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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 July, 1998.

Baden Automotive Center, Inc.	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. EC-98-281</u>
	)	
Union Electric Company,	)	
	)	
Respondent.	)	

**ORDER DIRECTING RESPONSIVE PLEADING**

On January 8, 1998, Baden Automotive Center, Inc. (Baden or Complainant) filed a Complaint against Union Electric Company (UE). On January 16 a Notice of Complaint was issued properly notifying the necessary parties of the complaint. On February 2, UE filed its Response to Complaint with the Commission. The Commission issued its order effective March 24, requiring the Staff, with the Assistance of Office of the General Counsel, to investigate the allegations set forth in the complaint filed by Baden Automotive Center, Inc. against Union Electric Company, and to file its findings no later than April 10. On April 10 the Commission extended the deadline for filing said report to May 1, 1998 upon receipt of motion for extension filed by Staff.

On April 30 Staff filed its Motion to Suspend Investigation asking that the Commission suspend the investigation activities until June 1, 1998, in order to permit the parties to complete settlement negotiations that might have resulted in the filing of a stipulation and

agreement. The Commission granted the motion extending the deadline for completing the investigation and filing the report to June 30.

On June 30 the Staff of the Commission filed its memorandum setting forth its efforts to investigate the complaint filed by Baden Automotive Center, Inc. Staff reports that it made multiple attempts to meet with the Complainant without success. A meeting scheduled for April 21 was canceled when the Staff received confirmation from both Baden and UE that the parties had reached an agreement. To date, however, Staff indicates that Baden has failed to execute that agreement document. Staff reported that a letter was directed to Baden's attorney dated June 5 requesting to schedule a meeting on or before June 19 to which no response was received. Staff took the initiative to schedule a meeting on June 19 at 10:30 a.m. at the AmerenUE offices, 1901 Chouteau Avenue, St. Louis, Missouri. Both UE and Baden were invited to participate in the meeting. Staff met with UE but no representative of the Complainant attended the meeting.

Pursuant to the filing of Baden's complaint, the Commission ordered the Staff of the Commission to investigate the allegations and report its findings to the Commission by a date certain. The Complainant is expected to cooperate with the Staff of the Commission in the investigation of these allegations as ordered by the Commission. The Complainant shall respond to the Staff of the Commission by July 20 with all relevant information regarding the complaint as outlined in the Staff's memorandum, and in particular, with information which clearly shows why the two entities whose account balances UE transferred into the Baden accounts were not the same customer as Baden. If Complainant does not respond to Staff, the Commission may dismiss the complaint. Staff

should notify the Commission if they do not receive a response from the Complainant by July 20. If the Complainant does respond to Staff, Staff shall file their report no later than September 18.

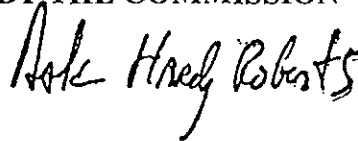
**IT IS THEREFORE ORDERED:**

1. That the Complainant Baden Automotive Center, Inc. is directed to respond to Staff's memorandum by providing relevant information to the Staff of the Commission, in particular, with information which clearly shows why the two other entities whose account balances UE transferred into the Baden accounts were not the same customer as Baden. This response to the Staff of the Commission shall be completed no later than July 20, 1998.

2. That Staff of the Commission shall notify the Commission if no response is received by the end of the business day on July 20, 1998. If a response is received, Staff shall file its investigative report no later than September 18.

3. That this order shall become effective on July 21, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

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

Register, Regulatory Law Judge

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JUL 10 1998

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION