BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Jimmie E. Small,)	
Complainant,)	
٧.)	File No. EC-2012-0050
Ameren Missouri, et. al.,)	
Respondents.)	

ORDER DENYING MOTION FOR CHANGE OF JUDGE

Issue Date: February 7, 2013 Effective Date: February 7, 2013

On February 7, 2013, Jimmie E. Small filed an *Application for Change of Judge in a Civil Case* ("motion"). In his motion, Mr. Small requests that the Commission grant his request for a new judge or presiding officer in this matter. Mr. Small cites Missouri Supreme Court Rule 51.05 as the basis for his motion. The Missouri Supreme Court Rules of Civil Procedure do not apply to administrative proceedings, such as those before the Commission.¹ The Commission has promulgated its own procedural rules, 4 CSR 240-2, that apply to Mr. Small's complaint action. Commission Rule 4 CSR 240-2.120(2) states, as follows:

Whenever any party shall deem the presiding officer for any reason to be disqualified to preside, or to continue to preside, in a particular case, the party may file with the secretary of the commission a motion to disqualify with affidavits setting forth the grounds alleged for disqualification. A copy

¹ State ex rel. Rosenberg v. Jarrett, 233 S.W.3d 757, 762 (Mo. App. W.D. 2007); Woodman v. Director of Revenue, 8 S.W.3d 154, 157 (Mo.App.1999)

of the motion shall be served by the commission on the presiding officer whose removal is sought and the presiding officer shall have seven (7) days from the date of service within which to reply.

Mr. Small's motion was not accompanied by an affidavit setting forth any grounds for the alleged disqualification of the presiding officer. Since the motion does not comply with Commission rules or describe any reason for the presiding officer to be removed, the Commission will deny Mr. Small's motion.

THE COMMISSION ORDERS THAT:

- 1. Mr. Small's Application for Change of Judge in a Civil Case is denied.
- 2. This order is effective immediately upon issuance.

BY THE COMMISSION

Shelley Brueggemann Acting Secretary

(SEAL)

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

Dated at Jefferson City, Missouri, on this 7th day of February, 2013.