

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

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|---------------------------|---|-------------------------------------|
| Jimmie E. Small, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>File No. EC-2012-0050</u> |
| |) | |
| Ameren Missouri, et. al., |) | |
| |) | |
| Respondents. |) | |

ORDER WITHDRAWING RECOMMENDED ORDER DISMISSING COMPLAINT

Issue Date: February 24, 2012

Effective Date: February 24, 2012

On August 15, 2011¹, Mr. Small filed the above-referenced complaint. On August 16, upon review of the complaint, the Commission issued a Notice of Contested Case and Order Directing Filings. That notice also informed the parties that the case would proceed under the small formal complaint process listed in Commission Rule 4 CSR 240-2.070(14).

On October 5, the Commission issued an Order Dismissing Parties and Claims. In that order, the Commission ruled that it has “no jurisdiction to order the relief he requests”.² That same order dismissed all of Mr. Small’s requests for legal, equitable and class action relief, leaving only a possible claim that Ameren Missouri discriminated against Mr. Small in the provision of electric service.

¹ Calendar references are to 2011 unless otherwise noted.

² Commission Case No. EC-2012-0050, Order Dismissing Claims and Parties, p. 1 (issued October 5, 2011).

On October 26, the Commission ordered the parties to state what remedy, if any the Commission has authority to grant Mr. Small. Those responses were due November 7.

Mr. Small requested a continuance on November 7. On November 8, the Commission granted that request, and gave Mr. Small until January 9, 2012 to respond.

Since November 8, Mr. Small has filed a Motion to Compel and Order for Default, Complainant's Response to MPSC Order Directing Parties to File Exclusionary Dates, Suggestions in Support of Default Order by Utility, and Complainant's Response to Commission's January 6, 2012 Deficient Notice & Respondent's Response Raising Alleged Statute of Limitations Defense, and Complainant's Request for Production of Documents Upon Respondent Utility. He further participated in mediation with Ameren Missouri, which did not resolve the disputes. However, he had not complied with the Commission's October 26 and November 8 orders.

Thus, on February 8, 2012, the Commission again ordered Mr. Small to explain what he wants the Commission to order Ameren Missouri to do, and what authority the Commission has to order it. Mr. Small's response was due February 22, 2012. He did not respond timely.

However, on February 24, 2012, Mr. Small filed a response. It was not accompanied by a motion for leave to file out of time, and did not contain an explanation for the late filing. As a courtesy, however, the Commission will withdraw its February 23, 2012 Recommended Order Dismissing Complaint.

The Commission will address Mr. Small's latest filing in a subsequent order. The Commission, however, still retains the power to dismiss the complaint for failing to obey a Commission order.

THE COMMISSION ORDERS THAT:

1. The Recommended Order Dismissing Complaint is withdrawn.
2. This order is effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of February, 2012.