

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 10th
day of February, 2000.

Frank E. Dilley, et al.,)	
)	
Complainants,)	
)	
v.)	Case No. <u>EC-2000-63</u>
)	
Union Electric Company,)	
doing business as AmerenUE,)	
)	
Respondent.)	

ORDER ADOPTING STAFF RECOMMENDATION

Between August 2, 1999, and September 1, 1999, 48 persons filed 43 formal complaints against Union Electric Company, doing business as AmerenUE (UE). The complaints were very similar and, in many cases, consisted of identical photocopies. Each of these complaints contended that UE had provided unreliable service in that repeated service interruptions had occurred. Each complaint requested that UE be ordered to upgrade its transmission equipment serving these Complainants. The Complainants all reside in Miller County, Missouri, in the vicinity of Tuscumbia. The Commission issued a Notice of Complaint in each of these cases and invited the parties to consider mediation. However, none of the parties opted for mediation and, on September 22, 1999, UE filed its Answer in each case.

Together with its Answer, UE filed a Motion to Consolidate on September 22, 1999. On October 12, 1999, the Commission issued its Order

consolidating the cases and directing an investigation by the Staff of the Missouri Public Service Commission (Staff). Specifically, Staff was directed to investigate the circumstances of each Complaint and of UE's Answer, and to file its written report no later than December 6, 1999, together with its recommendation, if any, as to the resolution of this matter.

On December 6, 1999, Staff submitted its report and recommendation as ordered, together with a motion that the Commission receive its report for filing and implement its recommendation. Staff states in its report that the area served by UE's Brumley substation "experienced several extended service interruptions" during June and July of 1999. Staff further states that UE "has taken steps to improve the quality of service in this area and is continuing to address the underlying causes of the outages." However, Staff notes that "UE does not anticipate completing the various repairs, maintenance, and upgrades for a number of months." Staff recommends that the Commission require UE to file status reports on February 1, 2000, and May 3, 2000, addressing its progress toward improving the quality of service provided by its Brumley substation. In fact, UE filed its first status report on February 4, 2000.

Staff further states that it will monitor UE's progress and file written reports in response to each of UE's status reports. No party filed any response to Staff's motions, report or recommendation, and the interval for filing such under the Commission's rules has expired.

The Commission noted that all of the Complainants herein are proceeding without benefit of counsel. Therefore, in order to ensure that

each Complainant received a copy of Staff's report and understood the consequences of the Commission's acceptance of Staff's recommendation, the Commission issued its Order Directing Notice and Setting Response Date on December 17, 1999, and directed its Records Department to provide a certified copy of that Order, with Staff's report and recommendations attached, to each Complainant herein, as well as to all other parties. The Order of December 17, 1999, advised all parties that no local public hearing or evidentiary hearing would be held unless a written request for such was received on or before January 17, 2000. No such requests were received. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing or responded to Staff's motions, report or recommendation, the Commission may grant the relief requested without a hearing.

The Commission has reviewed the Complaints filed herein by the Complainants, the Answers filed by UE, and Staff's motions, report and recommendation. UE has admitted that outages occurred in the Complainants' service area during the subject period. Staff's report confirms the occurrence of these outages. UE has stated that it is taking steps to upgrade its facilities in this service area and, thereby, to improve the quality of service. Staff evidently accepts UE's proposed corrective actions and proposes to monitor its progress. In the absence of any response from the Complainants, the Commission will adopt Staff's

recommendation. Because UE has already filed the first status report, UE shall be directed to provide an additional status report on May 3, 2000. If the improvements are not yet complete by that date, UE shall state in the May 3, 2000, report a date certain by which the improvements shall be completed.

IT IS THEREFORE ORDERED:

1. That Union Electric Company, doing business as AmerenUE, having already filed its first status report, shall file a status report regarding its progress in improving the quality of service in the area served by its Brumley substation on May 3, 2000. If the improvements are not yet complete by that date, UE shall state in the report a date certain by which the improvements shall be completed.

2. That the Staff of the Commission shall monitor the progress made by Union Electric Company, doing business as AmerenUE, and shall file responses to each of the status reports referred to in Ordered Paragraph 1, above.

3. That this Order shall become effective on February 23, 2000.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
Murray, and Schemenauer, CC., concur.

Thompson, Deputy Chief Regulatory Law Judge.