

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

Peter B. Howard,

Complainant,

vs.

Union Electric Company, d/b/a

AmerenUE,

Respondent.

Case No. EC-2010-0285

ANSWER AND MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company), and for its Answer to the Complaint filed in this proceeding, states as follows:

1. On April 13, 2010, Peter B. Howard ("Complainant"), with mailing address of 4111 Maffitt Ave., St. Louis, Missouri, 63113, initiated this proceeding by filing a Complaint against Union Electric Company, d/b/a AmerenUE ("the Company" or "AmerenUE").
2. Any allegation not specifically admitted herein by the Company should be considered to be denied.
3. In paragraph 1 of his Complaint, Complainant alleges that AmerenUE, with a P.O. Box of 66149, St. Louis, MO 63166-6149, is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri. AmerenUE admits these allegations.
4. In paragraph 2 of his Complaint, Complainant alleges that the residence at 4111 Maffitt Avenue is "primarily unoccupied" except for two large dogs residing in the backyard, and that these animals do not require much in terms of utility usage. AmerenUE is without sufficient information to form a belief as to these allegations and therefore denies the same. In further answer, however, AmerenUE notes the Complaint reflects that Complainant resides at the 4111 Maffitt Avenue address.
5. Complainant alleges that he received a bill for electric utility service at 4111 Maffitt Avenue from February 22, 2010 through March 23, 2010, in the amount of \$112.89 and that the bill is unconscionable and unjustified. AmerenUE admits that it billed Complainant in that amount for that service period. AmerenUE denies that the bill is unconscionable or

unjustified. In further answer AmerenUE states that the amount billed to Complainant reflects accurately the kilowatt hours of electricity used and recorded by electric meter at 4111 Maffitt Avenue for said period, multiplied by the tariffed rate approved by the Commission.

6. Complainant alleges that the "utility customer charges" billed to him are "spiraling" and that they are unconscionable and unjustified. AmerenUE denies this allegation.

7. Complainant also alleges that "rate calculations are arbitrary." AmerenUE denies this allegation. In further answer, AmerenUE states that all its residential electric service customers are billed at the tariffed rates approved by the Commission multiplied by the kilowatt hours of electricity used and recorded by their electric meters.

8. Complainant offers two documents as support for his allegations that charges are spiraling and that rate calculations are arbitrary: (1) a personal energy report from AmerenUE comparing electric energy usage at 4111 Maffitt in 2008 to electric energy usage at that address for 2009, and (2) an Ameren Account Activity Statement for the address covering the period February 22, 2009 through February 22, 2010. AmerenUE admits that the Account Activity Statement demonstrates that electric usage, and as a result, Complainant's bills for electric service, have increased at the address in the last few months, relative to his bills for the same months in years 2008 and 2009. AmerenUE denies that this demonstrated increase in usage and charges proves that its rate calculations are spiraling or arbitrary.

9. Complainant also notes that his electric usage seems to increase in winter months and decrease in summer months, when he believes it would normally rise due to uses such as air conditioning. AmerenUE is without sufficient information to form a belief as to these allegations as they relate specifically to electric usage at the address in question, and therefore denies the same. In further answer, however, AmerenUE states that increased electric usage in winter months is consistent with use of an electric heat source of some kind, such as an electric furnace or electric space heaters.

10. Complainant also alleges that he has attempted on numerous occasions to contact AmerenUE's customer service department, but that he is placed on hold in excess of twenty minutes until he hangs up out of exasperation. AmerenUE is without sufficient information to form a belief as to this allegation and therefore denies the same. In further answer, however, AmerenUE states that its records indicate that the average speed of answer in 2009 for customer calls to its Customer Contact Center was thirty-nine seconds. In addition, customers whose calls

are not answered for more than two minutes are given the option of using the Customer Contact Center's Virtual Hold service, which allows the customer to leave a call-back number. The Customer Contact Center then returns calls to those customers, usually within the same day.

11. In further answer, AmerenUE states that Complainant's Complaint is virtually identical, substantively, to the complaint filed by him in Case No. EC-2008-0329 (the "Prior Complaint"). In the Prior Complaint, Complainant alleged that his bills must be too high and must have been improperly calculated by AmerenUE, based on his allegation that only dogs resided at the 4111 Maffitt Avenue address (AmerenUE notes, however, that in the current Complaint he gives the service address as his residence address, and states that the service address is "primarily unoccupied" except for the dogs), and on his personal belief that electric bills should be lower, not higher, in the winter months than in the summer months. In the Prior Complaint, as in this Complaint, Complainant requested relief amounting to a reduction in the amounts charged for electric utility service. After a full hearing, the Commission denied Complainant's request for relief in the Prior Complaint (Report and Order dated December 11, 2008).

12. As in the Prior Complaint, Complainant has presented no evidence in this Complaint, other than his own allegations, that his electric usage at 4111 Maffitt Ave. for the period February 22, 2010 through March 23, 2010, is other than what AmerenUE's bills show.

13. In further answer, AmerenUE states that this Complaint amounts to a request for rehearing of the Prior Complaint, and must be dismissed by the Commission as untimely filed by Complainant.

14. The following attorneys should be served with all pleadings in this case:

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WHEREFORE, AmerenUE respectfully requests that the Commission issue an order dismissing this Complaint or, in the alternative, set the matter for hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via regular mail on this 3rd day of May, 2010.

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