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June 7, 1999

**GORDON L. PERSINGER**  
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**WESS A. HENDERSON**  
Director, Utility Operations

**ROBERT SCHALLENBERG**  
Director, Utility Services

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Director, Administration

**DALE HARDY ROBERTS**  
Secretary/Chief Regulatory Law Judge

**DANA K. JOYCE**  
General Counsel

**FILED**

JUN 7 1999

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. EC-99-327 - Missouri Coalition for Fair Competition v.  
Union Electric Company**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF MEMORANDUM IN SUPPORT OF THE STIPULATION AND AGREEMENT.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

**Lera L. Shemwell**  
Assistant General Counsel  
(573) 751-43792  
(573) 751-9285 (Fax)

LLS/wf  
Enclosure  
cc: Counsel of Record

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

**FILED**  
JUN 7 1999

Missouri Public  
Service Commission

In the Matter of the Complaint of the )  
Missouri Coalition for Fair Competition. )

Case No. EC-99-327

**STAFF MEMORANDUM IN SUPPORT  
OF THE STIPULATION AND AGREEMENT**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and in support of the Stipulation and Agreement filed in this case states:

1. On February 3, 1999, the Missouri Coalition for Fair Competition (Coalition) filed a complaint against Union Electric Company d/b/a AmerenUE (UE) alleging, among other things, that UE violated sections 386.754 through 386.764 RSMo (Cum. Supp. 1998) by engaging in Heating, Ventilation and Air Conditioning (HVAC) services and by sending a bill insert that contained information concerning the "On-Call Appliance Plan" that did not include a disclaimer that the service was not regulated by the Missouri Public Service Commission.

2. On February 4, 1999, the Commission issued a Notice of Complaint, giving Respondent UE thirty (30) days to respond to the complaint, or to seek mediation.

3. On March 8, 1999, UE filed its response and acknowledged that the bill inserts were inadvertently published without the disclaimer required by statute. UE indicated that the message was removed from any additional outgoing bills and that the inventory cards that were printed without the required disclaimer were destroyed. In addition, UE stated that it subsequently had made "significant efforts to assure" that such materials would meet the requirements of the statute.

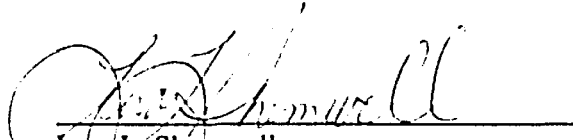
4. UE offered to settle this issue by, among other things, discontinuing all HVAC-related services until at least December 31, 2001. This is a reasonable resolution that all Parties find acceptable.

5. Staff supports the Stipulation and Agreement as a satisfactory resolution because it removes the opportunity for UE to inadvertently violate the statute by, among other things, advertising the "On-Call Appliance Plan" again. UE began offering the "On-Call Appliance Plan" prior to the passage of the HVAC Services statute. The discontinuance of HVAC-related services until at least December 31, 2001 allows UE to re-evaluate its HVAC opportunities with regard to the HVAC Services statute, and to assure that any future HVAC activities are advertised and conducted in compliance with the statute.

6. Staff recommends acceptance of the Stipulation and Agreement as a satisfactory resolution of this case.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

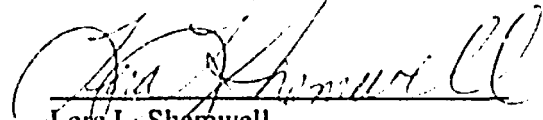


Lera L. Shemwell  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the service list below this 7th day of June, 1999.

  
Lera L. Shemwell

**Service List For  
Case No. EC-99-327  
June 7, 1999**

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