

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

<b>Missouri Coalition for Fair Competition</b>	)	
	)	
and	)	
	)	
<b>Corey Malone,</b>	)	
	)	
Complainants,	)	
	)	
v.	)	File No. <b>EC-2023-0037</b>
	)	
<b>Union Electric Company d/b/a</b>	)	
<b>Ameren Missouri,</b>	)	
	)	
Respondent.	)	

**MCFFC & COREY MALONE STATEMENT OF POSITION**

COME NOW the Complainants, Missouri Coalition or Fair Competition and Corey Malone, by and through counsel, and for their Statement of Position, state as follows:

1. Does the evidence establish that Respondent, Ameren Missouri, has violated § 368.756 RSMo., by engaging in HVAC services? If the answer is “yes,” what actions, if any, should the Commission take?

ANSWER: Yes. Evidence exists that shows that Ameren Missouri has violated § 368.756 RSMo., by (a) using or allowing any affiliate or utility contractor to use the name of such utility to engage in HVAC services without disclosing in plain view and in bold type on the same page as the name is used on all advertisements a disclaimer that states the services provided are not regulated by the public service commission, (b) using utility assets, the cost of which are recoverable in the regulated rates for utility service, to

engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility, and (c) engaging in or assisting any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

The Public Service Commission should, as allowed by §§ 386.756.9 and 386.760 RSMo., (1) review, inspect and audit books, accounts and other records kept by Ameren Missouri or any affiliate for the sole purpose of ensuring compliance with sections 386.754 to 386.764 and make findings available to the commission, (2) investigate the operations of Ameren Missouri or any affiliate and their relationship to each other for the sole purpose of ensuring compliance with sections 386.754 to 386.764, and (3) take action necessary to ensure compliance with sections 386.754 to 386.764, including referral to the attorney general for prosecution of a civil offense with a penalty of up to \$12,500 for each violation.

Respectfully submitted,

/s/ David F. Barrett

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**ATTORNEY FOR THE MISSOURI  
COALITION FOR FAIR COMPETITION  
AND COREY MALONE**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on counsel for all parties of record in this matter via EFIS on July 9, 2024.

/s/ David F Barrett  
David F. Barrett