

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

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|------------------------|---|-----------------------|
| Timothy C. Owen, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. EC-2004-0556 |
| |) | |
| Union Electric Company |) | |
| d/b/a AmerenUE, |) | |
| |) | |
| Respondent. |) | |

ANSWER AND MOTION TO DISMISS

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

1. On April 26, 2004, Timothy C. Owen of 2003 Honeysuckle Ln., Jefferson City, Missouri initiated this proceeding by filing a Complaint against AmerenUE.
2. In paragraph 1 of his Complaint, Mr. Owen alleges that AmerenUE is located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63166-6149, and that AmerenUE is a public utility under the jurisdiction and supervision of the Public Service Commission of the State of Missouri. AmerenUE admits the allegations contained in paragraph 1 of Mr. Owen’s complaint.
3. In paragraph 2 of his Complaint Mr. Owen alleges that AmerenUE was negligent in making the termination connection for his lake residence to its transformer, causing the connection to overheat and finally deteriorating to the point where it was providing low voltage to his lake residence, thereby causing premature failure of Mr. Owen’s septic tank aerator motor and possible premature failure to other appliances in the future. AmerenUE denies that it was in any

way negligent in connecting Mr. Owen's lake residence to the AmerenUE transformer, and denies that its actions caused the transformer connection to overheat, or caused low voltage to be provided to Mr. Owen's residence, or caused the premature failure of Mr. Owen's septic tank aerator motor or any other appliances.

4. Mr. Owen's Complaint further alleges that when the AmerenUE lineman was removing the tape around the connection, the conductor was burned to the point that it broke in two. The Complaint alleges that this type of failure was caused by poor workmanship on AmerenUE's part during installation, and that the same condition probably caused Mr. Owen's lake neighbor to lose his air conditioner compressor last fall. AmerenUE denies that the actions of its lineman caused the conductor serving Mr. Owen's lake property to burn and break in two, or that any failure of facilities serving Mr. Owen's lake property was due to poor workmanship on AmerenUE's part. AmerenUE has no information or belief regarding the allegations in the Complaint concerning Mr. Owen's lake neighbor, and therefore denies these allegations.

5. Mr. Owen's Complaint further alleges that his lake house address is: Lot # 6 Sportmans Cove, Rocky Mount, Missouri 65072 and his account number is 70764-16118. AmerenUE admits these allegations.

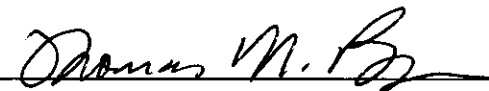
6. Mr. Owen's Complaint further alleges that he submitted a claim to AmerenUE, which was denied by Todd Munger, a third party administrator handling claims on behalf of AmerenUE. The Complaint alleges that when Mr. Munger was contacted by the Complainant about the denial, Mr. Munger stated that he had no technical background to deny the claim, but that the denial of the claim was based on the lineman's report (# 040564177). AmerenUE admits that Mr. Owen submitted a claim to AmerenUE, which was denied by Todd Munger, a third party administrator handling claims on behalf of AmerenUE. AmerenUE admits that

Mr. Munger told the Complainant that the denial of the claim was based on the lineman's report (# 040564177), but denies that Mr. Munger stated he had insufficient technical background to deny the claim.

7. AmerenUE hereby moves to dismiss Mr. Owen's Complaint on the ground that Mr. Owen is seeking relief beyond the Commission's power to grant. Specifically, Mr. Owen requests \$404.84 in damages for his septic tank aerator, and unspecified damages for future claims he may discover during 2004. However, under Missouri law, the Commission has no power to determine damages or award pecuniary relief. See American Petroleum Exchange v. Public Service Commission, 172 S.W.2d 952, transferred 176 S.W.2d 533 (1943) and State ex rel. and to Use of Kansas City Power & Light Company v. Buzard, 168 S.W.2d 1044 (1943).

WHEREFORE, for the reasons set forth herein, AmerenUE respectfully requests that the Commission issue an order dismissing this Complaint. In the alternative, AmerenUE requests that the Commission establish a procedural schedule for this case.

Respectfully submitted,

By: 

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Dated: May 27, 2004

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 27th day of May, 2004.

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