

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

EDWARD J. BUSCH AND)	
ANDREA B. BUSCH)	
)	
Complainants,)	
)	
vs.)	Case No: EC-2013-0421
)	
UNION ELECTRIC COMPANY d/b/a)	
AMEREN MISSOURI,)	
)	
Respondent.)	

ANSWER

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Respondent”), and pursuant to the Commission’s March 18, 2013 *Order Giving Notice of Contested Case, Directing Answer and Directing Staff Investigation*, hereby files its Answer, as follows:

Filed concurrently herewith is Ameren Missouri’s Motion to Dismiss based upon the failure of the Complainant to state a claim upon which relief can be granted and other grounds. By filing this Answer in compliance with the Commission’s above-referenced Order, Ameren Missouri does not waive any defense or grounds for dismissal nor does it concede or consent to the Commission’s authority or jurisdiction to hear the Complaint.

With respect to that portion of the Complaint appearing before numbered Paragraph 1, to the extent said portion contains factual allegations, the Company states that it is without sufficient knowledge, information or belief to admit or deny such allegations and therefore denies the same.

With respect to the numbered paragraphs of the Complaint, Ameren Missouri answers the same by correspondingly numbered paragraphs, as follows:

1. Respondent admits the allegations stated in Paragraph 1.
2. Respondent admits that it is generally subject to the jurisdiction of the Commission to the extent that jurisdiction is afforded the Commission per statute, but denies the remaining allegations stated in Paragraph 2, including specifically that the Commission has jurisdiction or authority over this Complaint.
3. Respondent admits that it intends to construct a sub-transmission line of approximately 855 feet¹ and that the Complainants general description of the line is correct. Respondent admits that the proposed line will be constructed on property south of the Clarksboro/Windsor Estates subdivision, within which Complainants' property is located. Respondent denies the remaining allegations in Paragraph 3.
4. Respondent admits the proposed line will be constructed on property next to Complainants' property. Respondent denies the remaining allegations in Paragraph 4.
5. Respondent is without sufficient knowledge, information or belief to admit or deny the allegations stated in Paragraph 5 and therefore denies the same.
6. Respondent states that to the extent Paragraph 6 states legal conclusions no answer is required, and further answering states that to the extent Paragraph 6 contains factual allegations Respondent denies the same.
7. Respondent admits the allegations stated in Paragraph 7.
8. Respondent denies the allegations stated in Paragraph 8.

¹ Complainants referred to the length of this section as 885 feet, it is actually 855 feet.

9. Respondent admits that Complainants filed informal complaints, that the Complainants are not customers of Respondent and that the proposed line will not be constructed on Complainants' property. Respondent denies the remaining allegations stated in Paragraph 9.

AFFIRMATIVE DEFENSES

10. The Complaint fails to state a claim upon which relief may be granted.

11. The Complaint constitutes an unlawful collateral attack on the Commission's January 3, 2013 *Order Granting Certificate of Convenience and Necessity*, in violation of Section 386.550, RSMo. (2000) and other applicable principles of law.

12. The relief sought by the Complaint is beyond the power or authority of the Commission to grant in that the Commission cannot "reopen Case Number AE[sic]-2013-0316" because the time for rehearing pursuant to Section 386.500, RSMo. has passed, and the time for reconsideration (which applies only to procedural or interlocutory orders – see 4 CSR 240-2.160(2)) has passed.

13. Complainants have suffered no legally cognizable harm or injury.

14. The Commission lacks the power or authority to address the matters in the Complaint.

WHEREFORE, having fully answered, Ameren Missouri respectfully requests that the Commission issue an order dismissing the Complaint with prejudice.

Respectfully Submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 17th day of April, 2013.

/s/ Wendy K. Tatro
Wendy K. Tatro