

A:

BEFORE THE PUBLIC SERVICE COMMISSION
:
OF THE STATE OF MISSOURI

Frank and Susan Delana,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-2000-298</u>
)	
Union Electric Company,)	
d/b/a AmerenUE,)	
)	
Respondent.)	

ORDER DIRECTING NOTICE AND SETTING RESPONSE DATE

Frank and Susan Delana (Complainants) filed a formal complaint with the Missouri Public Service Commission on October 26, 1999, against Union Electric Company, doing business as AmerenUE (hereinafter referred to as AmerenUE). The Complainants requested that their bills for July and August 1999 be estimated from previous years because of Complainants' concern that the bills were too high and inaccurate. The Commission issued notice of the complaint on October 29, 1999.

On December 2, 1999, AmerenUE filed a response indicating that AmerenUE had tested the meter at the Delana home on September 3, 1999, and found it to be accurate. Nonetheless, the meter was changed due to insects and foreign materials under the meter glass. AmerenUE noted that service usage on the old meter averaged 173 kWhrs/day and 147 kWhrs/day on the new meter. According to AmerenUE, Mr. Delana informed AmerenUE that he had experienced air conditioning problems

which caused the usage to drop when the air conditioner was not in use. AmerenUE also noted that Mr. Delana hired an electrician to check the house wiring, and the electrician found everything to be in order. At Mr. Delana's request, an AmerenUE troubleman again checked the meter, meter base, pedestal and transformer wiring on October 5, 1999, and found them to be in excellent condition. AmerenUE contends that according to its test, the meter is accurate and the bills for service are correct.

On December 22, 1999, the Commission directed Staff to investigate the allegations set out in the complaint and file a report of its findings by January 21, 2000. Staff filed its recommendation and memorandum on January 21, 2000. Staff recommended that the Commission issue an order dismissing the complaint filed by Frank and Susan Delana. No party filed any response to Staff's recommendation, and the interval for filing such under the Commission's rules has expired.

The Commission notes that Complainants are proceeding without benefit of counsel. Therefore, in order to ensure that Complainants receive a copy of Staff's memorandum and understand 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 memorandum attached, to Complainants as well as to all other parties.

If the Commission accepts Staff's recommendations, then no hearing will be held in this case unless a party requests an evidentiary hearing. 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, Complainants may contact the Office of the Public Counsel and seek assistance from that agency.

If the Commission receives any written request 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.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall attach the recommendation filed by the Staff of the Missouri Public Service Commission on January 21, 2000, 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.

2. 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.

3. That any party may request an evidentiary hearing by mailing a written request therefor to the Secretary of the Commission, as set out below, and serving as 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 March 20, 2000.

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65109

4. That this order shall become effective on March 10, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 29th day of February, 2000.