

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED³

JIMMIE E. SMALL,

Complainant,

Vs.

UNION ELECTRIC, d/b/a
AMEREN MISSOURI,
a public utility.

Respondent.

OCT 18 2011

Missouri Public
Service Commission

Case No: 2012-0050

**COMPLAINANT'S FIRST SET OF INTERROGATORIES TO
RESPONDENT UTILITY, ITS AGENTS AND ASSIGNS**

Complainant, Jim Small, ADA pro se, propounds the following interrogatories to be answered by Respondent AM.MO. utility, in writing, under oath, and submitted to the complainant Small, general delivery, Quincy. Illinois, 62301, on or before November 05, 2011.

INSTRUCTIONS AND DEFINITIONS

A. “You” or “Your” means Respondent Utility and all persons or entities acting or purporting to act on Respondent AM. Mo. behalf .

B. “Person” includes, without limitation, a natural person or persons, corporation, association, partnership, governmental agency, and any other entity of every nature and type.

C. “Document” includes any written, printed, or electrically produced or stored matter of every kind or sort, regardless of form, and including, but not limited to, all notes, statements, tariff contract agreements, minutes, telephone messages, summaries, digests, data, and compilations of data, correspondence, E-mail information, articles, publications, books of account, reports, studies, instructions, contract format, charts, graphs, drawings, photographs, video or audio recordings, computer tapes, discs, cards, printouts, whether handwritten, typewritten, or printed, copied, photographed, electronically stored, or otherwise stored, or reproduced and, further, including every copy of each document that contains any writing, notation, or control of Respondent Utility, its

agents, counsel, representatives, and retained witness, and also including all documents that Respondent claims are privileged. With respect to any document for which Respondent Utility claims any privilege, Respondent is requested to identify, as defined below, each document and clearly state each privilege claimed for the document not claimed by Wendy Tatro on April 19, 2011 pre-hearing conference proceeding held before Hon. ALJ Jordan.

Identify each person known to Respondent Utility in Cause No:2011-0247; Cause No: 2012-0050, who has personal knowledge of the subject matter or contents of the documents, and state its author(s), its date, and if it bears no date, the date on which it was prepared, the name(s) of the person(s) who participated in its preparation, all persons who received or who had or presently have authority to receive, see, or have access to the document itself or a copy of it, and its present location(s), and identify the custodian(s) of the original document and all copies or any form thereof, to and including documents which fall under the category of "Customer-Specific" information. 4 CSR 240.2-135, (3)(C), (4)(F) well established rules.

D. “Identify” or “Identity,” (1) when used in reference to a natural person or business entity, means to state his/her full name, present or last known address, and present or last known position or affiliation; (2) when used in reference to a document, means to describe with sufficient particularity to form the basis for a request for production, including , but not limited to, the date it was prepared or created, the identity of its author or originator, the type of document (e.g., letter, telegram, chart, photograph, sound recording, etc.), the identity of its addressee, its present location, and identity of its present custodian. If the document is presently not in existence, state when it was abandoned, discontinued, or destroyed, all reasons there for, and any other document, such as summaries, digests, or compilations, containing the same or similar information.

E. Identify each person who supplied any of the information that forms a basis for Respondent Utility’s answer or who was relied on in preparing the answer to interrogatories.

F. Identify each document that forms a basis for or that was relied on by Respondent for its answer or that corroborates Respondent’s answers.

G. Whenever the phrase “state each and every fact on which you base this contention” or any grammatical equivalent or variant thereof, is employed in these interrogatories, it means that you are requested to fully and completely set forth, describe, and identify each and every act, occurrence, omission, transaction, document, and conversation that you claim or contend constitutes the facts in support of the claim, contention, or allegation referred to.

These interrogatories are to be answered separately, under oath, in writing, and the answers may be used as evidence in subsequent proceedings [federal court] including formal hearing before the Commission, in this action. The answers are required to be supplemented as new information becomes available, including information located after sworn statements made to ALJ Hon. Jordan by Counsel Wendy Tatro/ Cathy Hart [expert witness] on April 19, 2011, pre-hearing conference, contested Case No. 2011-0247, and continuing.

INTERROGATORY NO.1:

If respondent relied in whole or in part on the advice of counsel in your responses to request to Admit, No. 2011-0247; Response for Data request, or if advice of counsel played any role in that response decision, state

- a. The date(s) on which the advice was given by counsel;
- b. The name(s) of counsel;
- c. Whether the advice was oral or in writing and, if in writing, the identity of each document;
- d. The substance of the advice on each occasion; and
- e. The identity of each and every document on which you base your answer to this interrogatory.

