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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

ORDER DIRECTING NOTICE AND
SETTING RESPONSE DATE

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. 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 recommendations. 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. 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 recommendations, and the interval for filing such under the Commission's rules has expired.

The Commission notes that all of the Complainants herein are proceeding without benefit of counsel. Therefore, in order to ensure that each Complainant receives a copy of Staff's report and understands the consequences of the Commission's acceptance of Staff's recommendations, the

Commission will direct its Records Department to provide a certified copy of this Order, with Staff's report and recommendations attached, to each Complainant herein, as well as to all other parties.

If the Commission accepts Staff's recommendations, then no hearing will be held in this case until after UE's status reports, and Staff's monitoring reports, have been filed. It is possible, in that event, that no hearing will be held in this case at all. Therefore, the Commission determines that the Complainants and other parties herein should be given an opportunity to request an evidentiary hearing or a local public hearing or both. Any such request must be submitted in writing and filed with the Secretary of the Commission within the interval specified in the ordered paragraph below. Fundamental fairness--referred to as "due process of law"--requires that copies of any such request must be mailed to all parties and must include certification that such service has been accomplished. Pleadings not served on all parties cannot be accepted for filing. Alternatively, any Complainant may contact the Office of the Public Counsel and seek assistance from that agency.

If the Commission receives any written requests for an evidentiary hearing, the Commission will set a prehearing conference and require the filing of a proposed procedural schedule as in any other contested case. All parties will be required to comply with the Commission's procedural rules, regardless of whether or not a party is represented by counsel.

If the Commission receives any written requests for a local public hearing, the Commission will consider holding such a hearing within or close to the area served by the Brumley substation. In the event that the

Commission determines that such a local public hearing is appropriate, notice of the date, time and location will be provided to all parties.

IT IS THEREFORE ORDERED:

1. That the report and recommendation tendered by the Staff of the Missouri Public Service Commission on December 6, 1999, is received and filed as of that date.

2. That the Records Department of the Commission shall attach the report and recommendation filed by the Staff of the Missouri Public Service Commission on December 6, 1999, to this Order as Attachment 1 and shall attach a copy of the current service list for this case to this Order as Attachment 2.

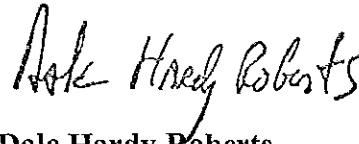
3. That the Records Department of the Commission shall mail a certified copy of this Order, and its attachments, to each party of record, or its counsel, as shown on the service list herein.

4. That any party may request an evidentiary hearing or a local public hearing or both by mailing a written request therefor to the Secretary of the Commission, as set out below, and serving a copy of such written request by mail on all parties hereto as shown on the attached service list. Any such written request must include certification that service on all parties as described herein has been accomplished. Any such written request must be received by the Secretary of the Commission no later than January 17, 2000.

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

5. That this Order shall become effective on December 28, 1999.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 17th day of December, 1999.



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

December 6, 1999

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLLIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED³

DEC 06 1999

Missouri Public
Service Commission

RE: Case No. EC-2000-63

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **MOTION TO FILE COMMISSION ORDERED REPORT AND REQUEST FOR COMMISSION ORDER**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David J. Stueven", is written over a horizontal line.

David J. Stueven
Assistant General Counsel
(573) 751-6726
(573) 751-9285 (Fax)

DJS/mm

Enclosure

cc: Counsel of Record

Director – Utility Operations Division

Director – Utility Services Division

Director – Research and Public Affairs Division

General Counsel

Manager – Electric Department

Senator Larry Rohrbach

Representative Blaine Luetkemeyer