

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

Dranel J. Clark and Aquilla Canada,	)	
	)	
Complainants,	)	
	)	
v.	)	<b><u>Case No. EC-2024-0111</u></b>
	)	
Union Electric Company d/b/a	)	
Ameren Missouri,	)	
	)	
Respondent.	)	

**POST-HEARING BRIEF OF STAFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Post-Hearing Brief of Staff* respectfully states:

On September 28, 2023, Dranel J. Clark and Aquilla Canada (“Complainants”) filed a formal complaint (“Complaint”) against Union Electric Company d/b/a Ameren Missouri (“Respondent”). Complainants allege that Respondent erred in billing Complainants, including billing Complainants more than once per month and not reflecting prior payments as bill credits. Complainants further allege that Respondent put them on a rate plan with peak time charges, though Complainants allegedly never requested to be put on such a rate. In addition, Complainants allege that Respondent is in violation of the Cold Weather Rule.<sup>1</sup> Finally, Complainants allege that Respondent never informed them nor permitted them to sign up for a medical hardship program.

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<sup>1</sup> 20 CSR 4240-13.055.

Staff filed its *Staff Report*, which details Staff’s investigation and analysis, on December 20, 2023.<sup>2</sup> In summary, Staff at the time discovered no violations of any applicable statutes, Commission rules, or Commission-approved tariffs by Respondent related to this Complaint.<sup>3</sup> Staff does recommend that Respondent examine its internal call enter procedures to develop ways to be more proactive in identifying and guiding elderly/disabled low income customers to register under the Cold Weather Rule.<sup>4</sup>

The evidentiary hearing for this matter was scheduled for May 21, 2024. On May 20, 2024, Staff received late responses to data requests from Respondent.<sup>5</sup> The response to Staff data request no.13 led to Staff amending its Staff Report to find that Respondent violated the Stipulation and Agreement (“Agreement”) in Case No. EE-2019-0382, in which the Respondent agreed to an “enhanced disconnection notice communications schedule” as part of the agreement for a variance from Commission Rules 20 CSR 4240-13.050(9), 20 CSR 4240-13.055(3)(C) and 20 CSR 4240-13.055(3)(D).<sup>6</sup>

The Agreement required Respondent to provide, for non-medical equipment registry customers, written notice provided via US Mail 10 days prior to disconnection, a text or email alert and two outbound call attempts occurring two to nine days prior to disconnection and, finally, a third outbound call attempt to occur 24 hours before disconnection.<sup>7</sup>

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<sup>2</sup> Exhibit 200.

<sup>3</sup> *Id.*, Appendix A, pg. 6.

<sup>4</sup> *Id.*

<sup>5</sup> Transcript, pg. 218-220.

<sup>6</sup> Staff Errata Sheet.

<sup>7</sup> *Id.*

As described by Respondent witness Ms. Aubrey Krcmar, the violation occurred because:

So on March 2nd [2022] when the two -- the two outbound collection call attempts were made there was an answering machine reached on the first one. And we should have -- the system should have recognized and known to make a second call attempt later in that day. But there was a system issue, which we discovered, that prevented that second call from being made. So there were several accounts -- or quite a few accounts that were involved in this system issue that did not receive two call attempts on the -- from the 96-hour call if an answering machine was reached on the first call. Now if there was a busy signal on the first time the system was still making the call. But it was only if an answering machine was reached on the first call there was not a second call attempt made.<sup>8</sup>

...it just so happens that this account, Mr. Clark's account, was involved in that system issue where on March 2nd [2022] we only made one call attempt, an answering machine message was left. So we made -- we sent the disconnection notice, we only made one of the two call attempts within 96 hours and then we did make the 24-hour call and there was a live answer on the March 3rd, [2022] 24 hour disconnection call for the AMI meter prior to the interruption of service on the 4th [2022].<sup>9</sup>

However, as also noted by Ms. Krcmar, Respondent identified and rectified the issue in March 2022.<sup>10</sup> Staff witness Sarah Fontaine confirmed this resolution when she testified during the evidentiary hearing.<sup>11</sup>

In short, though Staff did identify a violation of the Agreement in Case No. EE-2019-0382, Staff agrees with Respondent that the violation was remedied in March 2022, and recommends the Commission recognize in its order that no further action is needed in regards to this violation. Staff discovered no other violations of any applicable statutes, Commission rules, or Commission-approved tariffs by Respondent related to this Complaint, but does recommend that Respondent examine its internal call

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<sup>8</sup> Transcript, pg. 128, ln. 6-21.

<sup>9</sup> *Id.*, pg. 129, ln. 5-14.

<sup>10</sup> *Id.*, pg. 128, ln. 22-25 and pg. 129, ln. 1-5.

<sup>11</sup> *Id.*, pg. 219, ln. 13-23.

enter procedures to develop ways to be more proactive in identifying and guiding elderly/disabled low income customers to register under the Cold Weather Rule.

**WHEREFORE**, Staff hereby tenders its *Post-Hearing Brief of Staff* for the Commission's information and consideration.

Respectfully Submitted,

**//s/ Travis J. Pringle**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 10<sup>th</sup> day of June, 2024.

**/s/ Travis J. Pringle**