  
19 entry of appearance, and then we'll go off the record.

20 MS. TATRO: 1901 Chouteau Avenue, St. Louis,  
21 Missouri 63103.

22 JUDGE DIPPELL: Let's go off the record.

23 (OFF THE RECORD.)

24 JUDGE DIPPELL: We can go back on the  
25 record.

1                   Technical difficulties here. Mr. Howard is  
2 back on the line with us.

3                   So, Mr. Howard, would you like to make your  
4 entry of appearance?

5                   MR. HOWARD: Peter Howard. I want to make  
6 an entry of appearance on this matter, Case No.  
7 EC-2008-0329.

8                   JUDGE DIPPELL: Great. All right. I just  
9 recently took this case over from Judge Lane, so I'm not  
10 as familiar with the facts, but I have read the general  
11 facts and the pleadings and so forth.

12                  Mr. Howard, do you still have facts that  
13 are -- facts about this case that you contend are  
14 different than those that were -- have you received a copy  
15 of the Staff recommendation?

16                  MR. HOWARD: Yeah.

17                  JUDGE DIPPELL: Okay. Did you have facts  
18 that you believe are still in dispute, something you  
19 disagree with according to that Staff recommendation?

20                  MR. HOWARD: Yes. The facts disputed are  
21 this: The residence has been unoccupied since 1998.

22                  JUDGE DIPPELL: Thank you.

23                  MR. HOWARD: The billing -- this reading  
24 they received was July 23rd, 2006. However, if you look  
25 prior to that, 2005, 2004, you see that the average usage,

1 when the readings were good, I assume, the transmitter was  
2 working properly, the readings were averaging around \$25,  
3 \$30 a month, and that pretty much reflects an unoccupied  
4 residence.

5                   They sent me a letter stipulating that in  
6 2000-- the last reading was 2000-- July 23rd, 2006. Then  
7 they sent me a letter informing me that they changed the  
8 meter, and once they changed the meter, they realized that  
9 I had been undercharged for usage to the area. So they  
10 sent me a bill for \$1,000 or something like that. Then  
11 they corrected it to \$500, which is still inaccurate.

12                   They made repeated -- they've contradicted  
13 themselves repeatedly. They've been inconsistent in their  
14 statements to me and to you guys as well.

15                   I've indicated that I've sent you -- the  
16 last communication I had with you guys, I sent you  
17 readings from August 21st to September of 2005, where the  
18 bill was \$29.11.

19                   The month prior to that, assuming the beam  
20 was transmitting properly then, 2005, prior to that  
21 there -- August 25th -- it was 28.56 prior to that month.  
22 Okay?

23                   This is -- now we're talking about August.  
24 We're talking about the height of the summer, when it's  
25 really hot outside. And this is when the meter supposedly

1 was working accurately, and my average bill was \$29,  
2 because no one lives at that residence. And that should  
3 accurately reflect, you know, the fact that no one lives  
4 there, other than my animals, and they don't consume a lot  
5 of electricity.

6 They came up with the story -- I asked you  
7 guys to check back -- there has been no gas service there  
8 for at least ten years. I know that.

9 Then they make the accusation that the house  
10 is heated by electricity, which is a lie. They just --  
11 you know, they just keep coming up with things off the top  
12 of their head, it seems to me.

13 They're wrong. I think this is a fetal  
14 attempt to apportion the costs for Taum Sauk, for trimming  
15 tree limbs away from lines, from burial lines. They're  
16 trying to apportion it off to the consumer, and it's just  
17 that simple.

18 JUDGE DIPPELL: Okay. So basically,  
19 Mr. Howard, you still dispute that the reading that they  
20 have is accurate?

21 MR. HOWARD: Yes, I do. It's their line  
22 (inaudible).

23 THE COURT REPORTER: Excuse me?

24 JUDGE DIPPELL: Mr. Howard, can you slow  
25 down a little bit? With the telephone connection, it's a



1 little difficult for the court reporter to understand you.

2 MR. HOWARD: I'm sorry.

3 JUDGE DIPPELL: That's all right.

4 MR. HOWARD: My point of contention being no  
5 one lives there. No one has lived there since 1998. The  
6 readings reflect that fact.

7 You know, after this Taum Sauk thing and  
8 Johnson State Park scenario, they're trying to apportion  
9 that cost off to the consumer.

10 And, you know, I had disputed bills before.  
11 When I know you're wrong, I know you're wrong, and, I  
12 mean, there is nothing to talk about. You know, and  
13 they're sending me a bill that says I owe them \$700. For  
14 what? What do I owe you \$700 for?

