

FILED³

MAR 07 2013

Missouri Public
Service Commission

V.

Case NO. EC-2012-0050

Case NO. EC-2011-0247

**Hon. Judge Bushmann
Presiding**

Respondent

On February 08, 2012 the Commission Secretary Reed caused to be entered its Order directing Complainant Small state what relief the Commission should grant in cause No. EC-2012-0050.

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prior to the Scheduled March 12, 2013 hearing on the merits.
42 U.S.C. sect 1983; 1985(3).

Small's Motion to compel and for Order of default stood
denied on February 08, 2012, s/s Steven C. Reed Secretary.

The Commission previously dismissed Cause No. EC-2011-
0247.

DISCOVERY VIOLATIONS BY UTILITY

In a former case Union Electric company, doing business as
Ameren UE, Plaintiff v. Missouri Department of
Conservation, et al, 366 F. 3d 655, Ameren defended its
services position at Bagnell Dam Location.

Ameren Missouri lost its argument and failed to explain
what policies or procedures the Utility company might have
engaged to prevent large amount of fish kills, at the Osage
Basin facility.

The negligent acts triggered by Ameren Missouri Agents
which killed large amount of Mo. Conservation owned fish is
the very type of gross negligence that Chapter 13 was designed
to prevent. See Department of Economic Development,
Division 240-Public Service Commission, Chapter 18 Safety
Standards.

4 CSR 240-18.010(2) state in full [“ All electric utilities and telecommunications companies and rural electric cooperatives subject to regulation by this commission Pursuant to Chapters 386, 392-394, RSMo. Shall be required to adhere to the safety standards established by this rule. Authority: sections 386.310 and 394.160, RSMo. 2000 Original authority: 386.310 RSMo. 1939, amended 1979, 1989, 1996 and 394.160, RSMo. 1939 amended 1979.

ALJ Bushmann denied Small’s request [02/11/2013] to subpoena Respondent Employee Michael Horn Breach of duty to protect the privacy and confidentiality of Customer Jim Small during critical discovery on or about January 23, 2013.

Matters brought to the attention of Commission ALJ Bushmann during the 02/11/2013 prehearing conference then ignored on transcript proceeding.

Small object to said prejudice during Small’s effort to complete timely discovery in a contested case proceeding where exhaustion of administrative remedies is required. See Public Utilities Commission v. United States, 355 U.S. 534, 539-540, 78 S. Ct. 446, 2 L Ed 2d 470 (1958); Metcalf v. Swank, 444 F. 2d 1355, 1356.

MPSC and Utility's discovery violation conduct since the informal complaint in late 2010, did deny Small a full and fair opportunity to meet his burden on the merits.

Small's Motion to Compel against the Utility was denied after ALJ Jordan held the April 19, 2011 prehearing conference Cause No. EC-2011-0247. 18 months alleged discovery opportunity appears to go back in time to NO. EC-2011-0247 time period. See Prehearing transcript, April 19, 2011, discovery matter concerns.

On April 11, 2011 CP Small caused to be file stamped his Data Request, Case No. EC-2011-0247, incorporated into Case No. EC-2012-0050 by Respondent Counsel's November 28, 2012 ANSWER/RESPONSE to Small's amended complaint.

In Case File No. EC 2012-0050 and 2011-0247, Small asserts a liberty interest under the 14th Amendment to the U.S. Constitution as made applicable to 4 CSR sect 240-18.010, (2). Federal Waters Power Act. *Henry Ford & Son v. Little Falls Fibre Co.* 280 U.S. 369.

[“ While such an order is required by the law of this case and no additional authority is needed, such an order would also be entirely consistent with Rule 2.117(2)(4 CSR 240-

2.117(2)(stating that “the [C]ommission may, on its own motion or on the motion of any party, dispose of all or any part of a case on the pleadings”

The State of Missouri in this case has No legitimate state interest in circumventing Title 4 Department of Economic Development, Division 240 Public Service Commission, Rule of law, Chapter 18, 4 CSR 240-18.010, subpart (2), Contested Case No 2012-0050.

Respondent Electric Utility does participate in a federally funded project/program subject to 42 U.S.C. sect 2000d.

42 U.S.C. sect 61.01 et seq prohibits discrimination based on age in federally funded programs, projects, etc.

Small will be 68 years old on April 22, 2013.

