

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Jimmie E. Small,)
)
Complainant,)
)
v.)
)
Union Electric Company)
d/b/a Ameren Missouri)
)
Respondent.)

File No. EC-2011-0247

ORDER ALLOWING LATE FILING

Issue Date: May 12, 2011

Effective Date: May 12, 2011

The Missouri Public Service Commission is granting *Staff's Motion to Late File Proposed Schedule* ("motion"). In the motion, Staff asks to file its proposed procedural schedule. Proposed procedural schedules were due on May 4, 2011, pursuant to orders dated April 12 and 21, 2011. Staff filed the motion with *Response to Ameren Missouri's Procedural Schedule* on May 11, 2011.

The Commission may allow late filings as follows:

(3) When an act is required . . . to be done by order . . . of the commission . . . within a specified time, the commission, at its discretion, may—

* * *

(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.^[1]

Excusable neglect means:

[F]ailure to take the proper steps at the proper time, not in consequence of the party's own carelessness, inattention, or willful disregard of the process of the court, but in

¹ 4 CSR 240-2.050.

consequence of some unexpected or unavoidable hindrance or accident, or reliance on the care and vigilance of his counsel or on promises made by the adverse party.[²]

In support of the motion, Staff's counsel alleges:

Due to an extended absence, the undersigned was not able to file the Staff's proposed procedural schedule on May 4, 2011, and requests that the Commission allow the Staff to late file its proposed procedural schedule at this time. The Staff will also submit its response to Ameren Missouri's proposed schedule herein as the ten-day response period has not passed.

The Commission construes that allegation as describing some unexpected or unavoidable hindrance or accident.

Therefore, the Commission will grant the motion and permit the late filing.

THE COMMISSION ORDERS THAT:

1. *Staff's Motion to Late File Proposed Schedule* is granted.
2. Staff's proposed procedural schedule is filed on May 11, 2011.
3. This order shall be effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of May 2011.

² *Gibson v. White*, 904 S.W.2d 22, 25 (Mo. App. W.D. 1995).