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July 19, 2002

Via Federal Express

Mr. Dale Hardy Roberts  
Secretary / Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street – Suite 100  
Jefferson City, Missouri 65101



**RE: MPSC Case No. EO-2002-409 /  
Larry and Veronica Herzing v AmerenUE**

**FILED<sup>4</sup>**  
**JUL 22 2002**  
**Missouri Public  
Service Commission**

Dear Secretary Roberts :

Enclosed for filing in the above matter, are an original and eight (8) copies of AmerenUE's *Motion to Suspend Procedural Schedule*.

Kindly stamp as filed the copy of this cover letter and return it to me in the enclosed prepaid, self-addressed envelope.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Susan B. Knowles".

Susan B. Knowles  
Associate General Counsel

SBK:mas  
Enclosures

cc: Larry and Veronica Herzing  
Service List

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

|                             |   |                      |
|-----------------------------|---|----------------------|
| Larry and Veronica Herzing, | ) |                      |
|                             | ) |                      |
| Complainants,               | ) |                      |
|                             | ) |                      |
| v.                          | ) | Case No. EC-2002-409 |
|                             | ) |                      |
| AmerenUE,                   | ) |                      |
|                             | ) |                      |
| Respondent.                 | ) |                      |

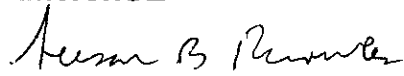
**MOTION TO SUSPEND PROCEDURAL SCHEDULE**

COMES NOW, Union Electric Company d/b/a AmerenUE ("the Company"), by and through its attorney, and requests that the Missouri Public Service Commission ("the Commission") suspend its previously issued Procedural Schedule. In support thereof, the Company states as follows:

1. On May 24, 2002, the Commission adopted a Procedural Schedule setting forth dates for the filing of investigative reports, testimony and an evidentiary hearing.
2. The parties have reached an agreement in principle resolving the billing dispute giving rise to the instant action. An unexecuted copy of that agreement is appended hereto as Exhibit A.
3. The parties are in the process of finalizing the proposed Unanimous Stipulation and Agreement and anticipate filing same with the Commission as soon as that agreement is executed.

WHEREFORE, for all the foregoing reasons, the Company respectfully requests the Commission to suspend its Procedural Schedule and the compliance dates set forth therein pending the presentation to the Commission of a Proposed Unanimous Stipulation and Agreement resolving this matter.

**Union Electric Company  
d/b/a AmerenUE**

By 

Susan B. Knowles - MBE# 39680  
Associate General Counsel  
Ameren Services Company  
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sknowles@ameren.com

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

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| Larry and Veronica Herzing, | ) |                      |
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|                             | ) |                      |
| AmerenUE,                   | ) |                      |
|                             | ) |                      |
| Respondent.                 | ) |                      |

**PROPOSED UNANIMOUS STIPULATION AND AGREEMENT**

COMES NOW, Union Electric Company d/b/a AmerenUE (hereinafter "the Company"), the Staff of the Missouri Public Service Commission (the "Staff"), the Office of the Public Counsel ("OPC"), all by and through their attorneys, and Larry and Veronica Herzing, and state as follows:

**I. Procedural History**

1. On or about March 2, 2002, Complainants Larry and Veronica Herzing ("the Herzings") filed a complaint with the Missouri Public Service Commission against Respondent Union Electric Company. The Herzings contest electrical charges on rental properties formerly owned by them in Jefferson City, Missouri. On March 20, 2002, the Commission issued its Notice of Complaint.
2. On or about April 19, 2002, the Company filed its Answer.
3. Pursuant to Commission Order, and following a prehearing conference, the Commission directed the Staff to file its Investigative Report which the Staff duly filed on or about June 11, 2002.

4. This matter is set for hearing on September 16, 2002. On or about July 8, 2002, the Herzings and the Company reached an agreement in principle as to the matters set forth in the Complaint.