See Contested MPSC Case No. TC-2007-0085. Big River Telephone Co. v. Southwestern Bell Telephone Co.

Small does not elect to waive his right to timely discovery under the Federal Powers Act [16 U.S.C.791a et seq]. A federally protected right in 2013.

A petitioner may bring an action in the appropriate United States district court to require such State regulatory authority or non- regulated electric utility to comply with such

requirements, and such court may issue such injunctive or other relief as may be appropriate. 16 U.S.C. sect 824a-3.

Section 10 of the Federal Power Act [16 U.S.C. 803] Plus the Electrical Consumers Protection Act of 1986, appear to prohibit Respondent Utility from circumventing timely discovery [data request] to Sara Giboney file stamped April 11, 2011.

The United States Supreme Court in the Case National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 153 L Ed 2d 106, 122 S. Ct. 2061(2002) held that Harassment policies and practices could last for several years before suit was initiated to halt said harassment.

On January 31, 2012, during a scheduled Mediation session lasting nearly three hours, Respondent Utility defended its asserted debt against Small in the amount of \$1.088.00.

In the Commission Order entered and served on the 5th day of October 2011, the Commission order stated in part,

[“ Staff states that a utility is restricted from subjecting a customer to undue or unreasonable prejudice or disadvantage. Thus, Staff believes the Commission has the authority to hear a complaint against Ameren Missouri on whether it has

discriminated against Mr. Small. The Commission will address this in subsequent orders.”]

ADA pro se respectfully suggest that any alleged reconnection by AM.MO. without written evidence to do so at LOT # 23, 23067 Potter Trail, Kirksville, Missouri, on or about December 19-20, 2007 in violation of 4 CSR sect 240-18, is presently subject to the present duties and responsibilities of the Commission under summary disposition. Rule 2.117(2)(4 CSR 240-2117(2). Big River Telephone Company, LLC v. Southwestern Bell Telephone Company, d/b/a AT&T Missouri, Case No. TC-2007-0085.

As of February 28, 2013, the Commission did not further address discrimination claims, denied Small’s request for subpoena power to depose material witnesses, thus prejudicing Small’s timely ability to gain access to due process and equal protection, in aid of exhausting administrative remedies.

[“The Commission will address this in subsequent orders”].

At page 4, October 05, 2011 Order, Gunn, Chm, Davis, Jarrett, and Kenney, Held, 2. [“The requests Jimmie E. Small made for legal, equitable and class action relief against Union Electric Company d/b/a Ameren Missouri are dismissed.”]

42 U.S.C. sect 61.02 [Title VI authority] prohibition of discrimination applies here where Small is over 60 years old.

Respondent Utility breached its statutory duty under 42 U.S.C. sect 61.02 where title VI covers federally funded projects, and programs, similar to the lease agreement entered into by Union Electric Company, to be performed in the state of Missouri fairly and equally under the law.

NO. EC-2011-0247 DATA REQUEST
UPON RESPONDENT FILED STAMPED APRIL 11, 2011

In effort to exhaust administrative remedies CP Small filed his request for Data Request pursuant to 4 CSR 240-2.135(4)(F).

At page seven (7) of Small's data request he states, [" Respondent, Corporate entity AM.UE/Mo. is respectfully requested to produce certified complete, whole verified Data-Customer-Specific information, E-Mail-Letters, Phone Call memo, Customer contact data; field service Order(s); meter disconnect Orders, which relate directly or indirectly to Gay Fred's initial investigation of Complaint, Account No.34433-07009 , 2002 forward thru November 14, 2007 time period."]

Respondent Utility, failed to produce any Telephone Call memo's requested, and Utility did inform MPSC that it did not maintain records after a 12 month period of time.

Respondent failed to attach an affidavit or verification to any data response, nor did Respondent serve or file a certificate of service attached to any data response, or file the same with the Mo. Public Service Commission. So much for due process and equal protection/checks and balances dealing with state government. See Hernandez v. Texas, 347 U.S. 475.

It is further noted and objected to as prejudice, the fact that on April 11, 2011, CP Small's discovery Data Request upon Respondent will be on file before the Administrative agency, Some 24 months prior to the February 28, 2013 prejudicial order adverse to the exhaustion interest of the undersigned ADA pro se Iowa party.

