

Jimmie E. Small,
Complainant,
v.
Ameren Missouri, et. al.,
Respondents.

Commission Rule 4 CSR 240-2.117(1)(E) allows the Commission to grant motions for summary determination if the record shows that there is no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the Commission determines that it is in the public interest. “[A] ‘genuine issue’

exists where the record contains competent materials that evidence two plausible, but contradictory, accounts of the essential facts”.¹

One of the issues for determination in this matter is whether Ameren Missouri falsified documentation of Mr. Small’s electric service account records. Mr. Small alleges in the motion that there are discrepancies between a written response on March 28, 2011 by customer service supervisor Cathy Hart and a letter to Mr. Small by Consumer Management Collection dated April 4, 2012 regarding the outstanding balance of Mr. Small’s electric bill in January 2008. Mr. Small states that this alleged discrepancy “establishes that Ameren Missouri falsified documentation of Mr. Small’s electric service account records”. However, it is clear that genuine issues of material fact remain concerning the amount of Mr. Small’s outstanding bill balance in January 2008, whether the information in any of the documents referenced above was incorrect when the documents were made, and, if so, whether Ameren Missouri employees knew at that time that the information was incorrect. These issues are not resolved by allegations in the pleadings. Therefore, granting Mr. Small’s motion is not appropriate, and Mr. Small is not entitled to relief as a matter of law. For that reason, the Commission will deny Mr. Small’s motion.

THE COMMISSION ORDERS THAT:

1. *Complainant’s Motion for Summary Judgment on Alleged Debt/Money Due on Account*, filed by Jimmie E. Small on December 13, 2012, is denied.

¹ *ITT Commercial Fin. Corp. v. Mid-Am. Marine Supply Corp.*, 854 S.W.2d 371, 382 (Mo. 1993). That case discusses Missouri Supreme Court Rule 74.04, which is sufficiently similar to the Commission’s regulation to make cases interpreting the rule helpful in understanding the regulation. *Johnson v. Mo. Bd. of Nursing Adm’rs*, 130 S.W.3d 619, 626 (Mo. App., W.D. 2004).

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 16th day of January, 2013.