

*To Jennifer Hernandez  
\$25*

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

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<b>JIMMIE E. SMALL,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	<b>File No. EC-2012-0050</b>
<b>v.</b>	)	
	)	<b>Hon. Kennard L. Jones,</b>
	)	<b>Mediator</b>
<b>Ameren Missouri,</b>	)	
	)	
<b>Respondent</b>	)	

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**COMPLAINANT'S RESPONSE TO MPSC ORDER  
DIRECTING PARTIES TO FILE EXCLUSIONARY  
DATES**

Now comes, JIM Small, ADA pro se complainant and in response to the Commission's December 22d, 2011 directive, submits the following conditional dates in January 2012. Dates on which complainant will NOT be able to participate in a mediation proceeding at St Louis, Missouri. NO: EC-2012-0050

NOT available;

January 2, 3, 4, 9, 10, 11, 12, 13, and 23.

Responding further;

Complainant will conditionally appear at mediation even after entry of a Default Order, owing to the interest of approximately one Million two Hundred Thousand electrical customers, who might benefit from constructive dialog between adversarial parties. [ mediation]

Adversarial parties similar to the case *Union Electric Company, doing business as Ameren UE, Plaintiff v. Missouri Department of Conservation et al*, 366 F. 3d 655.

Small is in fact an Iowa Resident. U.S.C.A. Const. Amend. Art IV, clause 2, [ The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.]

Adversary Respondent agents who appear for mediation proceeding acting in bad faith will result in less than brief mediation proceeding.

Respondent's acts in ratifying an agreed Stipulation Of Uncontested material facts, facts such as the Iowa Legal Resident status of Complainant Small, 606 West Hwy # 2, Milton, Iowa, 2004 time period forward and continuing would be accepted as a good faith start for meaningful mediation

proceedings. Mediation short of media coverage, Iowa Utility Alliant Energy records, and other IOWA state agency input. *UE v. MDOC* 366 F. 3d 655.

Owing to the fact that Respondent Union Electric is under Federal Contract for Commercial use of certain waters flowing from Bagnell Dam/Osage River / Lake of the Ozarks complex, Complainant respectfully suggest that One Million Two Hundred Thousand Missouri customers served by Respondent Utility have Title VI federally protected rights to be free from discrimination, retaliation, and or extortion BILL collection activities,[ Illegal alleged debt collection with Consumer Collection Management]. Customers in general have Federal Contract [ STANDING under federal laws] [ Title VI Claims]affording equal protection to potential beneficiaries. 42 U.S.C. sect 2000e.

Section 803(c) of the Act deals with licensee liability and is part of the Act's remedial scheme, which relies on damage actions. 16 U.S.C. sect 803(c) (2000).

Ameren UE's federal personal choice to rely on Ex Parte Young exception to the State's Eleventh Amendment bar to

Utility Company's defenses to certain fish kill claims, proved to be fruitless and unpersuasive. 366 F. 3d 655.

If Dead Missouri fish noted [in 366 F.3d 655 ] and the 9,700 **dead KWH** alleged to have been used [ LOT # 23, 23067 Potter Trail] between Dec. 20, 2007 and April 14, 2008 were displayed in the bottom of a boat, federal law made applicable to Respondent Utilities liability would remain the same in No. EC-2012-0050.

Ameren UE's past federal action, as to potential liability under Section 803 ( c) federal law, in analogy to Small's contested case, [ EC-2012-0050] tend to suggest that Respondent Utility could not care less as to whether their acts or omission come to harm customers or potential customers.

UE's operation, control, billing, disputes resulting from day to day use of Bagnall Dan Federally funded Project, Systems, state law taxes paid to Mo. Dept. of Revenue appears to involve state action as well as services and accommodations projected from the federal projects completion, operation and control. Small previously exhausted state remedies with MHPC Jeff City.

Respectfully submitted



JIMMIE E. SMALL

ADA pro se complainant

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General Delivery

Quincy, Illinois. 62301

Small v. UE, AM. MO.

No. EC-2012-0050

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box, on the 06, day of January 2012.

Exceptions ; NONE.



JIMMIE E. SMALL

## QUERY - TI(MISSOURI /5 CONSERVATION) DATABASE(S) - ALLCASES

159 S.W.3d 376, 2004 WL 2706316, Mo.App. W.D., November 30, 2004 (NO. WD63827)

...State ex rel. Mississippi Lime Co. v. **Missouri Air Conservation Com'n** Mo.App. W.D.,2004. STATE EX REL. MISS. LIME v. MISSOURI AIR Missouri Court of Appeals, Western District. STATE ex rel. MISSISSIPPI LIME COMPANY, Relator/Appellant, v. **MISSOURI AIR CONSERVATION COMMISSION**, Respondent. No. WD 63827. Nov. 30, 2004. Motion for Rehearing and/or Transfer to Supreme Court Denied Feb. 1...

11. **C** Rollins v. Missouri Dept. of Conservation,  
315 F.Supp.2d 1011, 2004 WL 944811, 85 Empl. Prac. Dec. P 41,717, W.D.Mo., April 14, 2004 (NO. 02-4271-CV-C-NKL)

...Rollins v. **Missouri Dept. of Conservation** W.D.Mo.,2004. ROLLINS v. MISSOURI DEPT. OF CONSERVATION United States District Court, W.D. Missouri, Central Division. Mike ROLLINS, Plaintiff, v. **MISSOURI DEPARTMENT OF CONSERVATION**, et al., Defendants. No. 02-4271-CV-C-NKL. April 14, 2004. Background: Former employee sued state agency and supervisor...

12. **P** Union Elec. Co. v. Missouri Dept. of Conservation,  
Not Reported in F.3d, 2004 WL 768870, Util. L. Rep. P 14,505, C.A.8 (Mo.), April 09, 2004 (NO. 03-2135)

...Union Elec. Co. v. **Missouri Dept. of Conservation** C.A.8 (Mo.),2004. UNION ELEC. v. MISSOURI DEPT., CONSERVATION United States Court of Appeals, Eighth Circuit. UNION ELECTRIC COMPANY, doing business as Ameren UE, Plaintiff-Appellant, v. **MISSOURI DEPARTMENT OF CONSERVATION**; John D. Hoskins, in his official capacity as Director of the **Missouri Department of Conservation**; Stephen C. Bradford, in his official capacity as Commissioner of the Conservation Commission; Anita B. Gorman, in her official capacity...

13. **H** Union Elec. Co. v. Missouri Dept. of Conservation,  
366 F.3d 655, 2004 WL 912258, C.A.8 (Mo.), April 30, 2004 (NO. 03-2135)

...Union Elec. Co. v. **Missouri Dept. of Conservation** C.A.8 (Mo.),2004. UNION ELEC. CO. v. MISSOURI DEPT. United States Court of Appeals, Eighth Circuit. UNION ELECTRIC COMPANY, doing business as Ameren UE, Plaintiff-Appellant, v. **MISSOURI DEPARTMENT OF CONSERVATION**; John D. Hoskins, in his official capacity as Director of the **Missouri Department of Conservation**; Stephen C. Bradford, in his official capacity as Commissioner of the Conservation Commission; Anita B. Gorman, in her official capacity...

14. **C** State ex rel. Missouri Dept. of Conservation v. Judges of Circuit Court of Reynolds County,  
91 S.W.3d 602, 2002 WL 31863865, Mo., December 24, 2002 (NO. SC 84924)

...State ex rel. **Missouri Dept. of Conservation** v. Judges of Circuit Court of Reynolds County Mo.,2002. MO DEPT. OF CONS. v. JUDGES OF CIR. COURT Supreme Court of Missouri, En