

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Cardwell Lumber Inc. for Approval)	
of a Change of Electrical Suppliers)	
at its 5927 Highway 50 West,)	Case No. EO-2011-0052
Jefferson City, Missouri location)	
from Union Electric Company to)	
Three Rivers Electric Cooperative.)	

REPLY
Of Cardwell Lumber, Inc., to
Response of AmerenUE

Applicant Cardwell Lumber Inc. (“Cardwell”) submits the following Reply to the September 24, 2010 Response of AmerenUE (“UE”) to Cardwell’s Application:

1. Cardwell denies all factual assertions and characterizations set forth in UE’s response with respect to Cardwell’s present use of the facility in question, and with respect to Cardwell’s future use of this facility. Cardwell’s future business plan for this facility depend upon the outcome of this docket.
2. With respect to paragraph 5 of UE’s response, Cardwell is not interested in converting to a “SGS” customer of UE. Cardwell is not requesting UE to modify Cardwell’s distribution system, and is not interested in paying UE’s estimated charges to do so.
3. With respect to paragraph 7 of UE’s response, Cardwell denies that UE has “permanent service facilities’ to Cardwell’s structures at the facility in question.

4. Cardwell denies and rejects UE's attempt, in its response, to summarize and recast the grounds for a change of suppliers requested by Cardwell's original Application. Cardwell's Application speaks for itself.

5. Cardwell denies and rejects UE's assertion, set forth in paragraphs 10 and 12 of its response, that Cardwell has a commitment from Three Rivers to pay a significant portion of the costs to build to supply Cardwell's electrical needs, and denies that Cardwell is unwilling to finance an upgrade of facilities. Cardwell and Three Rivers have had discussions, but Three Rivers will not enter into definitive arrangements unless the Commission authorizes a change of suppliers.

6. Cardwell denies and rejects UE's characterizations of the law and public interest set forth in UE's response. Specifically, Cardwell rejects the following UE characterizations:

a. that UE has a "right" to continue to serve this facility simply because the facility is located within UE's certificated area. The law of the Missouri promotes competition between electrical suppliers unless supplanted by an approved territorial agreement. UE admits there is no such agreement. Cardwell has the right to change suppliers if the Commission agrees that Cardwell has a reason other than a rate differential;

b. that UE's lack of consent to Cardwell's requested change of suppliers means anything;

c. that UE's financial interest and the public interest coincide;

d. that the poor quality of UE primary metering electrical service, the service interruptions caused by UE's poor system maintenance practices, and the lack of

meaningful service control for a primary metered system does not provide a basis for the Commission to find a change of suppliers is in the public interest;

e. that Cardwell's preference for the service, maintenance, and responsiveness to customer needs that rural electric cooperatives provide, as opposed to the lack of customer service provided by UE, does not provide a basis for the Commission to find a change of suppliers is in the public interest;

f. that it is in the public interest for UE to require that Cardwell, at its expense, reconstruct the present primary distribution system with a replacement that can only be supplied by UE, rather than permitting Cardwell to consider alternatives available in the marketplace;

g. that Cardwell's application fails to state a reason other than a rate differential.

WHEREFORE, on the basis of the foregoing, Cardwell Lumber Inc. respectfully requests that the Commission schedule a prehearing conference, and ultimately grant Cardwell's change of power supplier request set forth herein, together with all further order and relief as are necessary or convenient to this request.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 29th day of September, 2010:

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