

FILED³

MAY 10 2012

Missouri Public
Service Commission

JIMMIE E. SMALL
606 West Hwy # 2,
Milton, Iowa, 52570

May 10, 2012

Smith Lewis, LLP
Sarah E. Giboney,
P.O. Box 918
111 South Ninth Street, Suite 200
Columbia, Missouri 65201-4891

RE: Jimmie Small v. Union Electric Company,
d/b/a Ameren Missouri, Case File No. EC-2012-0050
Appeal No. WD 75034 dismissed

Dear Counsel Giboney;

Information is provided that the Mo. Court of Appeals,
Western Division, dismissed Small's interlocutory appeal Case
No. 75034.

Court dismissal action re-vested subject matter jurisdiction
back to the Missouri Public Service Commission, Jefferson
City, Missouri. Case EC-2012-0050.

On May 09, 2012, the undersigned party caused to be served upon Respondent Am. Mo. a SUBPOENA DUCES TECUM, received by Respondent Agent Kathy Hart, Jefferson City, Missouri.

CONTINUED DISCOVERY REQUEST

Respondent Ameren Missouri's response to discovery, NO. EC-2011-0247 and continuing in No. EC-2012-0050 appear incomplete, inaccurate and unacceptable.

Present discovery responses by Am. Mo. asserting that Small's discovery request as received are vague, appear unwarranted now requiring other methods of discovery.

AVAILABLE DATES REQUEST

Please provide the undersigned customer/complainant with all available dates your office has during late May and the entire month of June 2012, for purposes of taking deposition of Am. Mo. employees, personnel, officers, directors, who have personal knowledge of the matters set forth in Am. Mo. response # 1, Responses to Request to Admit filed and served by Sara E. Giboney, Certified on the 12 day of March 2012, as attached to the May 09, 2012 Subpoena served on employee Kathy Hart.

Owing to the long standing nature of discovery request and the irregularities of documents filed with the Mo. Public Service Commission in defense of Am. Mo., it is the continued position of the undersigned party Small that the interest vested in one Million Two Hundred Thousand Am. Mo. Customers, outweighs the interest of Am. Mo. conduct in extortion [attempted collecting] efforts [U.S. \$]from disabled war veteran Jim Small.

Subsequent to the originally filed complaint, No. EC-2011-0247, and continuing in No. EC-2012-0050, and within the last 30 days Consumer Collection Management Agency, Maryland Heights Missouri, stated that NO MONEY is due on any account assigned by Ameren Missouri back in 2007 time periods.[over 5 years ago uncollected.] See Federal debt Collection limitation laws, statutes. Etc.

Consumer Collection Management has also informed Complainant that Trans Union and other credit reporting agencies have recanted any claims [corrected records] of account money due from complainant Small as alleged by Am. Mo. and continuing in 2012 unresolved.

U.S. \$ collection- discriminatory rate-tariff- was a genuine factor before the MPSC while National Safety Standards

bobbled by Respondent is a horse of a different color. 4 CSR 240-18.010

Because of the Extortion Collection of alleged debt efforts Am. Mo. have exhausted in this case, continuing unresolved and based on Request to Admit [responses], Small's has elected to pursue federal claims which involve violation of Federal Safety Standards, by named Respondent, its agents and assigns.

Federal Energy Regulatory Commission have primacy to investigate violations of federal Law similar to the protection afforded by 4 CSR 240-18.010.[MPSC primacy]

In the coming weeks, Am. Mo. agents will be receiving the appropriate federal complaint claims based on MPSC orders denying any federal relief whatever.

This state omission to protect appears to allows Am. Mo. a roving commission to place collection efforts by Respondent and MPSC Staff Mary Duncan [report] far ahead of National Safety Standards, thus making a state action [MPSC] MOCKERY of 4 CSR-18.010.

It also appears relevant that prior responses to Secretary Reed's [signed] subpoena served upon Kathy Hart, responded to by St. Louis, Respondent office [filed with MPSC] is much

less than accurate, appears incomplete, and continuing incomplete and inaccurate in 2012, Case file No. EC-2012-0050.

In addition to filing a formal written complaint with the Federal Energy Regulatory Commission in context to Federal Safety Standards Violations, a Third Amended Complaint is presently a work in progress by the undersigned, directed to the MPSC officials.

Legal Residents of Iowa [Complainant Small] have vested right to National Safety Standard protection on December 19-20, 2007, equal to the Safety Standard right of protection under 4 CSR-18.010, as does Missouri Am. Mo. customer who are **legal resident of Missouri**. U.S. Const clause 3, sect 2. U.S. Const. Amend 14. See Hernandez v. Texas, 347 U.S. 475.

A Motion to Compel Respondent [by Small] is also being prepared owing to lack of responses to discovery by Respondent, which now constitutes harassment during a state action proceeding.

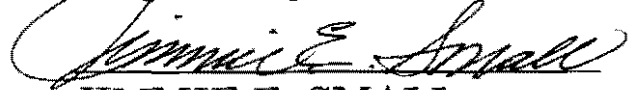
Respondent's intent is to increase the cost of justice to the undersigned pro se disabled veteran by incomplete discovery over a period of months.

This justifies an amended complaint in the interest of protecting One Million Two Hundred Thousand Mo. customers who are place at risk of hazard, while Respondent ignores discovery rules as well as ignoring record keeping practices, placing Missouri customers at even further and future risk.

Thank you in advance for your continued cooperation in this matter.

I will be looking forward to receipt of your available dates for purposes of evidence depositions. [May -June 2012] No. EC-2012 - 0050.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Jimmie E. Small".

JIMMIE E. SMALL

606 West Hwy. # 2,
Milton, Iowa, 52570

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the above and foregoing Request of Available Dates to take Evidence Deposition of Respondent agents, and assigns, were served on Respondent Counsel Sara E. Giboney, served on the MPSC Data Center as well with the office of Public Counsel, Mr. Lewis Mills. *all done this 10 day of May*

2012. J.E.S.

NOTICE to all parties.

General Delivery, Quincy, Ill. 62301 c c is no longer a valid mail service address. Jim Small, 606 West Hwy # 2, Milton, Iowa, 52570 is correct for future mailing purposes.


JIMMIE E. SMALL