

FORMAL COMPLAINT FORM

Missouri Public Service Commission

Attach extra pages as necessary.

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Leslie Fogarty
(Your name here)
Complainant,
v.
Ameren Missouri
(Utility's name here)
Respondent,

File No.

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

[Redacted address]
(Address of complainant)
[Redacted city] (State) (Zip Code)

2. The utility service complained of was received at:

- a. Complainant's address listed in paragraph 1.
b. A different address:

(Address where service is provided, if different from Complainant's address)
[Redacted address]
(City) (State) (Zip Code)



#7 Continued

393.130. Safe and adequate service — charges — certain home rule cities, interest accrual, when. — 1. Every gas corporation, every electrical corporation, every water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. All charges made or demanded by any such gas corporation, electrical corporation, water corporation or sewer corporation for gas, electricity, water, sewer or any service rendered or to be rendered shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for gas, electricity, water, sewer or any such service, or in connection therewith, or in excess of that allowed by law or by order or decision of the commission is prohibited.

2. No gas corporation, electrical corporation, water corporation or sewer corporation shall directly or indirectly by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for gas, electricity, water, sewer or for any service rendered or to be rendered or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions.





### 20 CSR 4240-13.060 Settlement Agreement and Payment Agreement

*PURPOSE: This rule establishes procedures where a customer may enter into a settlement agreement or obtain an extension of time in which to pay charges due a utility so that reasonable and uniform standards are established with regard to payment.*

(1) When a utility and a customer arrive at a mutually satisfactory settlement of any dispute or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility and the customer may enter into a settlement agreement. A settlement agreement which extends beyond ninety (90) days shall be in writing and mailed or otherwise delivered to the customer.

(2) Every payment agreement resulting from the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider the following: the size of the delinquent account, the customer's ability to pay, the customer's payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding, and any other relevant factors relating to the customer's service. Such a payment agreement shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period.

(3) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer in writing by personal service or first class mail in accordance with 4 CSR 240-13.050 – that the customer is in default of the settlement agreement; the nature of the default; that unless full payment of all balances due is made, the utility will discontinue service; and the date upon or after which service will be discontinued.

*AUTHORITY: sections 386.250(6) and 393.140(11), RSMo 2000.\* This rule originally filed as 4 CSR 240-13.060. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013, effective March 30, 2014. Moved to 20 CSR 4240-13.060, effective Aug. 28, 2019.*

*\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(11), RSMo 1939, amended 1949, 1967.*

### 20 CSR 4240-13.065 Variance

*PURPOSE: This rule establishes the procedure to be followed by a utility seeking a variance from any provision of this chapter.*

(1) Any utility may file an application with the commission seeking a variance from all or parts of Chapter 13, which may be granted for good cause shown.

(2) A utility filing an application for a variance with the commission shall mail, contemporaneously with the filing, copies of the application by first class mail to the newspaper with the largest circulation in each county within the utility's service

area affected by the variance, the public counsel and each party in the utility's most recent rate case who represented residential customers.

(3) Any variance granted by the commission shall be reflected in a tariff.

*AUTHORITY: sections 386.250(6), RSMo Supp. 1991 and 393.140(11), RSMo 1986.\* This rule originally filed as 4 CSR 240-13.065. Original rule filed Sept. 22, 1993, effective July 10, 1994. Moved to 20 CSR 4240-13.065, effective Aug. 28, 2019.*

*\*Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(11), RSMo 1939, amended 1949, 1967.*

### 20 CSR 4240-13.070 Commission Complaint Procedures

*PURPOSE: This rule sets forth the procedures to be followed prior to and in filing formal or informal complaints with the commission regarding matters covered in this chapter.*

(1) Prior to filing an informal or formal complaint, the customer shall pursue remedies directly with the utility as provided in this chapter. The commission specifically reserves the right to waive this requirement when circumstances so require.

(2) Any person aggrieved by a violation of any rules in this chapter or the Public Service Commission laws of Missouri relating to utilities may file an informal or formal complaint under 4 CSR 240-2.070.

(3) If a utility and a customer and/or applicant fail to resolve a matter in dispute, the utility shall advise the customer and/or applicant of his/her right to file an informal complaint with the commission under 4 CSR 240-2.070.

(4) If the staff is unable to resolve the informal complaint to the satisfaction of the parties, the staff shall call the complainant and utility and note such conversation into the commission's electronic file and information system and send a dated letter or email to that effect to the complainant and to the utility. Staff shall also advise the customer of his/her right to file a formal complaint with the commission under 4 CSR 240-2.070.

(A) Upon request, the staff shall send to the complainant a copy of the appropriate rules and the formal complaint form.

(B) If the complaint concerns a bill, the nonpayment of which could subject the complainant to discontinuance of service under the provisions of 4 CSR 240-13.050, the staff's letter shall advise the complainant that if a formal complaint is not filed within thirty (30) days of the date of the letter, the complainant may become subject to discontinuance of service.

