

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

Jimmie E. Small,)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2012-0050</u>
)	
Ameren Missouri, et. al.,)	
)	
Respondents.)	

RECOMMENDED ORDER DISMISSING COMPLAINT

Issue Date: February 23, 2012

Effective Date: March 4, 2012

On August 15, 2011¹, Mr. Small filed the above-referenced complaint. On August 16, upon review of the complaint, the Commission issued a Notice of Contested Case and Order Directing Filings. That notice also informed the parties that the case would proceed under the small formal complaint process listed in Commission Rule 4 CSR 240-2.070(14).

On October 5, the Commission issued an Order Dismissing Parties and Claims. In that order, the Commission ruled that it has “no jurisdiction to order the relief he requests”.² That same order dismissed all of Mr. Small’s requests for legal, equitable and class action relief, leaving only a possible claim that Ameren Missouri discriminated against Mr. Small in the provision of electric service.

¹ Calendar references are to 2011 unless otherwise noted.

² Commission Case No. EC-2012-0050, Order Dismissing Claims and Parties, p. 1 (issued October 5, 2011).

On October 26, the Commission ordered the parties to state what remedy, if any the Commission has authority to grant Mr. Small. Those responses were due November 7.

Mr. Small requested a continuance on November 7. On November 8, the Commission granted that request, and gave Mr. Small until January 9, 2012 to respond.

Since November 8, Mr. Small has filed a Motion to Compel and Order for Default, Complainant's Response to MPSC Order Directing Parties to File Exclusionary Dates, Suggestions in Support of Default Order by Utility, and Complainant's Response to Commission's January 6, 2012 Deficient Notice & Respondent's Response Raising Alleged Statute of Limitations Defense, and Complainant's Request for Production of Documents Upon Respondent Utility. He further participated in mediation with Ameren Missouri, which did not resolve the disputes. However, he has not complied with the Commission's October 26 and November 8 orders.

Thus, on February 8, 2012, the Commission again ordered Mr. Small to explain what he wants the Commission to order Ameren Missouri to do, and what authority the Commission has to order it. Mr. Small's response was due February 22, 2012. He did not respond.

Failure to obey a Commission order is grounds for the complaint being dismissed.³ In addition, failure to state a claim on which relief may be granted remedy is also grounds for the complaint being dismissed.⁴ Mr. Small failed to obey the above-referenced Commission orders, and failed to state a claim on which relief may be granted. Thus, the complaint is dismissed.

³ Commission Rule 4 CSR 240-2.070(7), .116(3).

⁴ Commission Rule 4 CSR 240-2.070(7).

Per Commission Rule 4 CSR 240-2.070(14), this order will be final unless an application for rehearing is filed within ten (10) days of the issuance of this order. Further information regarding rehearing of this order may be found in Section 386.500 RSMo and Commission Rule 4 CSR 240-2.070(15)(H). Further information regarding an appeal of this order may be found in Section 386.510 RSMo.

THE COMMISSION ORDERS THAT:

1. The complaint is dismissed.
2. This order is effective on March 4, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of February, 2012.