On April 27, 2011 Respondent Customer Service Representative, Breeze Benton, No. EC-2011-0247 produced No Phone call records, allegedly made by CP Small between November 15, 2007 and the alleged reconnection of electrical power on December 19-20, 2007, a critical disputed point of fact under the jurisdiction of the Missouri Public Service

Commission. Customer specific rules, and regulations have been violated where respondent denied Small's request to enter Respondent's premises for the purposes of inspecting and photocopying alleged phone call records involving Small's account No. 34433-07009, between November 15, 2007 and alleged reconnection date of December 19-20, 2007 time period.

On or about the 16th day of November, 2011, Respondent Cathy Hart, signed before a NOTARY PUBLIC, Response to complainant's Motion for Summary Judgment and Memorandum in support of response. Attached On the 11, day of January 2013, Respondent included in defense its Responses to Complainant's First Set of Interrogatories, not certified with proof of service by Cathy Hart, or Wendy Tatro and not signed by S. Giboney.

At interrogatory Response No. 23 Respondent state, under Oath. ["Ameren Missouri is unable to identify any such persons because Ameren Missouri is not aware of any previous dispute wherein an Iowa resident has filed a formal complaint with the Missouri Public Service Commission against Ameren Missouri and such resident has made a request or demand to inspect or review customer-specific information as that term is

used in 4 CSR 240-2-135(3)(C) and (4)(F). In customer complaint cases, generally, however, where Ameren Missouri designates customer-specific information as highly confidential per 4 CSR 240-2.135(1)(B)(1)., Ameren Missouri does provide the highly confidential version of its pleadings to the customer /complainant.”] .

Respondent Utility had no intention on November 16, 2011 of permitting Complainant Small to personally inspect alleged Phone Call records asserted through its defenses and account information provided to Gay Fred, by Cathy Hart much Less Breeze Benton on April 27, 2011 response time period.

On March 21, 2011 Mary Schierman-Duncan and Staff member Samuel Ritchie caused to be filed REPORT OF STAFF, Case No. EC-2011-0247. At page, HC, APPENDIX, the Commission Report concluded, in part, [“ On 11/13/07, Mr. Small Called to see what would be needed to restore service. We advised him we would reconnect the service for a payment of \$130.00.”].

Staff report show that disconnection occurred on April 23, 2008, while Ameren Missouri record indicate a disconnect occurred on April 14, 2008, under oath.

Staff requested record from Small as indicated in its Report filed March 21, 2011.

No place in Respondent's data request did the Utility Company produce or provide evidence of any November 13, 2007 phone record contact, memo, E-Mail as requested by Small's Data request file stamped on April 11, 2011.

Thus the MPSC Order indicating that CP Small has had 18 months to complete desired discovery is contrary the substantial evidence found within the administrative exhaustion records. NO. EC-2011-0247; Case NO. EC-2012-0050 and continuing.

Breeze Benton stated, [" Mary; Unfortunately, we are not able to retrieve the calls as they are too old."]

MPSC denial of Small's Motion to compel production of Phone Call and other essential records and the Utility Company's denial of access and right to personally inspect relevant alleged phone call memos, records, interview employees who received said calls, makes a mockery of MPSC discovery process and further evidence of ALJ appearance of impropriety, in violation of Cannon 3 judicial power standards

in a contested case. See Williams v. Reed, 6 S.W. 3d 916 (MO. Ct. App. 1999).

On May 18, 2012, Small informed Counsel of record, Sarah Giboney, in part, [**“ I will be looking forward to receipt of your available dates for purposes of evidence depositions, (May-June) No. EC-2012-0050”**] s/s JIMMIE E. SMALL.

Giboney provided no available dates for deposition discovery requested on May 18, 2012.

The evidence of administrative record appear compelling. Based on administrative record documents CP Small did not have 18 months to complete needed discovery prior to the scheduled March 12, 2013 hearing on the merits. See Commission Order dated February 28, 2013.

This record evidence in context to discovery prejudice and abuse of power [usurpation] against CP Small also appears to involve the appearance of impropriety in a contested case proceeding. See State v. Garner, 760 S.W. 2d 893, 906 (MO. App. 1988) Union Electric Company v. Public Service Commission of Missouri, 591 S.W. 2d 134.

