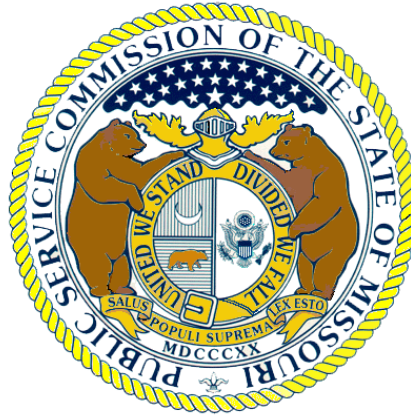


**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**



REPORT AND ORDER

Issue Date: July 15, 2026

Effective Date: August 14, 2026

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

Timothy Boyle,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. EC-2026-0095</u>
	)	
Union Electric Company d/b/a Ameren	)	
Missouri,	)	
	)	
Respondent.	)	

APPEARANCES

For the Complainant:

Timothy Boyle, 7207 Delta Ave., St. Louis, Missouri 63117.

For Union Electric Company d/b/a Ameren Missouri:

Carla Fields Johnson, 300 E. 39th St., Kansas City, Missouri 64111.

Jennifer Hernandez, 1901 Chouteau Ave., St. Louis, Missouri 63103.

For the Staff of the Missouri Public Service Commission:

Carolyn Kerr, Senior Counsel, 200 Madison St., Suite 800, Jefferson City, Missouri 65101.

For the Office of the Public Counsel:

Anna Martin, 200 Madison Street, Suite 650, Jefferson City, Missouri 65101.

Regulatory Law Judge: **Kenneth J. Seyer**

REPORT AND ORDER

The Missouri Public Service Commission (the Commission), having considered all the competent and substantial evidence upon the whole record, makes the following findings of fact and conclusions of law. The positions and arguments of all the parties have been considered by the Commission in making this decision. Failure to specifically address a piece of evidence, position, or argument of any party does not indicate that the Commission has failed to consider relevant evidence but indicates rather that the omitted material was not dispositive of this decision.

Procedural History

On October 2, 2025, Timothy Boyle (“Mr. Boyle” or “Complainant”) filed a complaint against Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”). On October 3, 2025, the Commission issued an order giving notice of the complaint, directing Ameren Missouri to file an answer, and directing the Staff of the Commission (Staff) to investigate the complaint and file a report. Ameren Missouri filed its *Answer and Affirmative Defenses* on November 3, 2025. On November 17, 2025, Staff filed its investigation report.

In its report, Staff discussed Mr. Boyle’s contentions that Ameren Missouri violated Commission Rule 20 CSR 4240-23.020 and Section 386.020(15) of the Revised Statutes of Missouri (RSMo). The stated purpose of Commission Rule 20 CSR 4240-23.020 is, in part, to establish “the minimum requirements for the transmission and distribution facilities of electrical corporations . . . regarding inspection (including maximum allowable inspection cycle lengths), condition rating, scheduling and performance of corrective action, record

keeping, and reporting, in order to provide safe and adequate electrical service.” After investigation, Staff reported that it could not definitively conclude that the Company violated any statutes, regulations, Commission orders, or tariffs and recommended that the Commission conduct a hearing to decide such issues.

The Commission set a procedural schedule and, on May 12, 2026, an evidentiary hearing was held. At the hearing, Mimi Boyle testified on behalf of Complainant. Alan Bax testified on behalf of Staff. Aubrey Krcmar, Michael Ponder, and Christopher Kemp testified on behalf of Ameren Missouri.

Prior to the hearing, the parties filed a joint list of issues for the Commission’s determination during the hearing. Three issues were listed:

1. Did Ameren Missouri violate any statutes, regulations, tariffs, or Commission Orders with regard to the alleged damage that occurred to the Boyles’ home on September 13, 2024?
2. Did Ameren Missouri violate any statutes, regulations, tariffs, or Commission Orders with regard to its actions in responding to Complainant’s residence on September 13, 2024?
3. If the Commission determines that Ameren Missouri violated any applicable tariffs, statutes, Commission rules, regulations, Commission orders, or Commission decisions arising from allegations in this Complaint, what relief, if any, is appropriate?

