



**DATA REQUEST # 2:** Please attach to data request response # 2, Ameren Utilities DISCONNECT NOTICES, mailed to Complainant Small dated on or about 06/02/2006, Jimmie E. Small, 23 LAKEROAD CT.

**DATA REQUEST # 3:** Please attach to data request response # 3, Ameren Utilities 06/13/2006 NOTICE TO PREVENT DISCONNECT electrical power, 23, LAKEROAD CT, 23067 Potter Trail, Kirksville, Missouri.

**DATA REQUEST # 4:** Please attach to data request response # 4, Ameren Utilities *defaulted payment agreement* dated on or about 08/28/2006, 23 LAKEROAD CT. 23067 Potter Trail, Kirksville, Mo.

**DATA REQUEST # 5:** Please attach to data request response # 5, AMEREN MISSOURI Utilities, possible DISCONNECT NOTICES mailed to Complainant on 03/29/2007, Jim E. Small, at 23 LAKEROAD CT.

**DATA REQUEST # 6:** Please attach to data request response # 6. Ameren Missouri Company's NOTICE OF TRANSFERRED BALANCE, mailed on or about 12/31/2007 to and including finalized account notices, numbers, right to appeal to any Utility Management official, Jim E. Small account, LAKEROAD CT, 23.

**DATA REQUEST # 7:** Please attach to data request response # 7, Ameren Missouri Utilities 01/31/2008 NOTICE of right to appeal any account balance


contested in Cause NO: EC-2011-0247; Cause NO: EC-2012-0050 and Case File NO: EC-2015-0058, Jim E. Small LAKEROAD CT 23.

**DATA REQUEST # 8:** Please attach to data request response any 02/14/2008 phone message data, NOTICES, which relate directly or indirectly to known disputes between Customer and Applicant for Services, Jim Small, and between Ameren Missouri from 05/15/2002 service start date, Jim E. Small, at 23 LAKEROAD CT.

**DATA REQUEST # 9:** Please attach to data request response a verified copy of Ameren Missouri's March 28, 2011 NOTICE including any right to appeal any 04/23/2008 "final Bill" to any Union Electric Management official. Please refer to **MEMPHIS LIGHT, GAS & WATER DIV. v. CRAFT, 436 U.S. 1, (1978)**  
**436 U.S.1**

**MEMPHIS LIGHT, GAS & WATER DIVISION ETAL. v. CRAFT  
ET AL, CERTIORARI TO THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

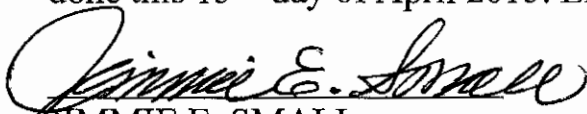
RESPECTFULLY REQUESTED

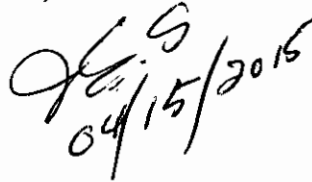
  
JIMMIE E. SMALL  
606 West Hwy # 2  
Milton, Iowa, 52570  
@ 641-208-6412

*J.E.S.*  
*04/15/2015*

**MO. R. CIV. PROC. RULE 43.01 (d)**  
**CERTIFICATE OF SERVICE**

I hereby certify that legible and complete copies of the above and foregoing DATA REQUEST upon Respondent Utility Company were served upon (a) Data Center (b) Ms. Sarah Giboney for Utility and upon Office of Public Counsel, all done this 15<sup>th</sup> day of April 2015. Exceptions; NONE.

  
JIMMIE E. SMALL

  
J.E.S.  
04/15/2015

*Small filed copy*  
*04/13/2015*  
*04/13/2015*

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

**JIMMIE E. SMALL,**

**Complainant,**

**v.**

**UNION ELECTRIC CO. d/b/a,  
AMEREN MISSOURI, a Utility,  
Respondent.**

**Case File No. EC-2015-0058**

**COMPLAINANT'S Mo. R. Civ. Proc. RULE 55.33 (b), (d),  
SUPPLEMENTAL PLEADING TO CONFORM  
TO ON COMMISSION FILE RECORD EVIDENCE**

**COMES NOW** the Complainant, pro se, Out-Of-State party in a contested case proceeding [ No. EC-2015-0058] and for his Out-Of-State - Supplemental Pleading, states unto the Hon. MISSOURI Commission [MPSC] the following particulars;

1. Complainant herein has not previously filed an amended complaint or Supplemental Pleading [ No. EC-2015-0058] under Missouri law, rule, or tariff document. Small respectfully request the Commission take Judicial Notice under Mo. Rule 55.21 (b) of a prior Commission Order to the effect that Commission Staff Report and Recommendations once filed, come to violate the privacy rights of this Out-Of-State Party.

