

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

Dora M. Middleton	)	
Complainant,	)	
	)	
vs.	)	Case No: EC-2018-0076
	)	
Union Electric Company, d/b/a	)	
Ameren Missouri,	)	
Respondent.	)	

**MOTION TO AMEND ORDER TO CEASE  
DISCONNECTION OR RESTORE SERVICE**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and in support of its Motion to Amend Order to Cease Disconnection or Restore Service states as follows.

Background

1. On September 15, 2017, Complainant filed her *Complaint*, initiating this proceeding against Company.
2. On September 18, 2017, the Commission entered its *Order to Cease Disconnection or Restore Service* (the “*Order*”), noting that, “[t]he Complaint alleges that Ameren is discontinuing Ms. Middleton’s service over a \*\* \_\_\_\_\_ \*\* charge[.]...Ms. Middleton’s complaint puts the \*\* \_\_\_\_\_ \*\* charge formally in dispute...[and] the Commission will order Ameren Missouri to cease *any* disconnection of Ms. Middleton’s service pending the Commission’s decision on the merits of Ms. Middleton’s complaint[.]” (emphasis added). Per ordering paragraph 1 of the *Order*, Ameren Missouri was ordered to “cease disconnection, or, if disconnection has already occurred, to reconnect service as set forth in the body of this order.”
3. To comply with the *Order* prohibiting disconnection pending a decision on the merits, the Company has suspended from collection activity all charges for service provided to Complainant that have been billed to her but that she has failed to pay by their due/delinquent date (generally, “past due”). This includes amounts beyond those that are actually in dispute in the *Complaint*.

4. At the January 24, 2018 initial prehearing conference in this case the Company asked the Commission to modify the *Order* to limit the disconnection stay to the amount in dispute. By its *Order Directing Filing and Setting Prehearing Conference*, dated January 31, 2018, the Commission ordered the Company to file a motion regarding the disconnection stay, no later than February 2, 2018.

#### Motion

5. Since September 18, 2017, the Company has suspended not only the amount in dispute (which the Company contends is actually\*\* \_\_\_\_\_\*\*, not \*\* \_\_\_\_\_\*\*; *see its Answer*, ¶7) which related to a transferred balance from a prior account in Complainant’s name (the “\*\*\* \_\_\_\_\_\*\*\*” account), but also past due amounts under her current account (the “\*\*\* \_\_\_\_\_\*\*\*” account) for service provided and billed to her from May 14, 2017 to September 18, 2017, , and past due amounts under the \*\* \_\_\_\_\_\*\* account for service provided and billed to her from September 18, 2017 to date. A detailed breakdown, and a total of all amounts past due, net of the \*\* \_\_\_\_\_\*\* in dispute, is attached hereto as Exhibit A. But for the *Order*, the Company would classify these undisputed amounts past due as delinquent and the Company would proceed with collection activity related to Complainant’s \*\* \_\_\_\_\_\*\* account, including the issuance of disconnection notices and possible disconnection for nonpayment.

6. The Company respectfully asserts that the Commission’s *Order* is overly broad, since by its terms it orders the Company to “cease disconnection,” period, not simply to cease disconnection over nonpayment of the \*\* \_\_\_\_\_\*\* in dispute. Even when a customer registers a dispute about an amount with a utility, 4 CSR 240-13.045(7) requires that the customer pay the amount *not in dispute* (within four working days from the date the dispute is registered, or by the delinquent date of the bill, whichever is later), or the customer has waived the right to continuance of service and the utility may proceed to discontinue service. Similarly, 4 CSR 240-13.050(1)(A) provides that a utility may discontinue service for nonpayment of an *undisputed* delinquent charge. Failure of a customer to pay an amount not in dispute is not only grounds for discontinuance of service, it is also grounds for dismissal of a formal or informal complaint. 4 CSR 240-13.070(7).

7. In addition, the Company is concerned that suspending all past due charges from collection activity, which is the only way to prevent *any* disconnection pending a decision on the merits, is having unintended and undesirable consequences.

8. One consequence is that even though all the past due charges are reflected in the Prior Balance line item of each monthly statement ("bill") sent to Complainant (*see e.g.*, the statement dated 01/17/2018 attached hereto as Ex. B.), suspending these past due charges effectively places them "on hold" and prevents them from being classified as delinquent prevents the past due amounts from being classified as delinquent in the Company's billing system, which causes the past due amounts not to be reported to Complainant as delinquent when she checks the status of her account online or when she calls the Company to inquire whether her account is in good standing. As a result, even though Complainant has received and will continue to receive monthly bills showing a Prior Balance reflecting all amounts past due, she has not received some of other "signals" that normally alert a customer that amounts are delinquent.

9. Another consequence is that, during the period in which the Company is precluded from issuing disconnection notices to her for failure to pay the past due amounts, certain energy assistance funding that Complainant may wish to apply for and might otherwise be eligible to receive, and which might help her pay a substantial portion of her bill, may not be available to her. For example, an applicant's receipt of a disconnection notice indicating a specific disconnection date is a precondition of receiving federally-funded energy crisis intervention program (ECIP) assistance.

WHEREFORE, for the forgoing reasons, the Company respectfully requests that the Commission amend its *Order* to (a) order the Company to cease disconnection related to the \*\* \_\_\_\_\_ \*\*, or \*\* \_\_\_\_\_ \*\*, at issue and in dispute and (b) advise Complainant that the Company may proceed with collection-related activity, including issuing required disconnection notices and proceeding with disconnection, for nonpayment of any undisputed delinquent charges for service in her name at \*\* \_\_\_\_\_ \*\*.

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on all of the following parties via electronic mail (e-mail), and also served on Complainant via U.S. Mail, on this 2<sup>nd</sup> day of February, 2018.

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