ALJ Michael Bushmann had no intentions of ruling on CP Small's Motion to take judicial Notice filed and served on December 17, 2012.

The Scheduled March 12, 2013 hearing on the merits is an abuse of judicial discretion, with intent to deny the undersigned ADA pro se due process and equal protection of laws.

RULE 55.21(b) JUDICIAL NOTICE

Prior to the Marh12, 2013 scheduled hearing on the merits, this Iowa disabled resident respectfully request the MPSC ALJ M. Bushmann take judicial NOTICE by entry of Commission order of Small's December 17, 2012 written request for judicial NOTICE.

Also, take judicial Notice of the Commission's own contested case file, specifically, **(a)** Small's Notice of request for available dates for evidence deposition filed on May 18, 2012; **(b)** Take judicial NOTICE of complainant's Data Request, filed stamped April 11, 2011, page seven (7) first paragraph, lines 1-12 requesting alleged Phone Call contact communication, relied on defensively by utility employee Cathy Hart, specifically for **(c)** phone contact memos, recordings, date 05/15/2002 **(d)**

Phone contact date, memo, recordings, identification proofs, specifically for 06/13/2006 (e) Phone contact, memos, recordings, computer data filings/entries, voice recordings communication, alleged to have occurred on 11/13/2007, (f) Phone contact, memos, recordings, computer data filings/entries, voice recordings, messages alleged to have occurred on 12/19/2007. See attached E-Mail, from Breeze Benton to MPSC employee Gay Fred, August 13, 2010, 3:33 PM. Attached in support.

COMMISSION ORDER DENYING MOTION
February 27, 2013

Validity of Exhaustion of Remedies implies that the Commission [MPSC] take judicial NOTICE of its own exhaustion record before the Appellate Court System takes Judicial NOTICE of prejudicial error involving the appearance of impropriety by an ALJ. An ALJ who has a professional responsibility to avoid the appearance of judicial impropriety.

The Commission Order Page 2, [02/27/2013] state, [“ Mr. Small has also visited the Commission’s office to request and receive uncertified copies of filed documents that do not bear the office seal”]

On 02/11/2013 after the pre-hearing Conference, Small did appear at the data center, 200 Madison street, Jefferson, City.

CP. Small did request a complete, whole, true and complete, certified Case file No. EC-2011-0247.

On 02/22/2013, Acting Secretary and Data Center did provide less than complete certified copies of File stamped documents, which prejudices Small’s ability to exhaust administrative remedies, under applicable state and federal laws.

There is no misunderstanding as to the allegations or misperception for Commisison agents destruction of public records in a contested case proceeding, so as to harass Small and to dissuade and discourage Small from further exercise of his rights to exhaust administrative remedies.

Honorable ALJ M. Bushman is not wrong on this point he is very wrong and his Orders is clear evidence of the appearance of impropriety. Documents delivered and filed stamped by the MPSC Data Center [The Original signature of documents] and original signature of Certificate of Service shall be maintained as public records under the laws of the state of Missouri. When Shelly Brueggemann placed the MPSC Seal of Official Acts onto the approximate 404 page Case file No. EC-2011-0247 and Data Center delivered the same to Complainant Small on 02/11/2013 MPSC licensed attorney knew full well that same record was not complete, not whole copies of originally filed documents.

The last paragraph of the Commission Order, 02/27/2013, appears as hearsay, and the Certified, verified 02/11/2013 case file delivered to CP Small supports his position of incomplete agency records, addressed by the February 27, 2013

Commission Order. See Citizens to Preserve Overton Park v. Volpe 401 U.S. 402.

While Case EC-2012-0050 presently involves a Utility Company's falsification of account records is jurisdictional to the MPSC, the falsification of facts by a Licensed Practicing female Attorney, Shelly Brueggemann appears jurisdictional to the Missouri Bar Administration.

Thus the remedy and denial of services and accommodations offered by the Commission Order, entered in error on February 27, 2013 is arbitrary, capricious, not in accord with applicable exhaustion laws. This statement is true because the administrative Record[s] complained of were known incomplete on February 11, 2013 and February 27, 2013 when A.S. Shelly Brueggemann compared the same records, Seal and delivered the same to complainant. Make no mistake, no apparent misunderstandings, destruction of public records involves criminal conduct in a quasi judicial proceeding as admitted to by Gay Fred's NOTICE to Complainant dated and served on, September 02, 2010.