Findings of Fact

When making findings of fact based upon witness testimony, the Commission will

assign the appropriate weight to the testimony of each witness based upon their qualifications, expertise and credibility with regard to the attested to subject matter.¹

1. Complainant, Mr. Boyle, has had service as a customer of Ameren Missouri at his residence in the suburbs of St. Louis, Missouri since 1996, including on September 13, 2024.²

2. Respondent, Ameren Missouri, is a Missouri corporation with its principal office and place of business in St. Louis, Missouri.³

3. Ameren Missouri is an “electrical corporation” and a “public utility” as those terms are defined in Section 386.020(15) and (43), RSMo (Supp. 2025), and is subject to the jurisdiction and supervision of the Commission.⁴

4. Ameren Missouri is authorized by the Commission to provide electric service at Complainant’s residence and was so authorized on September 13, 2024.⁵

5. Staff is a party in all Commission investigations, contested cases, and other proceedings, unless it files a notice of its intention not to participate in the proceeding within the intervention deadline set by the Commission. Staff participated as a party in this matter.⁶

6. The Office of the Public Counsel (Public Counsel) is authorized to “represent and protect the interests of the public in any proceeding before or appeal from the public service commission[.]”⁷ Public Counsel participated in this matter.

¹ *In the Matter of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service*, 509 S.W.3d 757 (2016).

² *Joint Statement of Undisputed Facts*, p. 1, filed May 7, 2026.

³ *Joint Statement of Undisputed Facts*, p. 1, filed May 7, 2026.

⁴ *Joint Statement of Undisputed Facts*, p. 1, filed May 7, 2026.

⁵ *Joint Statement of Undisputed Facts*, p. 1, filed May 7, 2026.

⁶ Commission Rules 20 CSR 4240-2.010 and 20 CSR 4240-2.070.

⁷ Section 386.710(2), RSMo (2016).

7. On September 13, 2024, Complaint's wife, Mimi Boyle, was at their home. Around noon, while using their garbage disposal, it made a "weird" noise. The living room television then made a "screeching, screaming noise." At the same time, Ms. Boyle smelled an "electrical burning smell." Concerned that the house might be on fire, she went across the street and asked her neighbor to come to her house. Both concluded that the burning smell was coming from the living room television, so they unplugged it.⁸

8. Meanwhile, the lights in the Boyle home were dimmer than normal and flickering. Ms. Boyle used her phone to enter her address into the Ameren Missouri website to see if it was reporting a power outage at their residence. It did not indicate a power outage. Ms. Boyle checked with neighbors. All reported that their power was on and there were no issues like what was occurring at the Boyles' home.⁹

9. Concerned that the home's wiring could be the problem, Ms. Boyle called her husband. Mr. Boyle, in turn, called a friend who is a licensed electrician. Unfortunately, at the time, the electrician friend was out of town. So, he gave Mr. Boyle the phone numbers of other licensed electricians they could call. Around the same time, Ms. Boyle called Ameren Missouri and got their automated response system. After Ms. Boyle concluded that none of the choices (e.g., press one to pay your bill) applied to their situation, she kept saying, "representative," before finally giving up and disconnecting.¹⁰

10. At some point in the afternoon, Ms. Boyle put some potatoes in the oven to bake for dinner. She went to another floor and, when she returned around 20 minutes later,

⁸ Transcript, Vol. 1, pp. 24-25.

⁹ Transcript, Vol. 1, pp. 25-26.

¹⁰ Transcript, Vol. 1, pp. 26-28.

the entire floor smelled like gas. She called her natural gas provider, Spire, who sent employees to investigate. Spire determined that the gas smell was coming from the oven.¹¹

11. Ms. Boyle believes that she did call Ameren Missouri again, but, as before, gave up after reaching the automated response system.¹²

12. After contacting a few different electricians that were unable to get someone to her home that night, Ms. Boyle searched Angie's List and found Streib Electric. Eventually, a representative from Streib Electric contacted Ms. Boyle and sent an employee, Robert Coonce, to evaluate the situation in the Boyles' home. After looking around the house and running some tests, Mr. Coonce concluded that a broken neutral power line was the cause of the issues occurring in the Boyles' home. He called Ameren Missouri, resulting in the Company sending someone to the Boyle home. Ms. Boyle testified that Mr. Coonce told her that he would get through to Ameren Missouri utilizing a phone number only available to electricians. An Ameren Missouri witness testified that the Company does not have a special phone number for electricians and that Mr. Coonce's call came in on their general customer service number.¹³

13. Ameren Missouri's records indicate that they received a call from Robert Coonce with Streib Electric at 9:18 p.m. on September 13, 2024. An Ameren Missouri line technician, Christopher Kemp, was dispatched by the Company at 9:27 p.m. and arrived at

¹¹ Transcript, Vol. 1, pp. 29-30.

