

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

Fred Sauer,)	
Complainant,)	
)	
vs.)	Case No: EC-2015-0164
)	
Missouri Public Service Commission,)	
and,)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondents.)	

**AMEREN MISSOURI’S RESPONSE TO STAFF’S MOTION FOR DETERMINATION
ON THE PLEADINGS**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri, and for its response to Staff’s Motion for Determination on the Pleadings Dismissing the Public Service Commission and/or Dismissing Complaint and Motion for Expedited Treatment (“Staff’s Motion”), states as follows.

1. On January 13, 2015, Fred Sauer filed a complaint with the Missouri Public Service Commission (“Commission”) against the Commission and against Ameren Missouri (the “Complaint”).
2. On January 15, 2015, the Commission issued its Notice of Complaint and Order Establishing Time to Respond, ordering Ameren Missouri at paragraph 3 to, “file its answer to this complaint no later than February 17, 2015.”
3. On January 22, 2015, Staff of the Commission filed Staff’s Motion.
4. On January 22, 2015, the Commission issued its Order Directing Filing, ordering at paragraph 1, “[a]ny party wishing to respond or object to the motions described above shall do so no later than 9:00 a.m. on February 2, 2015.”
5. Ameren Missouri agrees with Staff, for the reasons stated in paragraph 3 of Staff’s Motion, that since Staff is a party to this Complaint, Staff Counsel cannot represent the

Commission, which has also been named as a party, without violating the Commission's rule against ex parte communications.

6. Ameren Missouri also agrees with Staff, for the reasons stated in paragraph 5 of Staff's Motion, that the Commission should dismiss the Complaint against the Commission because the Commission lacks the statutory authority to hear a complaint against the Commission.

7. At paragraph 6 of Staff's Motion, Staff argues that although Ameren Missouri is named in the Complaint, the essence of the Complaint is really that the *Commission* failed to appropriately respond to a request made by Complainant pursuant to Chapter 610 RSMo (the "Sunshine Law"). As Staff points out, the Complaint fails to explain how the Sunshine Law would apply to Ameren Missouri, and further fails to allege any act or thing done or omitted to be done by Ameren Missouri that would constitute a Sunshine Law violation. Ameren Missouri would add that even if the Sunshine Law applied to it¹ the Commission lacks the statutory authority to hear a complaint about a Sunshine Law violation. The authority to enforce the Sunshine Law is vested in our circuit courts, not the Commission. §610.027.1 RSMo. Therefore, Ameren Missouri agrees that to the extent the Complaint alleges a Sunshine Law violation by the Company, the Complaint should be dismissed for failure to state a claim.

8. Contemporaneous herewith, Ameren Missouri has filed its Answer and Motion to Dismiss, calling for the dismissal of the Complaint on additional grounds not presented in Staff's Motion.

9. The Company is filing this Response on the date ordered by the Commission, but after the Commission's 9 a.m. deadline for filing. This late filing is due in part to a simple

¹ The Sunshine Law applies only to "public governmental bodies." §610.011.1 RSMo. Ameren Missouri is not a public governmental body as defined at §610.010(4).

oversight, and in part due to the Company's efforts to prepare and file its Answer and Motion to Dismiss ahead of the Commission's February 22 deadline so that the Commission would have the opportunity to consider Staff's Motion and Ameren Missouri's Answer and Motion to Dismiss together, but is not attributable to any intent to hinder or delay the Commission in its consideration of Staff's Motion.

WHEREFORE, the Company respectfully requests that the Commission accept out of time this Response supporting Staff's Motion.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Ameren Missouri's Response to Staff's Motion for Determination on the Pleadings was served on the following parties via electronic mail (e-mail) on this 2nd day of February, 2015.

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