State action, for purposes of the equal protection clause of the Fourteenth Amendment may emanate from rulings of

Administrative and Regulatory agencies as well as from legislative or judicial action. Moose Lodge No. 107 v. Irvis, (1972) 407 U.S. 163, 31 L. Ed 2d 627, 92 S. Ct. 1965.

It is also noted that a statute or rule perfect on its face may be applied in a completely discriminatory manner.

Destruction of a public record, file stamped, would also appear to violate Mo. UCC Code, involving material alteration of instruments.

The 02/11/2013, 404 page, case file, delivered under Commission Seal shows evidence of material alteration to filed stamped documents, which is inappropriate in a quasi judicial proceeding.

The February 27, 2013 Order drafted by ALJ M. Bushmann, accusing Small of misperception of unfairness, in the face of materially altered original file stamped records, under Seal of the Commission is further evidence of the appearance of impropriety. This available evidence of Small's business records, appears to defeat the purpose of MPSC rules of fair and impartial proceedings, involving an Iowa resident, ADA pro se party. See Cannon 3.

When members of the legislature or executive branch unduly interfere with the court's exercise of judicial power, this court has a duty to act to preserve the judiciary's independence. See People v. Joseph (1986), 113 Ill. 2d 36, 46, 99 Ill. Dec. 120, 495 N.E. 2d 501; People ex rel Bier v. Scholz (1979), 77 Ill. 2d 12, 18-19, 31 Ill. Dec. 780, 394 N.E. 2d 1157.

The combination of a judge's questions and statements may create an appearance of impropriety. See Williams v. Reed, 6 S.W. 3d 916 (Mo. Ct. App. 1999), at 922-23.

As emphasized in State v. Lovelady, 691 2d 364, 365 [1] (Mo. App. 1985), the law is very jealous of the notion of an impartial arbitrator. It is scarcely less important than his actual impartiality that the parties and public have confidence in the impartiality if an issue is called into question, the inquiry is no longer whether he actually is prejudiced; the inquiry is whether an onlooker might on the basis of objective facts reasonably question whether he is so. State v. Garner, 760 S.W. 2d 893, 906 (Mo. App. 1988).

A fair and impartial onlooker viewing the certified records, Orders served on CP Small over a period of years and continuing in 2013, could objectively find that prejudice did

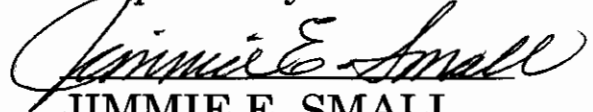
come to visit the complainant while ALJ Bushman, Staff, and others stood silent, to the benefit and favor of the 25-26 Billion Dollar Utility Corporation entity.

CONCLUSION

Based on the above and foregoing, the undersigned request a continuance of the March 12, 2013 Scheduled hearing [Pursuant to 4 CSR 240-2.110(2)]for good cause shown.

WHEREFORE, the undersigned prays for the Commission Order, (a) Continuance of the March 12, 2013 scheduled hearing indefinitely, for good cause shown, (b) Enter findings after scheduled Oral Argument on the issue of incomplete agency records, with mandatory attendance of material witnesses, including Utility personnel, (c) grant Complainant access to Commission Sealed, signed Subpoena Duces Tecum process pending further proceedings to and including possible Appeal to Mo. Ct. App. as appropriate.

Respectfully submitted

A handwritten signature in cursive script, reading "Jimmie E. Small".

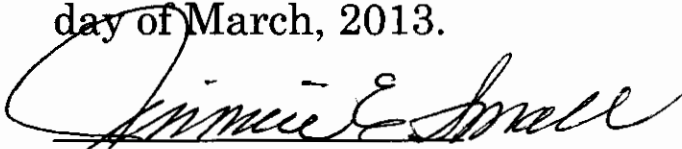
JIMMIE E. SMALL

606 West Hwy # 2

Milton, Iowa, 52570

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing SUPPLEMENTAL SUGGESTIONS IN SUPPORT, of MOTION FOR JUDGMENT ON THE PLEADINGS,[plus Motion for Continuance] was served on all parties to this proceeding, original to Data Center, Office of Public Counsel Mr. Mills, and to Counsel of Record W. K. Tatro, properly addressed, all done this Thursday, the 07th, day of March, 2013. ^{IES.}



