

Jimmie E. Small,
Complainant,
v.
Ameren Missouri, et. al.,
Respondents.

On March 8, 2012, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) served Jimmie Small with a request for the production of documents under Missouri Rule of Civil Procedure 58.01. The request asked Mr. Small to produce any documents he had obtained from an Ameren Missouri representative at its office in Kirksville, Missouri. On May 30, 2012, Ameren Missouri filed a *Motion to Waive Discovery Rules and to Compel Complainant’s Response to Ameren Missouri’s Request for Production*. The motion alleged that Mr. Small had failed to produce the requested documents or make an objection to the request. The Commission granted the motion on May 31, 2012 and ordered Mr. Small to comply with Ameren Missouri’s request no later than June 7, 2012. On June 5, 2012, the Commission postponed indefinitely the evidentiary hearing scheduled for June 13, 2012 at Mr. Small’s request. The hearing was rescheduled for March 12, 2013 in an order issued on October 29, 2012.

On November 28, 2012, Ameren Missouri filed a *Second Motion to Compel Complainant's Response to Ameren Missouri's Request for Production*, which alleged that Mr. Small had failed to comply with the Commission's order of May 31, 2012 and had not produced any documents or filed objections to Ameren Missouri's request for production. Ameren Missouri renewed its request for an order compelling Mr. Small to produce the documents it had requested six months prior. On November 29, 2012, the Commission issued the *Order Granting Ameren Missouri's Second Motion to Compel Production of Documents*, which required Mr. Small to comply with Ameren Missouri's request for production of documents no later than December 29, 2012. On December 10, 2012, Mr. Small filed *Complainant's Objections to the Commission Order Granting Respondent's Motion to Compel Production of Documents 11/29/12*.

In Mr. Small's filing, he requests that the Commission vacate its order issued on November 29, 2012 and issue a show cause order to Ameren Missouri "to admit that 0.\$ alleged due on open accounts is accurate and admitted...". The Commission considers the request to vacate its previous order to be a motion for reconsideration of a procedural order pursuant to Commission Rule 4 CSR 240-2.160(2). Mr. Small's motion and objections are not timely filed¹, and it appears that he has violated the Commission order issued on May 31, 2012. As the Commission stated in that previous order, Ameren Missouri's request for the production of documents is relevant to one of the issues in this case and is a proper matter for discovery under Missouri Rule of Civil Procedure 56.01(b). Therefore, the Commission will deny Mr. Small's motion and require that he comply with the Commission's previous orders.

¹ Commission Rule 4 CSR 240-2.160(2); Mo. Sup. Ct. R. 58.01(c).

With regard to the request for a show cause order, Mr. Small has not alleged that Ameren Missouri has failed to respond to a request for admission, that he has made a good faith attempt to resolve the matter by telephone with opposing counsel, or requested a telephone conference with opposing counsel and the presiding officer as required by Commission Rule 4 CSR 240-2.090(8). The Commission will also deny Mr. Small's request for a show cause order.

THE COMMISSION ORDERS THAT:

1. Jimmie E. Small's *Complainant's Objections to the Commission Order Granting Respondent's Motion to Compel Production of Documents 11/29/12* is denied. Mr. Small shall comply with Ameren Missouri's request for production of documents no later than December 29, 2012.
2. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 11th day of December, 2012.