**MO. R. Civ. Proc. RULE 43.01(d) CERTIFICATE OF SERVICE**

The undersigned certifies that true and complete copies of the above and foregoing Supplemental Pleading, was duly filed with the Data Center, Missouri Public Service Commission and with Ms. Sarah Givoney, counsel for Respondent Utility, and with the Office of Public Counsel, Jefferson City, Mo, all done this Monday April 13, 2015.

  
JIMMIE E. SMALL

FindLaw SUPREME COURT

View enhanced case on Westlaw

KeyCite this case on Westlaw

<http://laws.findlaw.com/us/436/1.html>

Cases citing this case: Supreme Court

Cases citing this case: Circuit Courts

## U.S. Supreme Court

**MEMPHIS LIGHT, GAS & WATER DIV. v. CRAFT, 436 U.S. 1 (1978)****436 U.S. 1****MEMPHIS LIGHT, GAS & WATER DIVISION ET AL. v. CRAFT ET AL.****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT****No. 76-39.****Argued November 2, 1977****Decided May 1, 1978**

Because of two separate sets of gas and electric meters in their newly purchased house, respondents, for about a year after moving in, received separate monthly bills for each set of meters from a municipal utility. During this period respondents' utility service was terminated five times for nonpayment of bills. Despite respondent wife's good-faith efforts to determine the cause of the "double billing," she was unable to obtain a satisfactory explanation or any suggestion for further recourse from the utility's employees. Each bill contained a "final notice" stating that payment was overdue and that service would be discontinued if payment was not made by a certain date but did not apprise respondents of the availability of a procedure for discussing their dispute with designated personnel who were authorized to review disputed bills and to correct any errors. Respondents brought a class action in Federal District Court under 42 U.S.C. 1983, seeking declaratory and injunctive relief and damages against the utility and several of its officers and employees for terminations of utility service allegedly without due process of law. After refusing to certify the action as a class action, the District Court determined that respondents' claim of entitlement to continued [436 U.S. 1, 2] utility service did not implicate a "property" interest protected by the Fourteenth Amendment, and that, in any event, the utility's termination procedures comported with due process. While affirming the District Court's refusal to certify a class action, the Court of Appeals held that the procedures accorded to respondents did not comport with due process. Held:

1. Although respondents as the only remaining plaintiffs apparently no longer desire a hearing to resolve a continuing dispute over their bills, the double-billing problem having been clarified during this litigation, and do not aver that there is a present threat of termination of service, their claim for actual and punitive damages arising from the terminations of service saves their cause from the bar of mootness. Pp. 7-9.
2. Under applicable Tennessee decisional law, which draws a line between utility bills that are the subject of a bona fide dispute and those that are not, a utility may not terminate service "at will" but only "for cause," and hence respondents assert a "legitimate claim of entitlement" within the protection of the Due Process Clause of the Fourteenth Amendment. Pp. 9-12.
3. Petitioners deprived respondents of an interest in property without due process of law. Pp. 12-22.

ATTN: Ms. Sarah Giboney !!

FAX NO: 573-442-6686

**F A X**

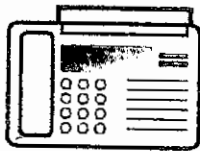
**Copy Cupp'n Keyboard**

102 S. Washington St.

Bloomfield, IA 52537

641-664-2679

Fax: 641-664-2679 (Call first)



To: Smith Lewis, LLP  
Fax number: P.O. Box 918 Columbia, Mo  
FAX NO: 573-442-6686

From: Bloomfield, Iowa  
Fax number: \_\_\_\_\_

Date: April 15, 2015

Regarding: DATA REQUEST

Case file NO: EC-2015-0058

Phone number for follow-up: \_\_\_\_\_

Comments: Dear Sarah G.;

Please review the enclosed Data Request.  
#1 Specifically, please review U.S. S. Ct.  
decision, Memphis Light, Gas Div v.  
Craft, 436 U.S. 1 (1978) as authority  
applicable to Union Elec. Co. d/b/a  
American Missouri, NO: EC-2015-0058.

#2 On April 15, 2015, a U.S. Magistrate, Hon Adams,  
confirmed that CP Small had until May 15,  
2015, to (a) add parties (b) add claims  
(c) including diversity jurisdiction  
claims against your client U.E. AM. MO.

#3 I fully intend to exercise my Federal  
rights to due process notice claims  
before May 15, 2015, under Federal Dist.  
Ct. Jurisdiction

#4 Immediate written response to  
this FAX memo is respectfully requested.  
Timothy E. Small, 606 West Hwy #2  
Milton, Iowa 52570