

BEFORE THE PUBLIC SERVICE COMMISSION ✓  
OF THE STATE OF MISSOURI

JIMMIE E. SMALL,                     )  
  )  
                  Complainant,        )  
  )  
v.   )  
  )  
Ameren Missouri, et al.,            )  
  )  
                  Respondents.        )

**FILED**

FEB 27 2013

Missouri Public  
Service Commission

File No. EC-2012-0050

COMPLAINANT'S RULE 74.06(b)  
MOTION TO VACATE, CORRECT, MODIFY, AMEND,  
ANNUL COMMISSION ORDER ENTERED OF RECORD ON  
JANUARY 31, 2013

NOW COMES, the Complainant, ADA pro se, unschooled in MPSC matters, and for his Rule 74.06(b) motion states unto the Honorable Commission, the following particulars,

1. On January 31, 2013, the Commission caused to be entered its ORDER DENYING MOTION FOR EXTENSION OF TIME AND GRANTING REQUEST FOR PREHEARING CONFERENCE.

2. The facts stated in part one (1) above are not disputed by any party, including the Commission officials.
3. After careful review of the Commission Order dated and entered on January 31, 2013, the unschooled ADA pro se NOTES \* \* \* \* (a) a Void Order content, (b) Irregularity in Order content 01/31/2013, (c) Surprise Order Content 01/31/2013, (d) Gross Negligent Order Content 01/31/2013, (e) Fraudulent Order Content favoring Private Utility Respondent, (f) the Void Commission Order entered on 01/31/2013 is not equitable or consistent with the Commission's statutory purpose by its erroneous assertion that Hearing on the Merits shall occur after the 02/11/2013 conference when the date of 03/12/2012 previously occurred near 11 months previously back in 2012.

#### IRREGULARITY

4. On January 31, 2013, Acting Secretary, Shelly Brueggemann, cause to be entered of record, an irregular Commission Order, absent a requisite Commission Seal of any Missouri agency or entity, treating the ADA pro se differently. The Commission may not waive due process or

equal protection of laws, without stating, Missouri's reasonable or rational purpose for circumventing the Commission Seal and its certification of record comparison process, freely granted others outside Small's protected class membership. Disabled class membership for example. See Hernandez v. Texas, 347 U.S. 475 Race nexus case.

### VOID ORDER

5. The January 31, 2013 Commission Order appears VOID on its face, as to due process and equal protection of its own laws. The Commission Order is not yet Official for lack of Commission Seal, No Commission Secretary bothered to compare the 01/31/2013 order denying Small's request for extension but did grant leave to file a new complaint. The alleged valid order is not effective or enforceable on any party based on incomplete agency records at the time the Secretary signed and entered the void order. See Citizens to Preserve Overton Park v. Volpe 401 U.S. 402. The Commission officials may elect to re-appraise its method of accomplishing its statutory purpose involving ADA unschooled pro se Iowa residents.

6. The totality of record circumstances raised in part five (5) next above written were commissioned to exacerbate and harass the pro se and to dissuade and discourage Small from further exercise of his rights under 4 CSR 240-13.010. Small objects and moves to vacate said Void Order for good cause.

### SURPRISE

7. The undersigned Complainant is met with surprise receipt of the Void 01/31/2013 Order and its adversarial content suggesting Small's complaint was filed 18, months earlier, when the scheduled date of hearing on the merits on 03/12/2012 previously past some 10-11 months before the 01/31/2013 VOID order was entered through surprise. A prejudicial Commission surprise Order, favoring the 25-26 Billion Dollar utility seeking \$.\*\*\*\*.\*\* on a disputed old account. See CCM statement 04/04/2012 and continuing in 2013.

### GROSS NEGLIGENCE COMMISSION ORDER

8. Contested Case No. EC-2011-0247 was incorporated into case file 0050 by its Amended Answer, 11/28/2012.

Mary Hoit filed [ sramped] her affidavit on April 29, 2011 in response to Small's April 19, 2011 Subpoena Duces Tecum. On 02/11/2013 Acting Secretary Shelly Burggemann elected to falsify and deliver contested case file No. EC2011-0247, to Complainant, based on a truncated bobtailed comparison of record as of 02/11/2013. Small objects and moved to vacate said Commission certification and demands a criminal investigation for destruction of public records by unknown named person having custody of Commission records.

### FRAUD

9. During the 02/11/2013 pre-hearing conference, counsel for respondent Giboney introduced a fraud theory into this contested case proceeding. CP Small agrees that Extortion efforts to collect money not due to a Private Utility could fall under the category of FRAUD given the totality of circumstances in these contested cases. Including the Void 01/31/2013 bobbled Order.

