

1. The Missouri Public Service Commission officials entered its order directing all parties to file and serve written position statement in regards to remedies under jurisdiction of the Commission in the event one party prevailed on the merits, Case File No. 2012-0050. Default Orders are within jurisdiction of the

Commission since the April 19, 2011 Default and Commission sat idle without entry of Default. See also Dismissal orders against Small for non-compliant acts. Case File No. 2011-0247 Final adjudicatory decisions, Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402.; Higgins v. Kelly \_\_\_\_\_ F2d \_\_\_\_\_; National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 153 L Ed. 2d 106, 122 S. Ct. 2061 (2002). It would appear appropriate for license practicing attorneys like Wendy Tatro to speak truthfully on April 19, 2011 when addressing Hon. Judge Jordan when the Red Tag Security Seal Identification and other discovery matters surfaced and continue to be at issue while the MPSC gives the 25 Billion Dollar more time to illegally disconnect disabled customers venturing into Missouri for out of State. First Amendment Free Speech granted Attorneys and Giant Utility Corporation Utilities under Jurisdiction of Missouri public officials are not free to use perjury, matter account records, use untrue statement on April 19, 2011, prehearing conference, thereafter take protective shelter under the bobbled Staff investigation and filed Reports by female Mary S. Duncan; Jennifer Hernandez, and later remind ADA pro se[ persons/ individuals ] how fair and impartial the MPSC treats complaining customers during informal and formal adjudicatory proceedings. Perjury filled documents essential to Disputed account No. 34433-07009, and continuing in 2012 time period,

based on incomplete, inaccurate, discovery, would appear to be willful, intentional acts or conduct by Company/Utility so as to gain an unfair advantage before the MPSC Staff appearance, Pre-hearing Conference appearance, and continuing through UE. AM.MO. Answer and related document while suppressing, concealing, and engaging in contempt for the April 19, 2011 served Subpoena Decus Tecum served on Expert witness Cathy Hart, and returned in contempt for said due process and equal protection rights. U.S.C.A. Const Amend 14. See Hernandez v. Texas. 347 U.S. 475. What appears due by November 07, 2011, is an Order of Default against Respondent Utility before Small makes his appearance in United States District Court seeking a Declaratory Judgment [ Fed R. Civ. Proc. Rule 57] as to his rights of protection as an IOWA resident venturing into Missouri, Lot # 23, 23067 Potter Trail, Kirksville, Mo. 2002 Forward and continuing, and seeking equal protection from retaliatory measures from Giant utility under R.S. Mo. 213, where filing a complaint and offering testimony on April 19, 2011 appear to be protected activities under state and federal laws. See last paragraph of agency Notice, CP No. P-10/10-03312 SMALL v. Respondent AMEREN U E. R.S. MO. Chapter 213.

2. That due to Iowa Court proceedings, Proceedings before the Commission on Judicial Qualifications, of judges, State of Iowa;

due to pending matters before the Commission on Retirement of judges, State of Missouri, St Louis, Missouri, and due to the Pro se limited ability to complete needed discovery in MPSC Case File No. 2012-0050; and due to forth coming Motion to Compel filing against Respondent Ameren Missouri, for contempt to Abide material discovery upon receipt of the April 19, 2011 Suboena Decus tecum , ADA needs a MPSC order granting relief.

3. That because the MHRC state investigative agency has jurisdiction over **complaints of retaliation** not likely addressed by MPSC, Staff or other Commission employee, matters of retaliation are again being filed by the undersigned with the MHRC, Federal HUD officials, where Housing in inextrinciably linked to waster, Phone, Electric services and accommodations where charges of monthly bill for utilities are subject to federal HUD and also to MHRC jurisdiction because prior complaints were filed by the Complainant, Subject to R.S. Mo. Sect 213.
4. Some two years after CP ADA pro se Small caused to be filed his informal complaint processed by MPSC agent Gay Fred, and responded to by Expert Utility official Cathy Hart, the Respondent has engaged in contempt of the April 19, 2011, Subpoena Decus Tecum, and declined to abide the April 19, 2011 testimony Counsel Wendy Tatro promises to ALJ Daniel Jordan. Some two years after the informal complaint, and approximately 180 days

after the pre-hearing conference, 180 days after the April 19, 2011, served subpoena, Respondent Utility has elected to default through contempt for discovery proceeding resulting in needlessly increasing the cost of this proceeding to the pro se, increasing the burden of proof on the ADA pro se, and using the Missouri Public Service Commission Staff females so as to accomplish Staff efforts to give an unfair advantage to the 25 Billion Dollar giant UE,AM.MO. Corporation. See R.S. MO. R. Civ. Proc. Rule. 59.01; 61.01 et seq.

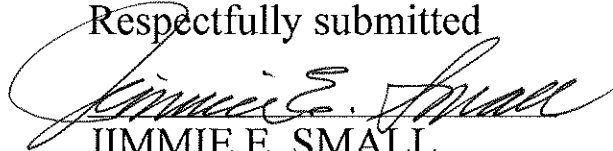
5. Because Respondent Utility has now admitted to its assimilation of Final Bill policies and practices going back to April 2006 time periods, and elected to engage in contempt for the Red Tag Security Seal Identification NUMBER verified by the Adair County Sheriff's Department, verified by B. Wassam, Verified by Customer J. Small and verified by MHRC Staff investigation pictures; the parties need additional time to reach written accord on the potential for position statements, potential for mediation of agreed to points in contention, and potential to avoid the need for a formal hearing before the ALJ / and or Commission precedent decision on the merits. Missouri State Auditor proceeding may well be forthcoming to Respondent's facilities.
6. A reasonable extension of time to assimilate and file a position statement including desired remedies, would not prejudice the 25

Billion \$ Utility owing to the 2006 Disputed Bill and incomplete agency records circumstance complained of.

7. Respondent utility is not eligible for MRSC orders in its defense because respondent is in default over numerous discovery procedures underscored by Wendy Tatro ON RECORD testimony given on April 19, 2011, before the Hon. ALJ Daniel Wilson.
8. Complainant has not previously requested a continuance in Case File No. 2012-0050.

Wherefore for the foregoing reasons, the ADA pro se is unable to meet compliance with the MPSC deadline of November 07, 2011 position statement filing requirement.

Respectfully submitted

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

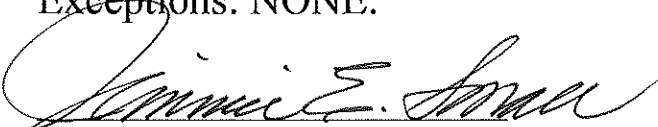
JIMMIE E. SMALL

General Delivery

Quincy, Illinois, 62301

**CERTIFICATE OF SERVICE/**  
**PROOF OF MAILING**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record, and to Mr. Mills, Public Counsel's office, at their respective addresses disclosed on the pleadings on 11/07/2011 BY; U.S. Mail, postage fully prepaid, properly addressed, Zip Code affixed.  
Exceptions: NONE.

  
JIMMIE E. SMALL