

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

Eric E. Vickers, Personally and on Behalf of all  
Customers of Ameren Missouri Who Have  
Sought Relief Under the Cold Weather Rule,

Complainant,

vs.

Union Electric dba Ameren Missouri and  
Missouri Public Service Commission,

Defendants.

**Case No. EC-2011-0326**

**STAFF'S MOTION FOR EXTENSION OF TIME TO FILE  
INVESTIGATION REPORT AND MOTION FOR ORDER  
COMPELLING DISCOVERY**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its Motion for Extension of Time to File Investigation Report and Motion for Order Compelling Discovery, states as follows:

1. Eric Vickers filed his *Complaint* on April 4, 2011.
2. On that date, the Commission by order directed Staff to investigate Mr. Vickers' *Complaint* and to file a report of its investigation not later than May 13, 2011.
3. Staff has diligently attempted to comply with the Commission's order but has not been able to complete its investigation because Mr. Vickers has failed and refused to respond to Staff's data requests ("DRs").
  - A. Staff initially served its DRs on Mr. Vickers via e-mail, his requested preferred method of communication and at the e-mail address

used by Mr. Vickers to communicate to Staff, on April 27, 2011, at 8:43 a.m. (see attached E-mail to Mr. Vickers and DRs).

B. To date, Staff has not yet received a read receipt on the e-mail with attached DRs served on Mr. Vickers on April 27, 2011, indicating that Mr. Vickers has received but not opened the e-mail.

C. On May 6, 2011, because Staff had not yet received a read receipt on the e-mail with attached DRs referred to above, Staff served its DRs on Mr. Vickers by certified mail, return receipt requested (see attached cover letter to Mr. Vickers).

D. On May 12, 2011, Staff confirmed through the USPS Track and Confirm function that the United States Postal Service attempted to deliver the certified letter and DRs to Mr. Vickers on May 7, 2011, at 2:00 pm and that a notice was left at his address. To date, Mr. Vickers has not made arrangements to acquire the letter.

E. Staff asserts that these circumstances show that Mr. Vickers has knowingly and purposefully failed and refused to accept service of Staff's DRs.

4. Because of Mr. Vickers' failure and refusal to respond to Staff's properly served data requests, Staff is unable to file its investigation report on May 13, 2011.

5. Staff requests that the Commission order Mr. Vickers to respond to its DRs, attached hereto.

6. Staff makes this unusual request in view of the unusual circumstances set out above. This is not the typical case in which a party objects to certain DRs, but rather an unparalleled case in which a party has willfully refused service of the DRs. In such a case, Staff suggests that it is appropriate for the Commission to issue its order requiring Mr. Vickers to either answer or object to Staff's DRs according to the Commission's practice rules.

7. Staff requests an extension of time to file its investigation report until seven (7) days after Mr. Vickers has responded to Staff's DRs.

**WHEREFORE**, Staff prays that the Commission will (1) grant it an extension of time to file its investigation report until seven (7) days after Mr. Vickers has responded to Staff's DRs; (2) issue its order directing and requiring Mr. Vickers to either answer or object to Staff's DRs according to the Commission's practice rules; and granting such other or further relief as the Commission deems just in the circumstances.

Respectfully submitted,

s/ Kevin A. Thompson  
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Attorney for the Staff of the Missouri  
Public Service Commission.

### **Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **12<sup>th</sup> day of May, 2011**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson