

**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.)	

ORDER DIRECTING RESPONSE AND WARNING OF POSSIBLE DISMISSAL

Issue Date: February 8, 2012

Effective Date: February 8, 2012

On October 5, 2011¹, 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.

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.

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).

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, it does not appear that he has complied with the Commission's October 26 and November 8 orders.

The Commission will again order Mr. Small to explain what he wants the Commission to order Ameren Missouri to do, and what authority the Commission has to order it. Failure to respond may result in the complaint being dismissed for failure to obey a Commission order.³ In addition, failure to state a remedy and legal authority that the Commission has to grant that remedy may also result in the complaint being dismissed.⁴ Furthermore, upon proper motion from another party, the Commission may also dismiss the complaint if there is no genuine issue as to any material fact, if a party is entitled to relief as a matter of law, and the Commission determines that dismissal is in the public interest.⁵

THE COMMISSION ORDERS THAT:

1. Jimmie E. Small shall respond as ordered above no later than February 22, 2012.

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

⁴ Commission Rule 4 CSR 240-2.070(7), .117(2).

⁵ Commission Rule 4 CSR 240-2.117(1)(E).

2. This order is effective immediately upon issuance.

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 8th day of February, 2012.