

Jimmie E. Small,
Complainant,
v.
Ameren Missouri, et. al.,
Respondents.

Mr. Small is correct that the date of the evidentiary hearing referenced in the order contained a typographical error. The date should have been March 12, 2013, not March 12, 2012. Commission Rule 4 CSR 240-2.160(4) provides that the Commission

may correct its own orders, and the order was corrected by notice issued on February 27, 2013. A typographical error in an order does not constitute grounds to vacate the order. Moreover, the date of the hearing should be of no surprise to Mr. Small, as the hearing was set by an order issued on October 29, 2012, and the hearing date was specifically discussed during a prehearing conference that Mr. Small attended on February 11, 2013.

Mr. Small argues that the order is void because it lacked a “Commission Seal”. Commission orders do not require an official seal. Missouri law only requires that “writs and authentications of copies of records” bear the Commission’s official seal.¹ The Commission has served on Mr. Small to his address of record a certified copy of every order and notice issued by the Commission in this case, each of which contained a separate certificate page with the official seal. However, Mr. Small has also visited the Commission’s office to request and receive uncertified copies of filed documents that do not bear the official seal. The presence or absence of an official seal only determines whether a copy of an order is certified or not, and does not affect the legal validity of that order. For the foregoing reasons, the Commission will deny Mr. Small’s motion.

Mr. Small included in his motion allegations that the Commission has provided him with false information, destroyed public records, and deliberately harassed him in order to prevent him from exercising his legal rights. While incidental to the motion, the Commission chooses to address these allegations in order to clear up apparent misunderstandings on Mr. Small’s part that may have created his misperception of unfairness. Mr. Small seems to complain that a subpoena duces tecum in a previous

¹ Section 386.120.3, RSMo.

closed case, ER-2011-0247, should have been filed by the Commission on April 19, 2011 and was missing from the case files. That document was actually filed properly on April 26, 2011, and the title of the document entry in the Commission's docketing system was changed at Mr. Small's request. There is no indication that any filed documents were falsified or destroyed. In addition, discovery documents are not filed in the Commission's electronic docketing system unless a party submits such a document for filing. Filed documents are not admitted into evidence unless specifically offered by a party at the evidentiary hearing and received into the record by the presiding officer. Mr. Small also argues that the date for the evidentiary hearing has created undue hardship for him, but he has had over 18 months in which to conduct discovery and has been aware of the hearing date since October 2012. The Commission has made every effort to provide Mr. Small with an opportunity to present his claims in accordance with the Commission's rules of procedure. If Mr. Small has additional claims that go beyond the issues of this case, he is free to file another complaint or submit those claims to a court of appropriate jurisdiction.

THE COMMISSION ORDERS THAT:

1. Jimmie E. Small's *Complainant's Rule 74.06(b) Motion to Vacate, Correct, Modify, Amend, Annul Commission Order Entered of Record on January 31, 2013* is denied.

2. This order is effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of February, 2013.