RESPONSE NO. 1:

INTERROGASTORY NO. 2:

If Respondent Utility or anyone acting on Respondent's behalf, other than its attorneys, has obtained statements in any form from any person regarding any of the events or happenings that occurred in regard to the incidents referred to in the pro ADA informal and formal Complaint(s), state

- a. The name and last known address of each person from whom the statements were taken;
- b. The date on which the statements were taken;
- c. The names and last known addresses of the persons who took the statements;
- d. The names and last known addresses of the persons having present custody of the statements;
- e. Whether the statements were written or recorded;
- f. Whether the statements previously formed part or parcel of Respondent's discovery responses during

the 2010 informal complaint and formal written complaint case NO; 2011-0247and;

g. Whether the statements were written or recorded and'

h. The substance of each statement.

RESPONSE NO. 2:

INTERROGATORY NO. 3:

During the time period 04/17/2006, state whether Respondent named in charge/cause No: 2011-0247; Cause NO: 2012-0050, or any of its related entities have ever installed, placed, attached or assimilated a Red Tag Security Seal, at Lot # 23, Meter Serial Number 57623981;

Security Seal Identification Number 4677914, Location 23067
Potter Trail, Lake Road Tr. Court Park, Kirksville, Missouri.
63501.

RESPONSE NO.3:

INTERROGATORY NO. 4:

State whether Respondent on or about April 17, 2006,
caused to be completed a field order for disconnecting electric
service, Lot # 23, 23067 Potter Trail, Kirksville, Missouri.

RESPONSE NO. 4:

INTERROGATORY NO. 5:

State whether Respondent Utility has ever disconnected
electric service on or about April 2006 time period, Lot # 23,
23067 Potter Trail resulting in a Final Bill Disconnect
circumstance and related notice to Consumer Collection
Management, Maryland High Mo. agency concerning an

uncollectable utility bill. 04-00-2006 time period, and continuing.

RESPONSE NO.5:

INTERROGATORY NO. 6:

State whether the Red Tag Seal (admission) served with Respondents answer, Cause NO: 2012-0050; Cause No: 2011-0247, was ever assigned, equipped, installed with RED tag Serial Number 4677914, 04/17/2006 Cut-out, disconnect.

RESPONSE NO.6:

INTERROGATORY NO.7:

State the name(s) of each expert witness Respondent intends to call at a formal Commission hearing, [If need] cause No. 2012-0050.

RESPONSE NO. 7:

INTERROGATORY NO. 8:

State the names of each Respondent representative, agent, employee, consultant, legal counsel, Utility CEO, company president having knowledge of the purpose of Red Tag Security Seal, specifically Red Tag Serial Identification numbers; and for each Red Tag used, state:

- a. The total number of counties within Missouri service jurisdiction where Respondent has installed Red Tag Security device containing identifiable serial numbers 2002 forward, and for each county, state,
- b. The Respondent's purpose(s) in using Red Tag Serial Identification Numbers;
- c. State whether serial number affixed to Red Tag Security device[s], LOT # 23, 23067 Potter Trail, services and accommodations, involves a transaction in the ordinary course of Respondent's disconnect, Cut-Out procedure[s] throughout Missouri jurisdiction services and accommodations, area.
- d. State each known ratified Tariff covenant which Respondent officials contend is made applicable to

Respondent disconnect, Cur-Out policies, practices, customs, usage, and or trade. 42 U.S.C.A. sect 1982; 1983; 1985(3) civil conspiracy against utility customers on Mo. jurisdiction watch[MPSC].

RESPONSE NO. 8:

INTERROGATORY NO. 9:

State whether or not Respondent Utility, Union Electric, d/b/a Ameren Missouri has acquired any form of contract for indemnification to protect Respondent Utility from possible judgment for damages and injury in context to illegal disconnect, Gross Negligent services and accommodations 2002

time period forward and continuing unresolved in 2012 time period.

RESPONSE NO.9:

INTERROGATORY NO.10:

Identify each and every document known by Respondent that in any way describes the Utility's intent and purpose for Red Tag Seal identification numbers, and for each *document* response, state;

- a. The present custodial of each document;
- b. The time, date and jurisdiction[Mo. county of service performed] made applicable to Red Tag Security Seal services and accommodations,
- c. State all Respondent Authority, Tariff Contract agreement, covenant which *bind* the Respondent Utility to said disconnect servicing procedures;

- d. State the identity of *each county* and state jurisdiction in which Respondent used Red Rag Security seal disconnect, [identification numbers] similar to the ID number attached to service meter presently located at LOT # 23, 23067 Potter Trail, Kirksville, Missouri.
4677914.
- e. State the Automated Meter Reading, [AMR] KWH data, "Customer-Specific" information, LOT # 23, at the First Final Billing time period, April 17, 2006, LOT # 23, 23067 Potter Trail, Kirksville, Missouri, Cottonwood street facility, 2006 time period.

