

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CITY OF O'FALLON, MISSOURI and CITY OF BALLWIN, MISSOURI,

Appellants,

v.

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI,

Respondent.

DOCKET NUMBER WD78067

Date: April 28, 2015

Appeal from:
PUBLIC SERVICE COMMISSION

Appellate Judges:
Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

Attorneys:
Leland B. Curtis, Carl J. Lumley, Robert E. Jones, St. Louis, MO, Edward J. Sluys, Clayton, Mo for appellant.
Kevin A. Thompson, Nathan C. Williams, Shely E. Brueggemann, Jefferson City, MO and Alexander J. Antal, St. Louis, MO for respondent Public Service Commission;
Dustin J. Allison, Jefferson City, MO for Office of Public Council.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

CITY OF O'FALLON, MISSOURI and CITY OF BALLWIN, MISSOURI

Appellants,

v.

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI,

Respondent.

WD78067

PUBLIC SERVICE COMMISSION

Before Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

The City of O'Fallon and the City of Ballwin (collectively, "Cities") appeal the Missouri Public Service Commission's order dismissing their complaint against Union Electric d/b/a Ameren Missouri ("Ameren") for failure to state a claim upon which relief could be granted. The Cities contend that the Commission had jurisdiction over their complaint and the statutory authority to grant them the relief they requested.

AFFIRMED.

Division Two holds:

The Commission did not err in dismissing the Cities' complaint for failure to state a claim upon which relief could be granted. In their complaint, the Cities requested that the Commission order Ameren to sell its street lights to the Cities. Neither Section 393.190, RSMo Cum. Supp. 2013, nor Section 393.140(5), RSMo 2000, the statutes upon which the Cities rely, confers upon the Commission the express or implicit authority to grant the Cities such relief.

Opinion by: Lisa White Hardwick, Judge

April 28, 2015

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.