

**JIMMIE E. SMALL,**

**Complainant,**

**v.**

**UNION ELECTRIC COMPANY**  
**d/b/a AMEREN MISSOURI,**

**Respondent.**

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Filed  
February 07, 2012  
Data Center  
Missouri Public  
Service Commission

**Case File No: 2012-0050**

NOW COMES the complainant, ADA pro se, Jim Small, in the above captioned matter and pursuant to Mo. R. Civ. Proc. Rule, 58.01(a) respectfully request Respondent Ameren Missouri produce the following discoverable records, data information, [AMR] automatic meter reading records in aid of completing discovery in a contested case proceeding before the Missouri Public Service Commission.

## INTRODUCTION

On February 04, 2011, the Commission received a copy of the ADA pro se complaint. Case File No. 2011-0247

According to MPSC the filing of a complaint requires the commission to set a hearing. Section 386.390.5 R.S. Mo. 2000.

The administrative record requirement of a hearing on such issues signifies a contested case. Section 536.010 (4) R.S. Mo. Supp. 2009.

A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing. Section 536.060 R.S. Mo. 2000.

Stipulation and agreement between the parties were attempted on January 31, 2012 while staff counsel and Commission Staff remained in contempt of the Commission Order entered on the seventh (7<sup>th</sup>) day of February, 2011 some 12 month prior to the Commission order to conduct mediation.

The Commission's failure to compel compliance with the February 7<sup>th</sup> 2011 Order, and failure to rule on Small's Motion to compel and for sanctions, places due process of law and equal protection well beyond the reach of the undersigned ADA pro se without NOTICE of the factual or legal reason for the prejudicial treatment, thus denying the ADA pro se basic and fundamental fairness, under Missouri jurisdiction and Federal civil rights laws.

On the seventh day of February, 2011, Hon. Secretary Steven C. Reed caused to be entered a Commission Order.

Part two (2) of that same order states,

*[" The Commission's (Staff), shall conduct an investigation as to the cause of the complaint and shall file a Report of its findings no later than March 21, 2011."]*

As of January 31, 2012 Mediation proceeding, Respondent Utility has been permitted to circumvent and intentionally evade needed discovery in this contested proceeding[s], [ No. 2011-0247 & 2012-0050] The moving force to deny Small due process and equal protection to timely discovery first arose on April 19, 2011. See comments, Tr. by ALJ Daniel Jordan.

Small objected to discovery violations on April 19, 2011 prehearing conference and he continues to object to Respondent's repeated and persistent discovery violations now warranting a default order.

**REQUEST FOR PRODUCTION**

**PRODUCTION REQUEST NO. 1.**

Respondent Utility, Ameren Missouri is requested to produce each written rule, policy or practice, known to the Utility, which Respondent Utility promulgated in regards to AMR [Automatic Meter Reading ] devices, systems, activated within Adair County, Missouri [service location, LOT # 23, 23067 Potter Trail, Kirksville,] 2002, through 2012, time period and continuing unresolved.

**PRODUCTION RESPONSE NO. 1.**

## **PRODUCTION REQUEST NO. 2**

Please attach to Response No. 2, each above surface easement, contract, agreement, relating directly or indirectly to Union Electric's installation right to construct, build, assimilate poles, wires, install transformers, meter, AMR devices, within the service area LOCATION, lot # 23, 23067 Potter Trail, Lake road Village trailer park, Kirksville, Missouri.

## **PRODUCTION RESPONSE NO. 2.**

### PRODUCTION REQUEST NO. 3

Please attach to RESPONSE NO. 3, each *Union Electric Lease agreement, contract, document*, ratified by Federal Energy Regulatory Commission or other Federal agency, which relate *directly or indirectly* to Respondent Union Electric's activities, [public use access]originating from Bagnell Dam Osage River Basin [ waters]. Extortion by and through use of federal waters project, facility, by aid of Mary Duncan, Staff report in regards to alleged debt collection activities is no less extortion. Extortion for purposes of this contested case proceeding means, getting money, etc, by violence, threats, misuse of authority, etc: sometimes applied to the exaction of too high a price. See Webster's New World Dictionary 1951 publication.

### PRODUCTION RESPONSE NO. 3

That for purposes of discovery in a contested case proceeding, Commission STAFF contempt and known *failure to investigate contested meter reading* at LOT # 23, 23067 Potter Trail, Kirksville, Mo. 2002 forward and continuing after the February 07, 2011 Commission Order, raises common conspiracy concerns between the Commission Staff females and Cathy Hart, Breeze Benton, Sara, Wendy Tatro, making a fair and impartial proceeding for this ADA pro se next to impossible, prior to a formal hearing on the merits of the ADA pro se complaint[s]. See 42 U.S.C.S. sect 1983; 1985(3).

