

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Vas Construction, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	<u>File No. EC-2021-0301</u>
Union Electric Company d/b/a Ameren	)	
Missouri,	)	
	)	
Respondent	)	

ORDER GIVING NOTICE AND DIRECTING RESPONSES TO COMPLAINT

Issue Date: March 22, 2021

Effective Date: March 22, 2021

On March 19, 2021, Vas Construction, LLC filed a complaint against Union Electric Company d/b/a Ameren Missouri.¹ A copy of the complaint accompanies this notice. Complaints may be filed with the Commission pursuant to Section 386.390, RSMo (Supp. 2020), constitute a contested case, and are governed by Commission Rules regarding discovery and procedure.²

Because this complaint involves less than \$3,000, it shall proceed under the Commission's small formal complaint procedure.³ If any party believes this matter should not proceed under the small formal complaint procedure, that party may file a motion consistent with the Commission's rule. The Commission notes that small formal complaints require a recommended final decision within 100 days following the filing of a

¹ Vas Construction filed nine similar complaints; this complaint alleges \$430 at issue for 4502 Laclede Ave., St. Louis, 63108.

² Commission rules governing practice and procedure before the Commission are published in the Code of State Regulations at 20 CSR 4240, Chapter 2. Discovery is specifically addressed at 20 CSR 4240-2.090.

³ 20 CSR 4240-2.070(15).

complaint.⁴ That deadline is June 28, 2021.⁵ That time frame may be extended for good cause.

Ameren Missouri will have thirty days from the date of this notice to file a response to the complaint as provided by Commission Rule 20 CSR 4240-2.070(15)(A). A copy shall be served upon Vas Construction.

The Commission will also direct the Staff of the Missouri Public Service Commission (Staff) to investigate this complaint and file a report. Commission Rule 20 CSR 4240-2.070(15)(D) requires Staff to file its report and recommendation within 45 days of a small formal complaint being filed, which may be extended upon a showing of good cause.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a written request for mediation, the Commission may suspend the deadlines set forth in this order.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to Union Electric Company d/b/a Ameren Missouri at:

ATTN: Legal Department
P.O. Box 66149, Mail Code 1310
1901 Chouteau Avenue
St. Louis, Missouri 63166-6149

⁴ 20 CSR 4240-2.070(15)(G).

⁵ This date adds one day to account for the hundredth day falling on a Sunday. 20 CSR 4240-2.050.

2. Ameren Missouri shall file an answer to this complaint or request for mediation no later than April 21, 2021, and serve a copy upon the Complainant.

3. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service.

4. Staff shall investigate this complaint and file a report and recommendations no later than May 3, 2021.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 22nd day of March, 2021.



Missouri Public Service Commission

WILLIAM P. KENNEY
Commissioner

RYAN A. SILVEY
Chairman

SCOTT T. RUPP
Commissioner

MAIDA J. COLEMAN
Commissioner

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

JASON R. HOLSMAN
Commissioner

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

Morris L. Woodruff
Secretary

PUBLIC

3. Respondent's address is:

Ameren UE, Po Box 88068

(Address of complainant)

Chicago

(City)

IL

(State)

60680

(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$ **430.00**

(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

Based on a corporate guaranty that we have signed with Ameren UE in 2017 without having any expiration date, that Ameren UE will waive

~~the deposits if assessed on any of our accounts providing that the total current balance owed on all accounts is limited to \$50K.~~

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

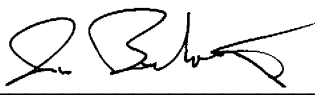
Not following the terms stated in the corporate guaranty, and Ameren UE claims the agreement is expired where it has not expiration date.

PUBLIC

8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

Corporate guaranty was sent to Ameren UE as a reference in order to get these deposits resolved, but they have avoided working with us and the
dpoesit on the account is still showing although we are making regular monthly payments on the account.

3-18-2021	
Date	Signature of Complainant
314-537-0014	Ira Berkowitz, Attorney for Vas Construction LLC
Complainant's Phone Number	Complainant's Printed Full Name
	imberk@inlink.com
Alternate Contact Number	Complainant's E-mail Address

Attach additional pages, as necessary. Attach **copies** of any supporting documentation. Do **not** send **originals** of any supporting documentation.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22nd day of March, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 22, 2021

File/Case No. EC-2021-0301

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Union Electric Company

Legal Department
1901 Chouteau Avenue
P.O. Box 66149, Mail Code 1310
St. Louis, MO 63166-6149
AmerenMOS@ameren.com

Vas Construction LLC

Ira Berkowitz
500 N. Skinner Blvd.
St. Louis, MO 63130
imberk@inlink.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.