

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

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|-------------------------------|---|-----------------------|
| Jimmie E. Small, |) | |
| Complainant, |) | |
| |) | |
| vs. |) | Case No: EC-2012-0050 |
| |) | |
| Union Electric Company, d/b/a |) | |
| Ameren Missouri, |) | |
| Respondent. |) | |

**AMEREN MISSOURI'S SECOND MOTION TO COMPEL COMPLAINANT'S
RESPONSE TO AMEREN MISSOURI'S REQUEST FOR PRODUCTION**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri, pursuant to 4 CSR 240-2.015(1), and for its Second Motion to Compel Complainant's Response to Ameren Missouri's Request for Production states as follows:

1. On March 8, 2012, Ameren Missouri served Complainant with a first request for production of documents. The request specified that Complainant produce, "[a]ny and all documents Complainant has obtained from any Ameren Missouri representative at Ameren Missouri's offices located in Kirksville, Missouri; excluding those documents Complainant has received from Ameren Missouri as Ameren Missouri's responses to data requests, interrogatories, requests for admissions or requests for production of documents from Complainant."
2. Ameren Missouri's said request for production is relevant to Complainant's allegation of falsified documentation and was based on statements Complainant made to Ameren Missouri employee Cathy Hart to the effect that account documentation Complainant received from Ms. Hart differed from account documentation Complainant had received from Ameren Missouri's Kirksville office.
3. Complainant failed to produce any documents in response to said request for production or to make any objection to said request within the thirty days allowed for timely responses or objections under Rule 58.01(1).

4. On May 30, 2012, Ameren Missouri filed its Motion to Waive Discovery Rules and to Compel Complainant's Response to Ameren Missouri's Request for Production.

5. In its Order Granting Ameren Missouri's Motion to Waive Discovery Rules and to Compel Complainant's Response to Ameren Missouri's Request for Production, issued and effective May 31, 2012, the Commission found that Ameren Missouri's request was relevant, was a proper matter for discovery, and ordered Complainant to comply with Ameren Missouri's request for production no later than June 7, 2012.

6. Subsequent to said May 31, 2012 Order, the Commission did indefinitely postpone the evidentiary hearing then set for June 13, 2012, by its Order Postponing Hearing entered and effective June 5, 2012. However, by its recent Order Denying Motion for Reconsideration, Granting Motion to Amend Complaint, and Amending Procedural Schedule, entered and effective October 31, 2012, the Commission has re-set the evidentiary hearing in this matter for March 12, 2013.

7. To date, Complainant still has not produced any documents in response to Ameren Missouri's request for production.

8. Ameren Missouri is entitled, in advance of said March 12, 2013 hearing, to discover the documentation that Complainant alleges will support his claim that Ameren Missouri falsified account documentation.

9. In view of the pending March 12, 2013 evidentiary hearing date, Ameren Missouri believes that good cause exists for the Commission to again enter an order compelling Complainant to produce the documents Ameren Missouri has requested.

WHEREFORE, Ameren Missouri requests that the Commission enter an order compelling Complainant to produce by such date as the Commission finds reasonable under the circumstances, the documents identified in Ameren Missouri's First Set of Request for Production of Documents Directed to Complainant Jimmie E. Small.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Second Motion to Compel Complainant's Response to Ameren Missouri's Request for Production was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 28th day of November, 2012.

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