### IMPOSSIBLE HEARING DATE SCHEDULE

10. During the April 19, 2011 pre-hearing conference and under ALJ Jordan administration the commission

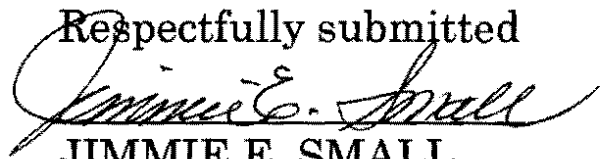
entered realistic schedule for hearing. During ALJ Michael Bushmann administration and Order denying Small's Motion for Change of Judge was filed. Thereafter, the impossible hearing date on the merits [03/12/2012] developed with intent to harass Small, exacerbate matters, so as to dissuade and discourage Small from exercising his rights under State law as well as Commission rule 4 CSR section 240-13.010. Small objects and plans to take all necessary action to protect his records and interest to due process and equal protection.

11. That owing to the longstanding nature of Small's informal complaint filed on August 06, 2010 and considering the content of the bobbled void commission order entered on 01/31/2013, the undersigned claims prejudice to his timely ability to establish the merits of his claims, because of an adversarial proceeding arranged by the Commission favoring the political favorite, Private Utility Union Electric Company, d/b/a Ameren Missouri.
12. Small further NOTES that the 01/31/2013 void order followed the Utilities threats against Small's witnesses by Utility employee Michael Horn, and Harassment effort by

Giboney to compel Small to venture outside Cole County Missouri VENUE to depose material witnesses. Thus needlessly increasing the cost of justice to the Iowa ADA pro se.

WHEREFORE, The Undersigned prays for the Commission Order vacating the 01/31/2013 Void order based on the factual content of this Motion, with timely NOTICE to all parties, [ Utility] Office of Public Counsel, Data Center.

Respectfully submitted

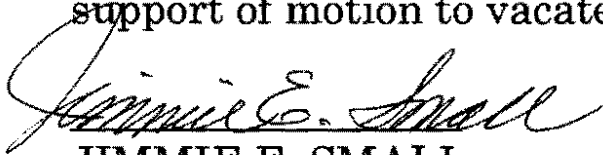
A handwritten signature in cursive script, reading "Jimmie E. Small". The signature is written in dark ink and is positioned above the printed name.

JIMMIE E. SMALL

606 West Hwy # 2,  
Milton, Iowa, 52570

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion to vacate a void Commission Order dated 01/31/2013 scheduling a merit hearing on 03/12/2012, [irregularity Order] was served on all parties of record, Data Center, Office of Public Counsel, Mr. Mills, Counsel Tatro for respondent, all done this Wednesday, the 20<sup>th</sup> day of February, 2013. VOID order attached in support of motion to vacate record.

  
JIMMIE E. SMALL



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

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

**ORDER DENYING MOTION FOR EXTENSION OF TIME AND GRANTING  
REQUEST FOR PREHEARING CONFERENCE**

Issue Date: January 31, 2013

Effective Date: January 31, 2013

On January 30, 2013, Jimmie E. Small filed *Complainant's Rule 44.01 Motion for Enlargement of Time to File His Ameded [sic] Complaint, Plus Request for Pre-Hearing Conference* ("motion"). In his motion, Mr. Small requests that the Commission grant an extension of time of unknown duration to amend his complaint and schedule a prehearing conference to discuss ongoing discovery disputes between the parties. Ameren Missouri responded to the motion by stating that there is currently no agreement between the parties about deposing potential witnesses. Ameren Missouri also requests a prehearing conference to discuss pending discovery matters.

On October 29, 2012, the Commission issued an *Order Denying Motion for Reconsideration, Granting Motion to Amend Complaint, and Amending Procedural Schedule*, which permitted Mr. Small to amend his complaint but required that any further requests to amend the complaint must be filed no later than February 1, 2013.

The Commission has the discretion to extend this time period<sup>1</sup> and waive procedural rules for good cause shown.<sup>2</sup> Good cause is acting in good faith and as a reasonable person would under all the circumstances.<sup>3</sup> The circumstances of this case are that Mr. Small filed the complaint 18 months ago, and was permitted to amend it in October 2012. Mr. Small has had many months to conduct whatever discovery he thought was appropriate and has known for 3 months of the deadline to finally amend the complaint. Permitting Mr. Small to amend the complaint at some undetermined point in the future will undoubtedly delay the evidentiary hearing scheduled for March 12, 2012. Mr. Small has not stated in his motion any reason for his inability to meet the filing deadline or sufficient justification to further delay these proceedings. His motion fails to demonstrate good cause for the extension of time, so that request will be denied. If Mr. Small should discover additional claims in the future, he is free to file another complaint or submit those claims to a court of appropriate jurisdiction.