JIMMIE E. SMALL

Mr. Small is correct that the date of the evidentiary hearing referenced in the order contained a typographical error. The date should have been March 12, 2013, not March 12, 2012. Commission Rule 4 CSR 240-2.160(4) provides that the Commission

may correct its own orders, and the order was corrected by notice issued on February 27, 2013. A typographical error in an order does not constitute grounds to vacate the order. Moreover, the date of the hearing should be of no surprise to Mr. Small, as the hearing was set by an order issued on October 29, 2012, and the hearing date was specifically discussed during a prehearing conference that Mr. Small attended on February 11, 2013.

Mr. Small argues that the order is void because it lacked a "Commission Seal". Commission orders do not require an official seal. Missouri law only requires that "writs and authentications of copies of records" bear the Commission's official seal.¹ The Commission has served on Mr. Small to his address of record a certified copy of every order and notice issued by the Commission in this case, each of which contained a separate certificate page with the official seal. However, Mr. Small has also visited the Commission's office to request and receive uncertified copies of filed documents that do not bear the official seal. The presence or absence of an official seal only determines whether a copy of an order is certified or not, and does not affect the legal validity of that order. For the foregoing reasons, the Commission will deny Mr. Small's motion.

Mr. Small included in his motion allegations that the Commission has provided him with false information, destroyed public records, and deliberately harassed him in order to prevent him from exercising his legal rights. While incidental to the motion, the Commission chooses to address these allegations in order to clear up apparent misunderstandings on Mr. Small's part that may have created his misperception of unfairness. Mr. Small seems to complain that a subpoena duces tecum in a previous

¹ Section 386.120.3, RSMo.

closed case, ER-2011-0247, should have been filed by the Commission on April 19, 2011 and was missing from the case files. That document was actually filed properly on April 26, 2011, and the title of the document entry in the Commission's docketing system was changed at Mr. Small's request. There is no indication that any filed documents were falsified or destroyed. In addition, discovery documents are not filed in the Commission's electronic docketing system unless a party submits such a document for filing. Filed documents are not admitted into evidence unless specifically offered by a party at the evidentiary hearing and received into the record by the presiding officer. Mr. Small also argues that the date for the evidentiary hearing has created undue hardship for him, but he has had over 18 months in which to conduct discovery and has been aware of the hearing date since October 2012. The Commission has made every effort to provide Mr. Small with an opportunity to present his claims in accordance with the Commission's rules of procedure. If Mr. Small has additional claims that go beyond the issues of this case, he is free to file another complaint or submit those claims to a court of appropriate jurisdiction.

THE COMMISSION ORDERS THAT:

1. Jimmie E. Small's *Complainant's Rule 74.06(b) Motion to Vacate, Correct, Modify, Amend, Annul Commission Order Entered of Record on January 31, 2013* is denied.

2. This order is effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of February, 2013.

Before the Missouri Public Service Commission ✓

OR 152

J.S.
J.G.
04/06/2011

James E. Small

04/06/2011

Complainant,

FILED³

APR 11 2011

CASE NO. EC-2010-0247

Missouri Public
Service Commission

Ameren UE;

ACCOUNT(S) NO. 34433070.

Ameren Missouri

ALLEGED - NO. 34433070.

Respondent

Data Request Supplement

comes now complainant in the above captioned matter, and for his supplemental Data Request for verified true, accurate customer-specific account documents state as follows.

1. on August 17, 2010, Gay Fred informed complainant Small in part, as follows.

" on 05/30/06, a bill was mailed in the amount of \$303.⁸⁹. This included current charges of \$29.91, a prior balance of 269.93 and late pay charges totaling \$4.05."

The PSC August 17, 2010, investigation by Gay Fred failed to request a valid verified mailed serial number for any account service location at 23 LAKE ROAD COURT.

ain

(1) (1)

The August 17, 2010 fails to state, request or specify, access to Verified documents created by Ameren U.E. on 05/30/06, although a Disconnect Notice was alleged to have been mailed on 05/30/06 AND 06/02/06 for \$269.93.

