

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Dr. Michael and Sharon Maples,)	
)	
Complainants,)	
)	
v.)	<u>Case No. GC-2007-0350</u>
)	
Union Electric Company d/b/a)	
AmerenUE,)	
)	
Respondent.)	

ORDER GRANTING REQUEST FOR HEARING AND MOTION TO FILE
ATTACHMENT

Issue Date: May 23, 2007

Effective Date: May 23, 2007

Dr. Michael and Sharon Maples filed a formal complaint against Union Electric Company d/b/a AmerenUE ("AmerenUE") on March 23, 2007.¹ On March 27, the Commission notified AmerenUE of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of the Maples' formal complaint and to file a report concerning the results of its investigation no later than three weeks after AmerenUE filed its answer to the complaint.

AmerenUE filed its answer on April 26. On May 7, Sharon Maples filed a letter, dated May 4, 2007, requesting a one-week extension of time in which to file the Maples'

¹ All dates specified in this order refer to the calendar year 2007.

response to AmerenUE's answer. The Commission granted Mrs. Maples' request by order dated May 9, and the Maples' response was filed on May 14.

In its investigation report, which was filed on May 17, Staff recommended that the Maples' complaint against AmerenUE be dismissed, but requested Commission authorization to pursue penalties against AmerenUE for failing to comply with Commission Rule 4 CSR 240-10.030(20).² On May 21, Dr. Maples submitted additional documentation pertaining to the complaint and filed a letter requesting an evidentiary hearing. The following day, Staff filed its Motion to File Attachment to Staff Recommendation, in which it sought leave to file a chart which was referred to in its report but was inadvertently omitted therefrom. In the same pleading, Staff advised that after reviewing the additional information filed by Dr. Maples on May 21, Staff's position remained that the complaint should be dismissed and the Commission should authorize Staff to pursue penalties against AmerenUE for failing to comply with Commission Rule 4 CSR 240-10.030(20).

The Maples' request for an evidentiary hearing will be granted, as they have pled facts which, if believed by the Commission, could entitle them to some form of relief. Furthermore, Staff's motion to file the missing attachment, which is an entirely reasonable request under the circumstances, will also be granted.

IT IS ORDERED THAT:

1. Dr. Michael and Sharon Maples' request for an evidentiary hearing on the merits of their formal complaint against Union Electric Company d/b/a AmerenUE is granted. The hearing will be scheduled by separate order at a later date.

² According to Commission Rule 4 CSR 240-2.080(15), parties are "allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission." Under this rule, and Commission Rule 4 CSR 240-2.050(1), AmerenUE has until May 29 to file a timely response to Staff's recommendation.

2. Staff's Motion to File Attachment to Staff Recommendation is granted, and the chart in question, a copy of which was attached to the motion, is now part of Staff's recommendation and report.

3. This order shall become effective on May 23, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of May, 2007.