¹² Transcript, Vol. 1, p. 30.

¹³ Transcript, Vol. 1, pp. 28-31, 103.

the Boyle residence at 9:45 p.m. The records indicate that repairs were completed by Mr. Kemp and power restored at 10:22 p.m.¹⁴

14. Ameren Missouri Manager of Regulatory Engagement, Aubrey Krcmar, testified that the first call the Company received from Mr. or Ms. Boyle was on September 14, 2024. Ms. Krcmar stated that a call that comes into their system in which a Company representative does not answer and speak with the caller is not noted in their call records.¹⁵

15. Mimi Boyle testified that a ceiling fan, the oven igniter, and the ECM motor and electric board in their furnace were damaged as a result of the September 13, 2024, incident.¹⁶ The Boyles submitted a damage claim with Ameren Missouri. Brentwood Services Administrators, Inc., the third-party claims administrator for the Company, denied the claim in a letter dated October 25, 2024, stating that a service line failure led to the damage. The letter went on to state:

Due to the very nature of the equipment used by our client and all other electric companies, it is impossible for them to guarantee that no part of it will ever fail. Such failures and imperfections occur from time to time, but they are not the result of any fault or lack of care; to the contrary, failures occur even though due care is exercised.¹⁷

16. Ameren Missouri's then-effective tariff, addressing Continuity of Service, read as follows:

Company will make all reasonable efforts to provide the service requested on an adequate and continuous basis, but will not be liable for service interruptions, deficiencies or imperfections which result from conditions which are beyond the reasonable control of the Company. The Company cannot guarantee the service as to continuity, freedom from voltage and

¹⁴ Transcript, Vol. 1, pp. 82-86, 188; Exhibit 101C.

¹⁵ Transcript, Vol. 1, pp. 88-89.

¹⁶ Transcript, Vol. 1, pp. 32, 50.

¹⁷ Transcript, Vol. 1, pp. 91-93; Exhibit 103C.

frequency variations, reversal of phase rotation or single phasing. The Company will not be responsible or liable for damages to customer's apparatus resulting from failure or imperfection of service beyond the reasonable control of the Company. In cases where such failure or imperfection of service might damage customer's apparatus, customer should install suitable protective equipment.¹⁸

17. After the September 13, 2024, incident, the Boyles had a whole-home surge protector installed in their home.¹⁹

18. Alan Bax, Staff Engineer for the Commission, testified that he investigated the Boyles' complaint and could not conclude that Ameren Missouri had committed any violations of a statute, regulation, tariff, or Commission order.²⁰

19. Michael Ponder, Contractor Services Supervisor for Ameren Missouri, testified that he manages and supervises contractors who perform circuit and device inspections for the Company. Ameren Missouri has regular inspection programs for its utility lines. A circuit patrol, or visual inspection, is done using drones every four years on urban circuits and every six years on rural circuits. A ground line intrusive inspection is done on foot every 12 years on every circuit.²¹

20. The drone circuit patrol includes visual inspection of the conductor, the connections to the poles, insulators, transformers, and down guys.²²

21. The ground line inspection includes "sounding" each utility pole with a hammer, drilling into the pole, and digging 16-18 inches below the ground surface and

¹⁸ MO P.S.C. No. 6, Original Sheet 105, General Rules and Regulations, I. General Provisions, J. Continuity of Service; Exhibit 201C, p. 7.

¹⁹ Transcript, Vol. 1, pp. 38, 101-102.

²⁰ Transcript, Vol. 1, pp. 68-69; Exhibit 201C.

²¹ Transcript, Vol. 1, pp. 145-146.

²² Transcript, Vol. 1, pp. 145-147.

drilling into the pole at that sub-surface area on the pole – all to check for hollow or rotten wood. The process also includes a visual inspection of the apparatus, from the ground up, and application of a chemical treatment to help preserve the pole.²³

22. Mr. Ponder testified the inspection timelines followed by Ameren Missouri are consistent with industry standards.²⁴

23. Mr. Ponder testified that, prior to September 13, 2024, a drone circuit patrol inspection on the line servicing the Boyles' residence was last performed in April of 2024. No repair or replacement actions were deemed necessary by the Company's contractor.²⁵

