

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

In the Matter of the Application of)	
Thomas L. Chaney for a Change of)	<u>File No. EO-2011-0391</u>
Electric Supplier)	

**STAFF’S REPLY TO AMEREN MISSOURI’S AND CUIVRE RIVER ELECTRIC
COOPERATIVE, INC.’S JOINT RESPONSE TO STAFF’S RESPONSE**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and files with the Missouri Public Service Commission (“Commission”) this reply to Union Electric Company d/b/a Ameren Missouri’s and Cuivre River Electric Cooperative, Inc.’s (“Movants”) June 4, 2012 joint response to Staff’s response. Staff filed its response to deny Movants’ joint motion to dismiss for lack of subject matter jurisdiction and for determination on the pleadings on May 21, 2012. Section 394.315.2, RSMo., in part, provides:

“The public service commission, upon application made by ***an affected party***, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section.”

(Emphasis added). Movants’ argument that the change of supplier procedure in their territorial agreement, which is premised only on their agreement to change the supplier, controls would deprive an affected party—Thomas L. Chaney—of his statutory right under Section 394.315.2, RSMo., to seek an order from this Commission to change his supplier of electricity. Without addressing the merits of Mr. Chaney’s application, Staff suggests the Commission should deny Movants’ motion for summary determination.

WHEREFORE, the Staff files this reply and requests the Commission deny the Movants' joint motion for summary determination, and requests the Commission find jurisdiction in this matter to determine Mr. Chaney's change of supplier request.

Respectfully submitted,

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing have been sent by electronic mail to Thomas L. Chaney at tomeygun@gmail.com; Wendy K. Tatro, counsel for Ameren Missouri at AmerenMOService@ameren.com; Rodric A. Widger, counsel for Cuivre River at rwidger@lawofficemo.com; and Lewis Mills, counsel for the Office of the Public Counsel at opcservice@ded.mo.gov on this 8th day of June, 2012.

/s/Jennifer Hernandez