

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 4th day of
February, 2015.

Fred Sauer,

Complainant,

v.

Missouri Public Service Commission,

And

Union Electric Company d/b/a Ameren
Missouri,

Respondents.

File No. EC-2015-0164

ORDER DISMISSING COMPLAINT AGAINST THE COMMISSION

Issue Date: February 4, 2015

Effective Date: February 14, 2015

On January 13, 2015, Fred Sauer filed a complaint with the Missouri Public Service Commission against Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") and against the Missouri Public Service Commission. The complaint alleges that the Commission responded improperly to a request from Mr. Sauer for certain information under Missouri's "Sunshine Law" in Chapter 610, RSMo. The complaint also alleges that Ameren Missouri and the Commission's classification of this requested information as highly confidential under Commission Rule 4 CSR 240-2.135 was unlawful, unreasonable, and an abuse of discretion.

The Commission directed notice of the complaint to Ameren Missouri and to the Commission's Staff Counsel, requiring Staff to answer the complaint on behalf of the Commission. The Staff of the Commission responded on January 22, 2015, by filing a motion asking the Commission to dismiss the complaint against the Commission and Ameren Missouri. The Commission provided an opportunity for other parties to respond, but no parties objected or timely responded to Staff's motion.

As an administrative agency, the Commission has only those powers that are granted to it by statute. Section 386.390, RSMo 2000 authorizes the bringing of a complaint before the Commission against any "corporation, person, or public utility". Such a complaint must set forth "any act or thing done or omitted to be done ... in violation, or claimed to be in violation, of any provision of law, or any rule or order or decision of the commission." That law is a very broad grant of authority to hear complaints, but that broad grant of authority must also be limited to hearing complaints against those persons and corporate entities that are subject to the Commission's jurisdiction.

Chapter 393 of the Missouri statutes gives the Commission authority to regulate electrical corporations, such as Ameren Missouri. However, there is nothing in Missouri's statutes that would give the Commission authority to consider a complaint against itself. Therefore, Mr. Sauer's complaint against the Commission must be dismissed. Since Staff reasonably requested expedited treatment to avoid having to answer the complaint unnecessarily, the Commission will make this order effective in ten days. The Commission will address the motion to dismiss the complaint against Ameren Missouri in a separate order.

THE COMMISSION ORDERS THAT:

1. Fred Sauer's complaint against the Missouri Public Service Commission is dismissed.
2. This order shall become effective on February 14, 2015.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., W. Kenney,
Hall, and Rupp, CC., concur.
Stoll, C., absent.

Bushmann, Senior Regulatory Law Judge