24. Christopher Kemp, currently Supervisor of Electrical Operations and Training for Ameren Missouri, testified that he was the Line Troubleman who responded to the call for service at the Boyles' residence on September 13, 2024.²⁶ Upon arriving at the scene, Mr. Kemp saw two silver wires hanging down toward the center of the road, consistent with a broken neutral line.²⁷ He ran some tests and determined that the Boyle home was only receiving 120 volts of power, rather than 240 volts, indicating that a 120-volt line, or "hot leg," had to be out. Mr. Kemp explained that two 120-volt hot legs lead from the transformer into the house's circuit breaker box. If one hot leg is broken and a 240-volt appliance, such as an HVAC, receives prolonged, diminished 120-volt input, it will damage the appliance.²⁸

25. Mr. Kemp expected the damaged hot leg to be severed near the location of the severed neutral wire in the center of the road. Instead, the break was close to the pole,

²³ Transcript, Vol. 1, pp. 147-148.

²⁴ Transcript, Vol. 1, p. 150.

²⁵ Transcript, Vol. 1, pp. 151-152.

²⁶ Transcript, Vol. 1, p. 186.

²⁷ Transcript, Vol. 1, p. 188.

²⁸ Transcript, Vol. 1, pp. 189-190.

across the street from the Boyle residence.²⁹ Mr. Kemp explained that the neutral wire is designed to take the strain, or tension, off the hot legs from the pole to the home. He repaired the neutral wire by cutting out a two-foot section of neutral wire and replacing it with new wire secured with compression sleeves.³⁰

26. Mr. Kemp also testified that he saw evidence that a squirrel(s) had chewed on both the neutral wire – which he testified was about one-quarter of an inch thick – in two places and on the severed hot leg.³¹ There was no evidence of corrosion on the neutral wire between the pole and the Boyles’ home, according to Mr. Kemp.³²

Conclusions of Law

The Commission has reached the following conclusions of law.

A. Ameren Missouri is an “electrical corporation” and a “public utility” as those terms are defined in Section 386.020(15) and (43), RSMo (Supp. 2025), and is subject to the jurisdiction and supervision of the Commission pursuant to Section 386.250, RSMo (2016) and Chapter 393, RSMo.

B. The Commission is authorized to hear and determine complaints made by customers against public utilities pursuant to Section 386.390.1, RSMo (Supp. 2025), which states:

Complaint may be made by . . . any . . . person . . . by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation . . . or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public

²⁹ Transcript, Vol. 1, pp. 190-191.

³⁰ Transcript, Vol. 1, p. 192.

³¹ Transcript, Vol. 1, pp. 193-194, 246-248, 253-260.

³² Transcript, Vol. 1, pp. 254.

utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission[.]

Therefore, the Commission has jurisdiction over this complaint.

C. Section 393.130.1, RSMo (2016) requires every electrical corporation “to provide such service instrumentalities and facilities as shall be safe and adequate.”

D. Commission Rule 20 CSR 4240-23.020(3)(A) states:

Each electrical corporation subject to this rule shall have personnel, sufficiently trained in inspections, conduct inspections of its transmission and distribution facilities operated above six hundred (600) volts, as necessary to provide safe and adequate service pursuant to section 393.130.1, RSMo Supp. 2007, but in no case may the period between inspections (measured in years) exceed the time specified in the table, included herein, titled “Electrical Corporation System Inspection Cycles (Maximum Intervals in Years).”³³

E. Among the general powers of the Commission is the authority, pursuant to Section 393.140(11), RSMo (2016), to require every electrical corporation to file with the Commission and to print and keep open to public inspection “schedules showing all rates and charges made, . . . all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used.”³⁴

F. Such rate schedules and rules and regulations are commonly referred to as “tariffs.”³⁵

G. A tariff is a document that lists a public utility’s services and the rates for those

³³ Within Commission Rule 20 CSR 4240-23.020, the table titled “Electrical Corporation System Inspection Cycles (Maximum Intervals in Years) lists inspection cycles for Poles/Overhead Structures of four (4) years for Patrol-Urban, six (6) years for Patrol-Rural, twelve (12) years for Detailed-Urban/Rural, and twelve (12) years for Intrusive-Urban/Rural.

³⁴ See also *State ex rel. Inter-City Beverage Co., Inc. v. Pub. Serv. Comm’n*, 972 S.W.2d 397, 400 (Mo. App. W.D. 1998).