With regard to the request for a prehearing conference, both parties agree that a conference would be helpful to resolve discovery matters. The Commission will grant that request.

**THE COMMISSION ORDERS THAT:**

1. Mr. Small's request for an extension of time to amend his complaint is denied.
2. Mr. Small's request for a prehearing conference is granted.

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<sup>1</sup> Commission Rule 4 CSR 240-2.050(3)(A)

<sup>2</sup> Commission Rule 4 CSR 240-015

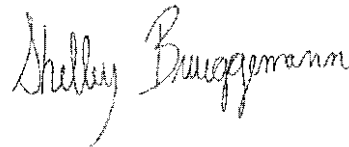
<sup>3</sup> *Morgan v. Gaeth*, 273 S.W.3d 55, 59 (Mo. App. 2008)

3. A prehearing conference shall be held on February 11, 2013, beginning at 1:30 p.m., in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This meeting will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference.

4. Any party that wants to participate in the prehearing conference by telephone may do so by calling **toll-free 866-630-9346** at the time set for the beginning of the conference.

5. This order is effective immediately upon issuance.

**BY THE COMMISSION**



Shelley Brueggemann  
Acting 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 31<sup>st</sup> day of January, 2013.

# MISSOURI PUBLIC SERVICE COMMISSION INFORMAL COMPLAINT FORM

**RECEIVED**

(office use only) ☒ New ☐ Existing ☐ Re-Open AUG 6 2010

**Note:** Complaints must be submitted by the customer of record or a party authorized with the utility company to discuss the account. Records with Street Utility Division

Name on Account or Business Contact	Last Name <b>SMALL</b>	First Name <b>JIMMIE</b>	Middle Initial <b>E.</b>
Name of Business (if applicable)	<b>NOT A BUSINESS ENTITY</b>		
Street Address	<b>STREET SERVICE ADDRESS 23 LAKE ROAD CT, 23067 PATER, MO</b>		
City/State/Zip County:	City <b>KIRKSVILLE</b>	State <b>MO</b>	Zip Code <b>63501</b> County <b>ADAIR</b>
Home Phone Work Phone (include area code)	Home Phone <b>CELL (641) 200-2317</b>	Work Phone <b>NOT APPLICABLE</b>	
Cell Phone/Pager E-mail Address	Cell Phone/Pager <b>SAME AS ABOVE</b>	E-mail Address: <b>NONE</b>	
Fax# Preferred Method of Contact between 8am - 5pm	Fax#: <b>NONE</b>	Preferred method of contact between 8am - 5pm: <b>BY US MAIL COMMUNICATION</b>	
Service you have a problem with	<input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Telephone <input type="checkbox"/> Water <input type="checkbox"/> Sewer		
Name of the Utility Co. Account#	Name of Utility: <b>AMEREN UE</b> <b>P.O. BOX 66700</b> <b>SAINT LOUIS, MO 63166-6700</b>		Account#: <b>34433-07009</b>

Briefly describe problem: (You MUST include a copy of your bill!)

**FINAL BILL NEVER PROVIDED TO CLIENT - NO NOTICE OF RYATT**  
**JUNE 14, 2006 RATIFIED PAYMENT DEFERRAL AGREEMENT**  
**BREACHED BY AMEREN UE AGENTS, AND ASSIGNED WITH**  
**NEXUS TO: #1 AGE, 04/22/45**  
**#2 GENDER, MALE**  
**#3 RETALIATION, PRIOR COMPLAINTS**  
**#4 DISABILITY - VIETNAM VET 100% SERVICE CONNECTED**  
**#5 GEOGRAPHICAL LOCATION #6 AT #23,**  
**#6 ADA, AMERICAN WITH DISABILITIES NEXUS**  
**#7 RACE, WHITE ETC. WITHOUT PROVOCATION RIGHT**

Mail to: MO. Public Service Commission, P.O. Box 360, Jefferson City, MO. 65102 Fax to: 573-526-1500  
 If you need additional space, please include another sheet. Do NOT write on the back of this form!  
 #8 **FRAUD BY CORPORATION AGENTS ASSIGNED AM UE!!!**  
 Complaint Form (1/25/02) **AMEREN UE**  
 Schedule 1