RESPONSE NO. 10:

INTERROGATORY NO.11:

State the number of informal complaints filed against UE,AM.MO. with the Missouri Public Service Commission, which relate directly or indirectly to claims of illegal or unlawful disconnect[Trespass to real property claims] of residential electricity, state of Missouri Jurisdiction. 42 U.S.C.A. 1982; 1983; 1985(3) civil conspiracy, federal jurisdiction.

RESPONSE NO. 11:

INTERROGATORY NO. 12:

Identify for the integrity of the Commission record, the number of formal complaints against Respondent Company year 2000 forward through 2011 time period which relate to alleged illegal or unlawful disconnect of residential services and accommodations.

RESPONSE NO. 12:

INTERROGATORY NO. 13:

Identify all opinion witnesses you may call at the time of Commission hearing, No. 2012-0050 and state for the record their written opinions.

RESPONSE NO 13:

INTERROGATORY NO.14:

State the Respondent Utility's purpose for servicing residential customers within Missouri Jurisdiction, with Automated Meter Reading (AMR) devices, situated at Respondent's Cottonwood Street facility, Kirksville, Missouri, 2002 time period and continuing. See "Customer-Specific" rules and regulations denied Small. 4 CSR 240-2.135 (3)(C); (4)(F).

RESPONSE NO.14:

INTERROGATORY NO. 15:

State whether any performance deficiencies by Respondent employees were identified after Complainant Small notified his Utility that a Bill Dispute, was in order, during the time period, April 17, 2006. For each employee performance deficiency, state,

- a. Identify by date the Utility employee performance deficiency[s] was discovered;
- b. Describe how respondent identified each employee performance deficiency in connection with LOT # 23, 23067 Potter Trail services, electric services 2002 through April 17, 2006 time period;
- c. Identify each supervisor who registered the utility performance deficiency, 2002 time period through October 2011 and continuing, , Lot # 23, Location of services & accommodations;

- d. Identify for the Commission's formal record, the scope of seriousness an illegal disconnect of services at LOT # 23, 23067 Potter Trail, Kirksville, Mo. might have in context to Ratified Tariff covenants, not to discriminate or retaliate against residential customers, throughout Missouri jurisdiction.

RESPONSE NO.15:

INTERROGATORY NO.16:

Identify by name and last known address each and every individual known to you with knowledge regarding the facts and circumstances surrounding the incidents or omission to protect referred to in the Complaint[s] and, for each person,

state to what issues his/her knowledge relates and how it was obtained. Letter, E-mail, phone, tex message???

RESPONSE NO.16:

INTERROGATORY NO. 17:

Identify each respondent document which relates directly or indirectly to employee discipline measures, for the manner of services and accommodations provided customer/complainant, to and including the Final Bill Notice, and related Debt Collection action taken on behalf of Respondent Utility, April 2006 time period and continuing on 2011.

RESPONSE NO.17:

INTERROGATORY NO. 18:

Identify for the Commission record each Respondent Utility established "Standard of Conduct" found to have been

breached by Utility employees resulting in the 2006 dispute account No. 34433-07009 alleged service bill and for each standard of conduct, state,

- a. The act or action by Utility Company superiors, upon discovering Standards of Conduct had been violated,
- b. Identify the supervisor involved in any corrective action, including correcting erroneous Debt Collection reports, for LOT # 23, 23067 Potter Trail Kirksville, Mo. services, accounts, etc.

RESPONSE NO. 18:

INTERROGATORY NO. 19:

Identify Respondent Utility past [party] participation involving civil trespass litigation, to real property, Knox County, Missouri, and for each occurrence involving Union Electric Company, and its Counsel "Smith" Columbia, Mo, state;

- a. The state court jurisdiction;
- b. The case number;

- c. The subject matter of the complaint;
- d. Identify each party to that same litigation, Knox County, Mo.;
- e. Identify the outcome of any such litigation, known by Respondent or its counsel Smith to have occurred.

RESPONSE NO. 19:

INTERROGATORY NO. 20:

Identify for the Commission record, each incident in which Respondent in the past 20 years defended against possible trespass violations, within the state of Missouri jurisdiction.

RESPONSE NO. 20:

INTERROGATORY NO. 21:

Identify each and every document presented to Consumer Collection Management Inc., P.O. Box 1839 Maryland Heights, MO. 63043-1839, asserting an alleged debt owed to Respondent/Client AMEREN MISSOURI, 2006 Final Bill time period and continuing unresolved and disputed.