The Commission Staff contempt for the February 07, 2011 Commission mandate, and Mary Duncan Report, does not serve to accomplish the purpose of the Commission officials, duty and responsibilities requiring equally treatment to all formal complainants, under state and federal laws. See Section 10 © Federal Waters Power Act (Title 16 U.S. Code, 803 (c), 16 U.S.C.A. sect 803 (c) . *Henry Ford & Son v. Little Falls Fibre Co.*, 280 U.S. 369, 74 L Ed 4839; *United States v. Realty Company*, 163 U.S. 427, 16 S. Ct. 1120; *Guthrie National Bank v. Guthrie*, 173 U.S. 528, 535, 19 S. Ct. 513.

Act of Public official is Act of State in depriving individual of property, life, or liberty without due process of law. *Neal v. Delaware* (1881) 103 U.S. 370, 26 L Ed.77.

For an assignment of error, the record must be preserved for an adequate assessment on appeal. This is so because, on review, “ the reviewing court is restricted in its examination to the record.” *People v. Shaffer* (1948), 400 Ill. 74, 177, 79, N.E. 2d 200, 201.

Judicial review of administrative decisions can only be undertaken when there is final agency determination. *Strackn v. Bradley*, App. 2 Dist 1993, 184 Ill. Dec. 128, 243 Ill. App. 3d 771, 612 N.E. 2d 1004.

A notice of appeal filed before the filing of a written final order is premature and does not confer jurisdiction on the appellate court. *Stoemer v. Edgar*, 119 Ill. App. 3d 701, 456 N.E. 2d 701, 702 (4<sup>th</sup> Dist. 1983).



The February 07, 2011 Commission Order not complied with by Staff, favoring Respondent Utility, [ governmental cover –up in a contested case discovery proceeding ] would appear in final form for further judicial review at this time. See Missouri Administrative Procedures Act requirements. *Citizens to Preserve Overton Park v. Volpe* 401 U.S. 402.

Commission Staff report assimilated by Mary Duncan, Jennifer Hernandez, Gay Fred, circumventing investigative procedures, knowingly permitted Respondent Utility to actively conceal material evidence of AMR KWH usage in violation of state and federal laws, thus denying Small due process and equal protection under the 14th Amendment to the U.S. Constitution. See *Hernandez v. Texas*, 347 U.S. 475.

PRODUCTION REQUEST NO. 4

Please attach to Utility *Production Response No. 4*, each paper, document, letter, account statement, alleged debt record, presented by Respondent Utility to Consumer Debt Collection Management, Maryland Height location, St Louis, Mo. April 2007 time period, relating directly or indirectly to Ameren Missouri's effort to collect an alleged debt. Account No. 34433-07009

#### PRODUCTION RESPONSE NO. 4.

#### PRODUCTION REQUEST NO. 5

Please attach to **Production response No. 5.** each service order data, document, instruction, directive which relates directly or indirectly to Respondent *service order No. 054516541*, premise address, 23 Lake road Ct Kirksville, Missouri. Account No. 34433-07009 04-14-2008 time period and continuing in 2012.

## PRODUCTION RESPONSE NO. 5

## PRODUCTION REQUEST NO. 6.

Please attach to Response NO. 6. each documented fact recorded, and maintained by Respondent Utility which confirm and verify the name of each natural person who personally appeared at LOT # 23, 23067 Potter Trail, Kirksville, Mo. on or about December 19-20, 2007 [alleged time period] and who personally verified acts, or personally complied with safety measures associated MAIN Circuit Breaker devices, policies and practices, prior to Respondent Utility's alleged reconnection of electric power, [respondent acts], now subject to the present formal contested complaint and related proceedings.[ No. 2011-0247 & 2012-0050]

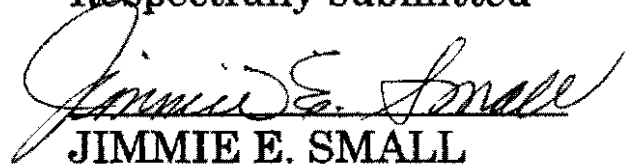
## PRODUCTION RESPONSE NO. 6

### PRODUCTION REQUEST NO. 7.

Please attach to Respondent's Response to Request No. 7, each Electrical Utility Written Franchise agreement, covenant, and or contract entered into [ratified] with City of Kirksville, Missouri, [municipal authority], which relate directly or indirectly to public use of residential power, services and accommodations[ public use purpose] which appear taxable to City of Kirksville, Missouri, and which might involve services and accommodations to LOT # 23 service location, lake road Village Park, 23067 Potter trail, Kirksville, Missouri 63501.

PRODUCTION RESPONSE NO. 7.

Respectfully submitted

A handwritten signature in cursive script, reading "Jimmie E. Small", written over a horizontal line.

JIMMIE E. SMALL

ADA pro se  
3535 Locust Street  
General Delivery  
Quincy Illinois, 62301

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing request for production of documents was served on this 2<sup>nd</sup> day of February 2012, to

**Union Electric Company**  
Sarah E. Giboney  
111 South Ninth Street, Suite 200  
P.O. Box 918  
Columbia, Mo. 65205-0918

**Public Counsel**  
Lewis Mills  
200 Madison Street  
P.O. Box 2230  
Jefferson City, Mo. 65102

Commission Data Center  
200 Madison Street  
1<sup>st</sup> Floor  
Jefferson City, Missouri 65102

  
JIMMIE E.SMALL