ON 05/06 a "Final Bill" in the Amount of \$846.15 was Mailed to Complainant Small, via U.S. Postal Service, to 606 West Hwy #2, Milton, Iowa, 52570-9701

According to Am Mo; Am U.E., Computer stored data, Customer-Specific Records, Account Number: 34433-07009 was furnished as being true and accurate on the date of 08/05/10 page 3 of page 4, To: Sweet, ANNETTE CRAIN.

No record of any payments agreement or payments made direct to Ameren on this outstanding balance of \$846.15 Annette Sweet EXTENSION (Green Hills District). August 05, 2010 11:39 A.M.

Account Activity Statement 08/05/2010 No. CUAR03809/00 have been actively concealed by Am Mo; Am U.E. in violation of Fair Credit Reporting Act & 4 CSR-240 CSR 240.2.13. Confidential information Support (4), (F).

F. States ["A customer of a utility may view his or her own customer-specific information, even if that information is otherwise designated as highly confidential"].

Since Ameren U.E. disconnect proceeding, Field Service Orders were carried out at Lot #23, 23067, Patton trail, Ameren U.E. has changed its name, changed ADA complainant Account (customer-specific) information, with intent calculated to deny ADA complainant U.S.C.A. Const Amend right of privacy, free from illegal trespass in violation of RS-Mo 569.150 2006 forward such continuing, See State v. Reed, inadmissible Hearsay, out-of-court Statement. 282 S.W.2d 3d 835 (Mo banc 2009).

once Counsel objects on the basis of Hearsay, the proponent has the burden to demonstrate that the statement fits into a recognized exception to the Hearsay Rule. Dough v. General Boy Co., 302 S.W.2d 884, 887 (Mo. 1957). See also State v. Pomas, 84 S.W.3d 153, 157, (Mo. App. 2002) Citing State v. Port, 90 S.W.2d 231, 234 (Mo. App. 1935).

③ Ameren U.E./Ameren MO. may not fulfill its burden under exception to Hearsay Rule by explanation

to Gay Fred. Unfortunately our records are maintained for only 12 months, which appears to include, Field Service Order to disconnect from 2006 forward Account # 3443307009 and continuing concealed in violation of Customer's right under 4 CSR 240-2.135 (4) (F). highly Confidential Status of Records.

Standard of Review

The Standard of Review for the admission of evidence is abuse of discretion. *State v. Freeman*, 369 S.W. 3d 422, 426 (Mo. BANC 2008).

For evidentiary error to cause reversal, prejudice must be demonstrated.

State v. Forest, 183 S.W.3d 218, 223, (Mo. BANC 2006); *State v. Edwards*, 116 S.W.3d 511, 532 (Mo. BANC 2003).

The logical reason Ameren NE/MO. has failed to meet its burden of proof to permit Small access to inspect Client - Customer - Specific information as to Meter disconnect Service orders Account No. 344-33-07009, is inextricably linked to 2006 time period, meter disconnect - Red Seal - photograph evidence, and Oral admission by Bryce Benton to the effect that NO KWH use is recorded ^{after} 2

Illegal Disconnect / Trespass
to real property - R.S. Mo.

569.150 et Seq U.S.C.A. 4,
Illegal Search - Seizure at LOT#23,
private property property.

"Staff Recommendation"

At Schedule 14, Ameren U.E. a
subsidiary of Ameren Corporation
on November 15, 2007, Customer
Service Agent, In Re: Acct. No. 34433-
informed Amers of Customer - Specific 07009,
Data. This Data (Schedule 14)
Contested Case EC-2010-0247,
unavailably shows that prior
to November 15, 2007, meter NO. ???
LOT#23 was in fact in D-I-S-C-O-N-N-
E-C-T Status from 2006 time period,
well before genuine issue over
Draft-Data Record alleged No. 3443307018
were ever created to begin with.

After informal Complaint -

C. 201101337, Formal complaint
docketed No. EC 2011-0247, Ameren
U.E./MO, elected to breach its duty
to permit Public Service Commission
timely, accurate validation, verified,
Data Records maintained for
account No. 3443307009, including
Field Service Orders, Cut-out Orders,
for LOT#23 service resulting in MO 11/15/2007
missed

Ameren U.E./Mo. tariff agreements
do not authorize fabrication of
adjudicatory evidence, used against
An aged, unskilled, ADA pro se,
so as to defeat, deprive small
equal access to justice, under 1, 4, 5, 6,
14 Ameren U.S. Const. When Ameren U.E./Mo.
acts under color of State Law, is a
Corporate legal person - subject further
42 U.S.C. Sect. 12131-12132 et Seq.
42 U.S.C. Sect. 1983; 1985 (3) Conspiracy.