## **II. Proposed Stipulation and Agreement**

The Parties have reached the following Proposed Stipulation and Agreement:

5. Larry and Veronica Herzing shall dismiss with prejudice their Complaint (Case No. EC-2002-409) currently pending before the Commission.

6. As a full and complete resolution of the billing dispute giving rise to the Herzing's Complaint, the Company and the Herzings agree that the amount owed by the Herzings for electrical service at rental properties formerly owned by the Herzings shall total **\$688.83**. Said amount shall be referred to hereafter as the "Deferred Balance" and reflects, collectively, charges on the following accounts located at rental properties on 1111 W. High Street and 827 Clark Street:

### **Account Nos.**

4163-004-0847-0  
4163-004-0848-1  
4163-004-0450-1  
4163-004-0847-8  
4563-016-0142-1  
4563-016-2754-8

7. The Company agrees to cancel all late charges previously assessed on said accounts and will forego its right to payment for any other electrical charges attributed to said accounts that are in excess of the Deferred Balance except as expressly provided herein in paragraph 8. The Company shall reissue to the Herzings a bill reflecting the Deferred Balance of \$688.83. Said amount shall be charged to the following account: **98134-03117**. This Deferred Balance shall be in addition to any amount incurred by the Herzings for current and future electrical services properly provided to their residence at 193 East Center, Holts Summit, Missouri 65043.

8. The Deferred Balance shall be paid in twenty-four (24) equal installments of **\$28.70** ("the Installment Amount"). Said payments shall commence with the first billing cycle following the Commission's approval of this Proposed Stipulation and

Agreement. No late charges will be charged on the unbilled portion of the Deferred Balance. Late payments of the Installment Amount will result in the assessment of late fees.

9. The Herzings acknowledge that failure to remit Installment Payments as set forth in this Agreement may result in collection proceedings initiated by Company, disconnection or requests for surety deposit, or any other relief authorized by the Commission or any other applicable law.

10. The Staff and OPC have reviewed the terms of this Agreement and have no objections to the specific provisions set forth herein. The Staff and OPC concur that this dispute may be properly and adequately resolved as contemplated by the Proposed Stipulation and Agreement.

### **III. General Matters**

11. This Stipulation and Agreement shall be binding upon the successors and assigns of the Company.

12. This Proposed Stipulation and Agreement is the result of negotiations among the parties and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation and Agreement in total, then this Stipulation and Agreement shall be void and no party shall be bound by any of the agreements or provisions hereof. The stipulations herein are specific to the resolution of this proceeding, and all stipulations are made without prejudice to the rights of the parties to take other positions in other proceedings.

13. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein: their respective rights pursuant to § 536.080 RSMo. 2000, to present testimony, to cross-examine witnesses, and to present oral arguments or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to § 536.080.2 RSMo. 2000; their respective rights to seek rehearing pursuant to § 386.500 RSMo. 2000; and their respective rights to seek judicial review pursuant to § 386.510 RSMo. 2000.

14. The Staff shall have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the

extent reasonably practicable, provide the other parties to the case with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any protective order issued in this case.

Respectfully submitted,

**Union Electric Company  
d/b/a AmerenUE**

By \_\_\_\_\_  
Veronica Herzing

By \_\_\_\_\_  
Associate General Counsel

By \_\_\_\_\_  
Larry Herzing

**Complainants**

**Respondent**

**OFFICE OF THE PUBLIC COUNSEL**

**MISSOURI PUBLIC SERVICE  
COMMISSION STAFF**

By \_\_\_\_\_

By \_\_\_\_\_

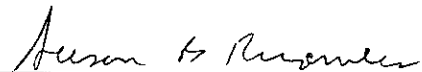
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ***Motion to Suspend Procedural Schedule*** was served on the following service list via first class, U.S. mail on this 19<sup>th</sup> day of July 2002.

**Larry and Veronica Herzing**  
193 East Center  
Holts Summit, MO 65043

**John Coffman**  
Acting Public Counsel  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

**Bruce Bates**  
Assistant General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102



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Susan B. Knowles