

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

Donna Vuichard,)	
Complainants,)	
)	
vs.)	Case No: EC-2016-0235
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its Answer and Affirmative Defenses states as follows:

1. On March 17, 2016, Ms. Donna Vuichard (“Complainant”) initiated this proceeding against Company. Complainant receives residential electric utility service from the Company and her service address is 12599 Dusty Road, De Soto, Missouri 63020.
2. Any allegation not specifically admitted herein by the Company should be considered denied.
3. In answer to paragraph 1 of the Complaint, Ameren Missouri admits that it is a public utility under the jurisdiction of the Missouri Public Service Commission. The location of the Company’s principal offices and its mailing address are: 1901 Chouteau Ave., MC-1310, P.O. Box 66149, St. Louis, Missouri 63166-6149.
4. In answer to paragraph 2 of the Complaint, the Company states as follows:
 - a. The Company admits: that Complainant contacted the Company on November 9, 2015, regarding the voltage delivered to the service address; and that on the same date Company field personnel went to the service address, measured the voltage at 138/274 kV, determined that the transformer serving the service address had failed and replaced the transformer.
 - b. The Company is without sufficient information to form a belief about the remaining allegations of paragraph 2 and therefore denies all the remaining allegations of paragraph 2.

5. In answer to paragraph 3 of the Complaint, the Company states as follows:
- a. The Company admits that on November 17, 2015 Complainant called the Company, reported an issue with her furnace, and a Company representative gave her a toll-free number to call to make a claim with the Company's third party administrator for liability claims, Corporate Claims Management, Inc. ("CCMI"). The Company admits that the claim was assigned number AG151128; and that CCMI denied the claim, for the reasons set forth in the December 2, 2015 and January 28, 2016 letters from CCMI attached by Complainant to her Complaint.
 - b. The Company is without information sufficient to form a belief about the remaining allegations of paragraph 3 and therefore denies all the remaining allegations of paragraph 3.

6. In answer to Complainant's request for relief, the Company denies the allegation that the Company's equipment put Complainant in the situation of having to pay costs associated with replacing her furnace. As to the request for relief, the Company admits that §§386.390.1 and 393.140(2)(3) and (5), RSMo, confer jurisdiction on the Commission to determine the sufficiency of and the safety and adequacy of a utility's service, but states that the request for relief must be denied, because the Commission has no authority to award damages to Complainant. *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo.App. E.D. 1980).

AFFIRMATIVE DEFENSES

7. In further answer, the Company states that its tariffs filed with and approved by the Commission have the force and effect of law. As such, the Company offers the provisions of its Electric Service Tariff Sheets 96 and 105 as an affirmative defense. Tariff Sheet 105, I. General Rules and Regulations, Section J. Continuity of Service states, "Company will make all reasonable efforts to provide the service requested on an adequate and continuous basis, but will not be liable for service interruptions, deficiencies or imperfections which result from conditions which are beyond the reasonable control of the Company. The Company cannot guarantee the service as to continuity, freedom from voltage and frequency variations, reversal of phase rotation or singlephasing. The Company will not be responsible or liable for damages to customer's apparatus resulting from failure or imperfection of service beyond the reasonable

control of the Company. In cases where such failure or imperfection of service might damage customer's apparatus, customer should install suitable protective equipment.” As to the customer, Tariff Sheet 96, I. General Rules and Regulations Section A. Authorization and Compliance states, in part, “[i]n accepting service provided by Company, a customer agrees to comply with all applicable rules and regulations contained [in the Electric Service Tariff].”

8. The following attorneys should be served with all pleadings in this case:

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WHEREFORE, Ameren Missouri respectfully requests that the Commission issue an order dismissing the Complaint, or in the alternative setting the matter for hearing.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on all the following parties via electronic mail, and additionally on Complainant via regular mail, this 15th day of April, 2016.

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