15 No one lives there. You can't -- they can't  
16 justify that bill. They can't justify it. They really  
17 can't.

18 JUDGE DIPPELL: Okay. Well, my job here  
19 today is not really to hear your case. It's just to --  
20 today we're just talking about what is still in dispute.

21 So it's obvious to me that you still have a  
22 factual dispute, so --

23 MR. HOWARD: The last bill they sent me was  
24 I think for \$35. I think it's \$30, something like that.  
25 It more -- more accurately reflects what is used there.

1 I think that's pretty liberal. I think it should be less  
2 than that.

3 Prior to that they sent me a bill for \$77.  
4 Prior to that they sent me another bill. I paid them, you  
5 know. I had to because this thing is contingent, so I  
6 have to pay them while this thing is proceeding. So I  
7 paid them those costs.

8 They're just wrong. You know, basically  
9 they're just wrong. They are.

10 JUDGE DIPPELL: Okay. Ms. Tatro, did you  
11 have anything to add?

12 MS. TATRO: Well, I mean, the purpose today  
13 is to see whether or not there is room for settlement, and  
14 at this point I don't know that that's going to happen.

15 AmerenUE believes that Mr. Howard actually  
16 owes more than the 500, but we cut it in half to 500 in an  
17 attempt to resolve this as part of the informal process.  
18 I suggest that perhaps we just set this for hearing.

19 JUDGE DIPPELL: Okay. Ms. Kliethermes, did  
20 you have anything to add?

21 MS. KLIETHERMES: Staff's recommendation was  
22 that we -- Staff's recommendation after their  
23 investigation was that Mr. Howard's complaint not be --  
24 well, there is no need to proceed to hearing on this  
25 matter and that this investigation was consistent with

1 Ameren's investigation.

2 JUDGE DIPPELL: Okay. Well, I don't think  
3 there is anything else that we need to do on the official  
4 record. Like I say, it sounds like there is still a  
5 factual dispute, and I'm going to go ahead then and  
6 conclude the formal part of this.

7 If you-all want to still attempt to discuss  
8 a possible settlement of the issue, I'm going to leave you  
9 to do that. When I go off the record, I'll leave the room  
10 here and leave you-all on the conference line and let you  
11 have however much discussion you want. And I'll ask  
12 Ms. Kliethermes if she'll terminate the call from this end  
13 and let me know when you're finished.

14 I hope that you can discuss settlement.  
15 It's never really an efficient thing for anybody to have  
16 to go through the time and trouble of hearing, but if  
17 that's what you need to do, then that's what we're here  
18 for and we will do that.

19 So with that I guess that will conclude  
20 this, unless somebody has something they want to put on  
21 the record.

22 Mr. Howard?

23 MR. HOWARD: No.

24 Her name is Wendy Tatro. Right?

25 JUDGE DIPPELL: Yes.

1 MS. TATRO: That's correct.

2 MR. HOWARD: T-a-t-r-o, Bar No. 60261,  
3 Associate General Counsel for Ameren Services Company,  
4 Phone No. 534-3434 -- 534-3484.

5 MS. TATRO: It's 554-3484.

6 MR. HOWARD: Thank you. 554-4014.

7 JUDGE DIPPELL: That's all correct then,  
8 Ms. Tatro?

9 MS. TATRO: Yes.

10 JUDGE DIPPELL: Is there anything else,  
11 Mr. Howard?

12 MR. HOWARD: No. We need to set this for  
13 hearing, I guess.

14 JUDGE DIPPELL: Okay. Ms. Tatro, did you  
15 have anything further?

16 MS. TATRO: No, I do not. Thank you.

17 JUDGE DIPPELL: We can go ahead then and go  
18 off the record.

19 WHEREUPON, the on-the-record portion of the  
20 Prehearing Conference was concluded.

21

22

23

24

25

1

2

3

## CERTIFICATE OF REPORTER

4

5

I, Patricia A. Stewart, RMR, RPR, CCR, a

6

Certified Court Reporter in the State of Missouri, do

7

hereby certify that the testimony that appears in the

8

foregoing transcript was taken by me to the best of my

9

ability and thereafter reduced to typewriting by me; that

10

I am neither counsel for, related to, nor employed by any

11

of the parties to the action in which this hearing was

12

taken, and further that I am not a relative or employee of

13

any attorney or counsel employed by the parties thereto,

14

nor financially or otherwise interested in the outcome of

15

the action.

16

17

18

19

---

Patricia A. Stewart

20

CCR No. 401

21

22

23

24

25