³⁵ In the context of cases before the Commission, the terms “tariffs” and “rate schedule” are synonymous. See *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm’n*, 311 S.W.3d 361, 364 n.3 (Mo. App. W.D. 2010).

services.³⁶ Both a utility and its customers are presumed to know the contents and effect of published tariffs.³⁷

H. Commission approved tariffs may also include provisions governing regulations, practices and services that are prescribed by the Commission and applicable to the public utility and its customers.³⁸

I. A tariff approved by the Commission becomes law and has the same force and effect as a statute enacted by the General Assembly.³⁹

J. The burden of showing that a regulated utility has violated a law, rule or order of the Commission is with the Complainant(s).⁴⁰ Thus, Mr. Boyle must establish all facts necessary to support the relief he seeks by a preponderance of credible evidence.

Decision

The evidence showed that the neutral line and one of the 120-volt lines owned and maintained by Ameren Missouri extending from a pole across the street to the Boyles' residence severed on September 13, 2024, leading to damage to the Boyles' property. The essential questions before the Commission are whether Ameren Missouri violated any

³⁶ *State ex rel. Mo. Gas Energy v. Pub. Serv. Comm'n*, 210 S.W.3d 330, 337 (Mo. App. W.D. 2006) (quoting *Bauer v. Sw. Bell Tele. Co.*, 958 S.W.2d 568, 570 (Mo. App. E.D. 1997)).

³⁷ *A.C. Jacobs & Co., Inc. v. Union Elec. Co.*, 17 S.W.3d 579, 585 (Mo. App. W.D. 2000) (citing *Bauer v. Sw. Bell Tele. Co.*, 958 S.W.2d 568, 570 (Mo. App. E.D. 1997)).

³⁸ See Section 386.270, RSMo (2016); *A.C. Jacobs & Co., Inc. v. Union Elec. Co.*, 17 S.W.3d 579, 581-85 (Mo. App. W.D. 2000) (approved tariff that is not subject to challenge is deemed lawful and reasonable and establishes rules governing utility's duty to customers).

³⁹ *Bauer v. Sw. Bell Tele. Co.*, 958 S.W.2d 568, 570 (Mo. App. E.D. 1997).

⁴⁰ In cases where a "complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions,"... "the burden of proof at hearing rests with the complainant." *State ex rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 693 (Mo. App. 2003).

statutes, regulations, tariffs, or Commission orders related to that incident or to the Company's response to the incident.

Ameren Missouri followed both industry standards and Commission Rules in regard to inspecting the lines in question. No evidence was presented that the Company failed to follow its inspection schedule. The last inspection of the line, approximately five months prior to the incident, showed no defects or conditions requiring repair or replacement. Further, when Ameren Missouri was notified on September 13, 2024, of the issue with the lines, it both promptly responded and promptly made repairs and restored power.

Under the statutes, Commission rules, and tariffs applicable to Ameren Missouri, it is obligated to provide safe, adequate, just, and reasonable service to its customers. It must make reasonable efforts to provide continuous service, free from voltage and frequency variations, but is not liable for service interruptions, deficiencies, or imperfections which are beyond their reasonable control. In this case, whether the severed neutral line and hot leg was caused by a squirrel or not, no evidence was presented that Ameren Missouri failed to follow the inspection schedule for the line in question, inadequately inspected the line, or failed to address a known defect uncovered by an inspection. Nor can there be any argument that, once aware of the situation, the Company failed to adequately respond. In short, no evidence was presented that Ameren Missouri violated any statutes, regulations, tariffs, or Commission orders with regard to the damage that occurred to the Boyles' home or in its response on September 13, 2024. Having reached that decision, a Commission ruling on appropriate relief is moot.

Any relief not specifically granted in this order is denied. Any requests for reconsideration of this order pursuant to 20 CSR 4240-2.160(2) or any application for rehearing of this order pursuant to Section 386.500.1, RSMo, shall be filed prior to the effective date of this order. The denial of an application for rehearing under Section 386.500, RSMo, is a prerequisite to filing a notice of appeal in an appropriate appellate court pursuant to Section 386.510, RSMo. If a motion for reconsideration or rehearing is granted, the Commission will make appropriate orders at that time.

THE COMMISSION ORDERS THAT:

1. The complaint is denied.
2. If any party wishes to request a rehearing by the Commission, such request must be filed before August 14, 2026.
3. This order shall become effective on August 14, 2026.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Kolkmeyer,
and Mitchell CC., concur.

Seyer, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 15th day of July, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 15, 2026

Case No: EC-2026-0095

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



Nancy Dippell
Secretary

¹

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.