

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of June, 2023.

Charles Harter,)
Complainant,)
)
v.)
)
Union Electric Company d/b/a Ameren)
Missouri,)
)
Respondent.)

File No. EC-2023-0281

**ORDER DENYING MOTION FOR STAY ORDER, AND DENYING MOTION
TO ANSWER DATA REQUESTS**

Issue Date: June 22, 2023

Effective Date: July 2, 2023

On June 6, 2023, Charles Harter filed a motion for stay order, objecting to a “deposit required notice” he received, and asking the Commission to estop Union Electric Company d/b/a Ameren Missouri from demanding a deposit and from disconnecting electrical service to his residence 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.” Mr. Harter also asked the Commission to direct Ameren Missouri to respond to his data requests.

Staff responded to Mr. Harter’s motion for stay, stating that there is no Commission rule that prohibits disconnection of service during pendency of a formal complaint. A utility is prohibited from discontinuing residential service relative to the amount in dispute under Commission Rule 20 CSR 4240-13.070(6). Also, under Commission Rule 20 CSR 4240-13.070(7), the failure of the customer to pay the amount of a bill which is not in dispute shall

be grounds for discontinuance of service. Staff advises the Commission that Complainant's service was disconnected for failure to pay amounts accrued after he filed this complaint. Thus, the payment that is the subject of this motion is not the amount in dispute that is the subject of the complaint and the rule does not prevent Ameren Missouri from following the disconnection and deposit procedure. Therefore, the Commission will deny the motion for stay.

In his motion, Mr. Harter also asked the Commission to compel Ameren Missouri to answer his data requests. Ameren Missouri responded to the motion explaining that it had objected to, and sent non-objectionable information in response to Mr. Harter's first data requests timely. Ameren Missouri also stated that the deadline for responding to Mr. Harter's most recent data request had not passed at the time of Mr. Harter's motion. Commission Rule 20 CSR 4240-2.090(2)(C) provides a recipient of data requests 10 days from the date of receipt to serve all of the objections or reasons for its inability to answer the data requests within 20 days of receipt of the requests. Mr. Harter's motion is therefore untimely.

The procedure for discovery disputes is specified in Commission Rule 20 CSR 4240-2.090(8), which states:

(8) Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery

motion shall be filed until this telephone conference has been held.

The concepts of mutual cooperation and good faith are so central to the values embraced by judicial and quasi-judicial bodies that the duty to confer with opposing parties in discovery matters is often referred to as the “Golden Rule.” Mr. Harter has not certified compliance with the requirements of Commission Rule 20 CSR 4240-2.090(8), so the Commission will not entertain his discovery motion. Accordingly, the Commission will deny Mr. Harter’s motion requesting an order requiring Ameren Missouri to answer data requests.

THE COMMISSION ORDERS THAT:

1. *Complainant’s Motion for Stay Order Directed to Respondent Ameren Union Electric to Stop Deposit Request and Disconnection of Complaint, and to Answer Data Requests* is denied.
2. This order shall be effective on July 2, 2023.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman,
Kolkmeier, and Hahn CC., concur.

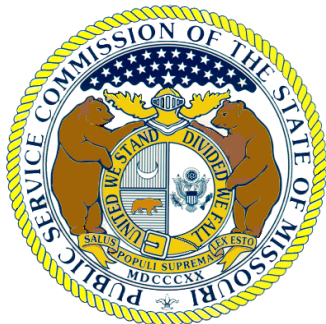
Keeling, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 22nd day of June, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 22, 2023

File/Case No. EC-2023-0281

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.