

In the Missouri public Service
Commission,
Jefferson City, Missouri

Jimmie E. Small,

COMPLAINANT,

vs,

Union Electric Co.

d/b/a AMEREN Missouri

A Public Utility

RESPONDENT.

FILED

SEP 17 2015

9:43am
MA

Missouri Public
Service Commission

File No: EC-2015-0058

NOTICE OF APPEAL

On September 09, 2015 the
Missouri public Service Commis-
sion, Cause NO: EC-2015-0058,
entered a final Order denying
complainant's Request for Rehearing.
Section 386.500.1 RS Mo. 2000.

On September 15, 2015
Complainant received the
commission order denying
rehearing. This Notice of
Appeals to the Missouri Court
of Appeals, 1300 Oak Street,
Kansas City, Mo. followed,
and a \$70.⁰⁰ filing fee
attached. Sct. R. 100.02.

party seeking review
R. 100.02(c).

The party seeking review of
the commission decision
denying rehearing, is the
complainant, Jimmie E. Small
606 West Hwy #2
Milton, Iowa
52570

R. 100.02(c)

The Agency decision sought
to be reviewed are merged
into Cause NO. EC-2015-0058,
files.

Concise Statement

The Missouri court of Appeals, Western Division, has appropriate jurisdiction over File No. EC-2015-0058, because, the decision of the public service commission, was (a) not supported by substantiated evidence of any Union Electric Utility Service office located within ADAIR County, Mo. in clear violation of the U.S. Supreme Court decision Memphis Gas & Light v. Craft — U.S. — (b) The Commission decision to suppress the specific service office location for Respondent company (i) Violated due process, Code of ordinance for City of Kirksville, Mo. (ii) clearly violated the 20 year [term] Franchise agreement entered into by Respondent, Utility. (iii) the 20 year Service office location entered into was the City of Kirk-

swille, while acting under
of State law. 42 U.S.C. Sec
1983, 1985(3). See MOOSE Lodge
No. 107 v. TRVIS U.S. —

The Respondent's Acts,
Action or Omission to perform
the Ratified Franchise Agreement
Cause No: EC-2015-0058, clearly
breached the utilities duty to
the general public, and
prejudiced their rights to
timely due process and
equal protection, based
on complete NOT incomplete
agency records at the time
the Commission entered its
adverse decision denying
Imbler's Motion for rehearing.

The final Agency decision:
entered July 22, 2015 was materially
incomplete as to the specific
service [utility] location intended
to perform Respondent's FRANCHISE
CONTRACT AGREEMENT ENTERED INTO
FOR 20 YEARS. Thus, the Commission's
Adverse Agency decisions ARE/
WERE entered upon an

Materially incomplete
Agency Record at the
time the Missouri public
Service Commission
entered its Adverse Final
Agency Decision: July
22, 2015. see Citizens
to Preserve Overton Park
v. Volpe 401 U.S. 402.

The 1-800-CALL Center
evidence presented by
Respondent Utility, as
reflected within the
April 2015 TRANSCRIPT
appears to suggest that
City of Kirksville, Mo. acting
in concert with Respondent
U.E. AM. Mo. and the
Commission agents, had
no serious intention of
performing its 20 year
franchised agreement or
City of Kirksville, Mo.
Code of Ordinance,
involving some \$17,000
Utility Customers.

The Commission decision
Appealed also is charged
with Violating the U.S.
Const. Amend 14, Based
on Discriminatory Nexus.
(a) disability, (b) Age (c) gender
(d) Retaliation against
complainant when Small
filed previous complaints
against commission staff
and Union Electric Utility
employees and continuing
with present filed claims
with the Missouri commission
on Human Rights. A protected
activity.

Denial of Right to file
an Amended Complaint to
conform with evidence
linked to written franchise
agreements and Code of
Ordinance Breaches, Appears
to deny Small, An Iowa
Resident his commerce clause
right to defend based upon
complete Agency Records,
complained of - 6 -

The Commission's Adverse
decisions were (a) unconsti-
tutional under Mo.
and federal constitution.
(b) were arbitrary and capricious
(c) were an abuse of discretion
not supported by substantiated
evidence of record(s) reflected
bias and/or prejudice favoring
Respondent Utility (E) Violated
S. Ct. plain error rules of
practice. Rules 84.13(a) (b) (c)

Respectfully Submitted
Lemuel E. Small
606 West Hwy #2
Milton, Iowa
52570

PAGE

Certificate of Service
on Appeal Review
File NO: EC-2015-0058

I certify, pursuant to R.100.02
(d) that copies of the foregoing
notice of appeal, case
NO: EC-2015-0058, was
served on each party -
counsel to this proceeding,
by regular mail, U.S. properly
addressed, proper zip code
affixed, all done this
16th Day of September
2015,

Order denying rehearing
attached).

Jimmie E. Small
606 West Hwy #2
Milton, Iowa
52570

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
September, 2015.

Jimmie E. Small,)	
)	
Complainant,)	
)	
v.)	
)	
Union Electric Company)	
d/b/a Ameren Missouri)	
)	
Respondent.)	

File No. EC-2015-0058

ORDER DENYING REHEARING

Issue Date: September 9, 2015

Effective Date: September 9, 2015

The Commission issued a Report and Order denying relief requested by Mr. Jimmie E. Small, effective August 21, 2015.¹ On August 19, 2015, Mr. Small filed the application for rehearing.² The Commission may grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear."³ Mr. Small has not shown sufficient reason for rehearing, so the Commission will deny Mr. Small a rehearing.

The application for rehearing also includes a motion to file a first amended application for rehearing. But the statutes require that an application for rehearing of a

¹ Electronic Filing Information System No. 86 (July 22, 2015) *Report and Order*.

² Electronic Filing Information System No. 89 (August 19, 2015) *Motion for Rehearing of the Commission's Final Agency Decision: July 22, 2015*.

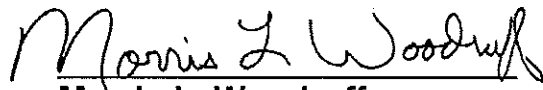
³ Section 386.500.1, RSMo 2000.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of September 2015.

A handwritten signature in cursive script, reading "Morris L. Woodruff", written over a horizontal line.

Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 9, 2015

File/Case No. EC-2015-0058

**Missouri Public Service
Commission**
Cydney Mayfield
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Cydney.Mayfield@psc.mo.gov

**Missouri Public Service
Commission**
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Dustin Allison
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@ded.mo.gov

Union Electric Company
Sarah E Giboney
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
giboney@smithlewis.com

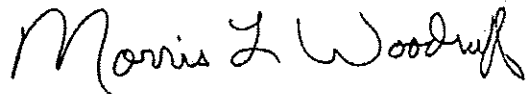
Union Electric Company
Matthew R Tomc
1901 Chouteau
St. Louis, MO 63166
AmerenMOS@ameren.com

Union Electric Company
Wendy Tatro
1901 Chouteau Avenue
St. Louis, MO 63103-6149
AmerenMOS@ameren.com

Jimmie E. Small
Jimmie E Small
606 West Hwy. #2
Milton , IA 52570

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.