RESPONSE NO. 21:

INTERROGATORY NO. 22:

Identify each individual, Utility employee, agent or assign on who's authority a Final Utility Bill claim was first filed with Consumer Collection Management Inc., P.O. Box 1839

Maryland Heights, Mo, and for each authority or directive to use Consumer Collection Management services, state,

- a. Identify by name(s) former or present Utility employees having access to original document[s] considered in making Respondent decision to file the 04/17/2006 Final Bill account , 34433-07009 with Consumer Collection Management, and attach to Utility's response each document used in its Final Bill account # 34433-07009 collection attempt efforts.
- b. Preface; Consumer Collection Management NOTIFICATION, 08/28/2011 state in relevant part, [" The creditors listed have indicated they may pursue further collection attempts through legal counsel"].
 - (i) Identify each document known to Respondent collection department who informed Consumer Collection Management that further "legal Counsel" [Smith ???]action might be taken for account(s) No. 344330-7009; 24433-7018 or other account identification for LOT # 23, 23067 Potter Trail, Kirksville, Mo. 2002 through 2011 time period and continuing, unresolved dispute. 4 CSR 2-135 et seq.

RESPONSE NO.22:

INTERROGATORY NO. 23:

Identify each expert, supervisor, manager, counsel , who have in past years permitted parties in dispute over alleged account issues, to inspect, view, “Customer-Specific” information, knowing that the requesting customer was in fact an Iowa Resident complaining party in a formal complaint before the Missouri Public Service Commission. In re: 4 CSR 240-2.135 Confidential Information, subpart (3) (C),; Subpart 240-2.135(4)(F).

RESPONSE NO. 23:

INTERROGATORY NO. 24:

Identify each rule, policy, practice known to Respondent Utility preventing Iowa Electric Customer Small his statutory right to inspect, take notes from information in

context to “*Customer-Specific*” regulation , during the March 04, 2011 occurrence;

“In the Vestibule” facility 101 Madison Street,
Jefferson City. In re, Cathy Hart,[expert] Supervisor
Ameren Missouri March 28, 2011 letter sent to Small’s
residence, 606 West Highway # 2, Milton, Iowa, 52570.

RESPONSE NO. 24:

INTERROGATORY NO. 25:

Identify for the integrity of the Commission record, each natural person known to Respondent executives, who have power, authority, to bind Ameren Missouri to admission of liability decision owing to the longstanding nature of Small’s Complaints with MPSC and Mo. Human Rights Commission, continuing unresolved. For each natural person identified, state;

- a. The name of CEO, chief executive officer, or other Respondent official;
- b. Identify each officials job description;
- c. State the last known business address for each person having binding authority;
- d. Identify and attach to Response NO 25, (d), every document on which Respondent Utility base its Answer to Interrogatory number 25 here propounded.

RESPONSE NO. 25

INTERROGATORY NO. 26

Identify and attach to Respondent's Response, separately affixed, each contract of indemnification, known to Respondent Utility which may protect Ameren Missouri from certain perils, Damages, Loss, Injury resulting from Gross Negligent Conduct and or intentional acts of Respondent employees, agents, assistants, advisors, investigators, experts, accountants, supervisors, training instructors, day to day policy makers, Contract agents, and others not specifically mentioned.

RESPONSE. NO. 26

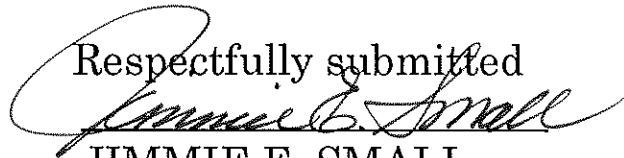
INTERROGATORY NO. 27.

Identify each claim of privilege to documents, identity of natural person, Insurance Company, Self Insurance entity; which relate directly or indirectly to Respondent's Responses to (a) INTERROGATORIES, (b) REQUEST FOR ADMISSION, (c) REQUEST FOR PRODUCTION OF DOCUMENTS, (d) prior sworn statements by C. Hart and

Wendy Tatro during the April 19, 2011 pre-hearing conference
before the MPSC jurisdiction.

RESPONSE NO 27:

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Jimmie E. Small", written over a horizontal line.

JIMMIE E. SMALL

General Delivery


Quincy, Illinois, 62301

CERTIFICATE OF SERVICE

Cause No. 2012-0050

I certify that complete copies of the above and foregoing First Set Of Interrogatories, was filed and served upon Sarah E. Giboney, Counsel for Respondent at her business address, Columbia, Missouri, all done on Friday, October 15, 2011.

By special leave, [Counsel Mills] the undersigned files his *First Set if Interrogatories* with the Commission [ALJ Jordan] due to lack of discovery cooperation on the Utility agent(s) part and due to **unlawful suppression of relevant account records**, particularly, denial of right of access to “**Customer-Specific**” information in a timely discovery manner, based on CP’s Iowa, Residency. U.S. Const. Art IV, sect. 2, Cl. 1.; 4 CSR 240-2.135(3)(C), 2.135(4)(F) Highly confidential. Original copy to Commission officials.


JIMMIE E. SMALL