(5) The commission staff may treat an informal complaint involving the same question or issue based upon the same facts dealt with in a prior informal complaint as already decided, and may advise the complainant that this informal complaint will not be reviewed.

(6) A utility shall not discontinue residential service relative to the amount in dispute during the pendency of an informal complaint and until at least thirty-one (31) days after the date of the letter issued pursuant to section (4), and shall in no case discontinue this service without leaving a notice of discontinuance after the date of the letter issued pursuant to section (4).



- (D) Misrepresentation of identity;
- (E) Violation of any other rules of the utility's commission-approved tariffs, which adversely affects the safety of the applicant, or other persons, or the integrity of the utility's system;
- (F) As provided by state or federal law;
- (G) Failure of a previous owner or occupant of the premises to pay delinquent utility charges where the previous owner or occupant remains an occupant;
- (H) Failure to comply with the terms of a settlement agreement; or
- (I) Unauthorized use, interference, or diversion of the utility's service by the applicant, or by a previous owner or occupant who remains an occupant.

(2) A utility shall not refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay for merchandise, appliances, or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) Failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer, or unless the applicant is the legal guarantor for a delinquent bill. In this instance, the utility refusing to commence service, shall have the burden of proof to show that the applicant received substantial benefit and use of the service, or that the applicant is the legal guarantor, provided that such burden shall not apply if the applicant refuses to cooperate in providing or obtaining information the applicant has or should have regarding the applicant's residence history. To meet that burden the utility must have reliable evidence that –

- 1. The applicant and that customer resided together at the premises where the bill was incurred and during the period the bill was incurred; and
- 2. The bill was incurred within the last seven (7) years; and
- 3. The utility has attempted to collect the unpaid bill from the customer of record; and
- 4. At the time of the applicant(s) request for service, the bill remains unpaid and not in dispute.

(3) The utility shall commence service at an existing residential service location in accordance with this rule as close as reasonably possible to the day specified by the customer for service to commence, but no later than, three (3) business days following the day specified by the customer for service to commence provided that the applicant has complied with all requirements of this rule. When service to a new residential location is requested, the utility shall commence service in accordance with this rule as close as reasonably possible to the day specified by the applicant for service to commence, but normally no later than three (3) business days following the day that all required construction is completed and all inspections have been made.

(4) Notwithstanding any other provision of this rule, a utility may refuse to commence service temporarily for reasons of maintenance, health, safety, or a state of emergency until the reason for such refusal has been resolved.

(5) Any provision of this rule may be waived or varied by the commission for good cause.

*AUTHORITY: sections 386.250(6) and 393.140(11), RSMo 2000, and section 393.130(1), RSMo Supp. 2013.\* This rule originally filed as 4 CSR 240-13.035. Original rule filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Aug. 1, 2013, effective March 30, 2014. Moved*

to 20 CSR 4240-13.035, effective Aug. 28, 2019.

*\*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 393.130, RSMo 1939, amended 1949, 1967, 1969, 2002; 393.140, RSMo 1939, amended 1949, 1967.*

**20 CSR 4240-13.040 Inquiries**

*PURPOSE: This rule establishes procedures to be followed when customers make inquiries of utilities so customer inquiries are handled in a reasonable manner.*

(1) A utility shall adopt procedures which shall ensure the prompt receipt, thorough investigation and, where possible, mutually acceptable resolution of customer inquiries. The utility shall submit the procedures to the commission for approval and the utility shall notify the commission and the public counsel of any substantive changes in these procedures prior to implementation.

(2) A utility shall establish personnel procedures which, at a minimum, ensure that –

(A) At all times during normal business hours qualified personnel shall be available and prepared to receive and respond to all customer inquiries, service requests, safety concerns, and complaints. A utility shall make necessary arrangements to ensure that customers unable to communicate in the English language receive assistance;

(B) At all times during normal business hours, qualified personnel responsible for and authorized to enter into written agreements on behalf of the utility shall be available to respond to customer inquiries and complaints;

(C) Qualified personnel shall be available at all times to receive and initiate response to customer contacts regarding any discontinuance of service or an emergency condition related to the utility's operations occurring within the utility's service area; and

(D) Names, addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests and complaints shall be provided to the commission.

(3) A utility shall prepare, in written form, information in plain language, which summarizes the rights and responsibilities of the utility and its customers in accordance with this chapter. The form shall be submitted to the consumer services department of the commission, and to the Office of the Public Counsel. This written information shall be displayed prominently, and shall be available at all utility office locations open to the general public, and shall be mailed or otherwise delivered to each of the utility's residential customers upon request. The information shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with the rules of the commission, and shall contain information concerning, but not limited to –

- (A) Billing and estimated billing procedures;
- (B) Methods for customer verification of billing accuracy;
- (C) Customer payment requirements and procedures;
- (D) Deposit and guarantee requirements;
- (E) Conditions of termination, discontinuance, and reconnection of service;
- (F) Procedures for handling inquiries;

#8 Continued

1/3/24 – Called Ameren customer service department regarding huge spike in Budget Billing amount because of exponentially high usage during the months of December 2022 through April 2023. Agent could not assist. Asked to speak with supervisor. I was advised that a supervisor would have to call back.