By Ameren U.E./Mo. Bruce Benton;
Customer Service Reps had disclosed
requested data information as to
November 15, 2007 disconnect Customer -
specific data, Small would have
disclosed said documents, arguments,
protective order motions so as to
protect all Mo. E. & L. Customers
equally. disclosed to AGJ T. Gordon;
Hon. - Judge Fred, immediately if
not sooner - Hand delivered.

Ameren U.E./Mo.; Bernie Maddaff
accounting practices are escrow
by law and Fabricated Data Records
by Mo. utility do not authorize alleged
trespass - Criminal or Civil. see
United State v. Roy T. Hughes, U.S. Ct. App. No. 07-2
517 F.3d 1013; 2008 U.S. App. Lexis 4011.

DATA disclosure Request
4 CSR 240.2.135 (4)(F).

Respondent, Corporate entity,
Am U2/Mo. is respectfully requested
to produce certified complete, whole,
Verified Data - Customer - Specific
information, E-Mail - letters, phone call memo
Customer Contact Data; Field Service
Orders; Meter Disconnect Orders,
which relate directly or indirectly to
Gay News initiated investigation
of complaint, Account No. 3443307009
2002 Forward from N-O-V-E-M-B-E-R
14, 2007 time period.

Alternatively, withdraw Am Mo. -
Answer for purposes of default
and Summary disposition on
filed Complainant Claims. U.S.C.A.
Const. Amend 1, 4, 5, 6, Right to access timely Counsel,
14 equal protection under 4 CSR-240
adjudicatory hearing involving A D A
White, Deane Vet. Hernandez v. Texas
347 U.S. 475. Good Law today 14 Amend.
breach claim (1954). Respectfully Submitted
Mimi E. Green

606 West Hwy #2
Milton, Iowa 52570

proof of Service / proof of Mailing

I hereby certify that copies of the foregoing Supplemental Data Request were served on AM MO/UE. Counsel of Record SARAH, Cal-Mo, by first class U.S. Mail, postage fully pre-paid, all done this 04/06/2011 day.

EXCEPTIONS: NONE TO REPORT.

ORIGINAL ^{filed} TO HON. ALJ-JORDON; JAY Fried. ^{486c} ^{ma}

Jimmie E. Small

Jimmie E. SMALL

606 West Hight #2

Milford, Iowa 52570

8/8/8

FILED³

MAY 18 2012

**Missouri Public
Service Commission**

**JIMMIE E. SMALL
606 West Hwy # 2,
Milton, Iowa, 52570**

May 10, 2012

**Smith Lewis, LLP
Sarah E. Giboney,
P.O. Box 918
111 South Ninth Street, Suite 200
Columbia, Missouri 65201-4891**

**RE: Jimmie Small v. Union Electric Company,
d/b/a Ameren Missouri, Case File No. EC-2012-0050
Appeal No. WD 75034 dismissed**

Dear Counsel Giboney;

**Information is provided that the Mo. Court of Appeals,
Western Division, dismissed Small's interlocutory appeal Case
No. 75034.**

**Court dismissal action re-vested subject matter jurisdiction
back to the Missouri Public Service Commission, Jefferson
City, Missouri. Case EC-2012-0050.**

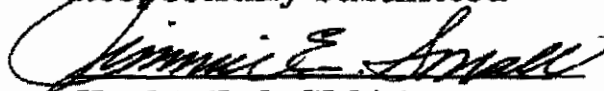
①

This justifies an amended complaint in the interest of protecting One Million Two Hundred Thousand Mo. customers who are place at risk of hazard, while Respondent ignores discovery rules as well as ignoring record keeping practices, placing Missouri customers at even further and future risk.

Thank you in advance for your continued cooperation in this matter.

I will be looking forward to receipt of your available dates for purposes of evidence depositions. [May -June 2012] No. EC-2012 - 0050.

Respectfully submitted



JIMMIE E. SMALL
606 West Hwy. # 2,
Milton, Iowa, 52570