1/5/24 – Supervisor (Shaquita) returned call. She could not assist but offered to send the issue to another department for review.

2/5/24 – Letter sent to the Billing Department at Ameren requesting an update on the review and our account. Never received a response. **(EXHIBIT B)**

3/28/24 – Called Ameren customer service department as we had never gotten a response on the review. Spoke with Robin who said there was a note on our account stating the review was completed and furnished on 2/13/24 and that all daily usage readings were accurate. I was never provided a report. I requested our usage for the past few years and Robin was able to provide that information dating 3/31/22 through 3/22/24. **(EXHIBITS C and D)**. Note: data from bills provided were added to spreadsheet to calculate average that we were overcharged.

4/26/24 – Called Ameren customer service to get update on review letter and spoke to Reyna. She stated a formal letter does not get mailed, and I asked to speak to supervisor. She said someone would return my call. Shaquita (who I had previously spoken to) returned my call. Nothing new was provided, so I asked to speak to her supervisor or the next step. She suggested I contact the Public Service Commission and file a complaint.

5/7/24 – Letter sent to the Missouri Public Service Commission via certified mail asking for a review of my account. **(EXHIBIT E)**

5/30/24 – Jordyn from the PSC called and left a voice mail message. I returned her call. She stated the meter is accurate and the spike could be because of space heaters (we do not have any of those), because it was colder outside (we have gas heat and historical data on weather websites show no drastic cold during these periods) or our water heater may have an issue (that is also gas). We have no pool or hot tub. Nothing explains the spike during this time. She said my next step would be to have the meter tested. I agreed and requested to be present during the test. She stated she would contact Ameren to request the test.

5/30/24 – Frank from Ameren called to schedule the test. We agreed on the date of 6/4/24. I asked him when the meter had been installed and said it was installed in February 2021.

6/4/24 – Dave and Colton arrive to perform the meter test. The meter passes. Upon closer look by the technicians, it was determined that the meter installed was too small for the power we have to our home (we have 400 amp service, meter is for 200 amp service). We requested the meter NOT be changed as were informed the meter would lose historical data and did not want to lose that before this dispute is settled.

6/5/24 – Frank from Ameren called to follow-up on meter test. I asked him if he could provide the historical data from the meter. He stated he believed that he could and would send what he had to me via email. **(EXHIBITS F and G)**

6/6/24 – Dave and Colton showed up at our home with a new, correct meter. We agreed to have them install it and were given the impression that we did not have a choice.

6/10/24 – Jordyn from PSC called to advise that the meter test had passed. I informed her that I was not satisfied with the result and wanted to file a formal complaint. I also advised her that the technicians informed us that the incorrect meter was installed on our home in February 2021. She offered to email me the FORMAL COMPLAINT PACKET.

6/11/24 – Received the FORMAL COMPLAINT PACKET from Jordyn, as well as two letters. In the letter is states **(copies attached EXHIBITS H and I):**

*Additionally, when we spoke on June 10, 2024 you stated that you were informed by the Ameren technician that you had the wrong meter at your premise. I asked Ameren about this and a meter supervisor advised that you had two (2) 200-amp breaker boxes attached to your service rather than a 320-amp meter. However, the 200-amp meter can handle the load from your service and would not have been related to the higher usage in question **but your meter was replaced with the correct size on June 6, 2024.***

*I have reviewed the information provided by both Ameren and yourself and found that it appears **Ameren has acted in accordance with both the rules and regulations of the Commission and Ameren's filed and approved tariff\***. This concludes our investigation of your informal complaint. Receipt of this letter serves as your notice of closure into this matter.*

Is it Ameren's policy to install the wrong size meter? I highly doubt it but obviously, their policy was not followed, or the technician(s) who installed it were not properly trained. **(HIGHLIGHTS ABOVE AND EXHIBIT H)**

I understand that the wrong size meter would not cause the usage spike, however, if we had used <200 amps, we have been told that it may have caused wires to melt and possibly a fire. Given the fact that you are claiming we used up to 5 times normal usage, going over 200 amps would not be out of the realm of possibility. It appears to us that after it came to the attention of management that the wrong size meter was installed, they dispatched technicians to correct it immediately given the safety issues that are being downplayed (we have many friends who are electricians). That is the only conclusion that we can determine as to why, 2 days after our meter was tested and found to be the wrong size, the powers that be at Ameren dispatched technicians to replace it immediately.





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