

FILED³

MAR 05 2013

Missouri Public
Service Commission

File NO. EC-2011-0247

File NO. EC-2012-0050

Hon. M. Bushmann

Presiding

)

NOW COMES, the Complainant in the above captioned matter, and for his suggestions in support of his Motion for Judgment on the Pleadings, filed and served on the 27, day of February, 2013, presents unto the Honorable Commission the following arguments, suggestions and particulars;

On February 27, 2013 CP Small filed his Rule 55.27(g) (2) Motion with attached exhibits in support upon all parties.

Complainant inadvertently omitted to include exhibits referred to which he now files in support of Commission Order under Rule 55.27(g)(2) Pleading standards.

Rule 55.17 Acts-form of pleading state in part, ["Official act it is sufficient to aver that the document was issued or that the act was done in compliance with law."]

On March 07, 2011 when Respondent Ameren Missouri knowingly elected to file TWO (2) distinct and separate Pleading, one Pleading six (6) pages in length the other pleading eight pages (8) pages in length, Respondent failed to aver that the Certificate of Service verification acts was done in compliance with the law of pleadings. Rule 43.01(d). Respondent counsel [Tatro,& Giboney] failed to state that both versions of its Pleadings, dated March 07, 2011 were actually served on Office of Public Counsel much less served on CP ADA pro se Small.

Respondent's March 07, 2011 Pleading and its November 28, 2012 filed answer fails to aver which version of the March 07, 2011 pleading the MPSC officials should accept when considering Small's fraud on account and discrimination claims where the falsification of account records served into

Iowa jurisdiction back in 2006-2007 time period are separate from the fraud contained pleadings filed on March 07, 2011.

This Pleading practice invites the Commission to pick and choose which version of its pleading that MPSC officials should accept in defense of Small's filed claims.

One Pleading Six pages in length, the other pleading Eight pages in length, both certified as true and correct pleading documents.

Thereafter, the Administrative exhaustion record above the signature of acting secretary Shelly Brueggemann provided on 02/11/2013 states in part, under Commission Seal of official approval, [**" and I do hereby certify the same to be a true copy thereof and the whole thereof"**]. Neither Pleading dated March 07, 2011 contain a MPSC filed stamp.

Ms. Brueggemann's verification of compared preceding copies, compared with the destruction of the April 29, 2011, Affidavit of Mary Hoit response to Small's April 19, 2011 served subpoena duces tecum is objected to.

This MPSC omission to maintain public records prejudices CP Small's right to exhaust administrative remedies.

The role of the court [MPSC] is not “to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249, 106 S. Ct. 2505, 91 L. Ed 2d 202 (1986).

No place in the Utility Pleadings No. EC-2011-0247; No. EC-2012-0050 does Respondent Ameren Missouri assert that the Utility Company is not a “Debt Collector” on Account # 34433-07009 going back in time to 2006 time period.

Because Respondent Ameren Missouri did not deny in any pleading before the MPSC that the Utility was not a debt collector, the MPSC has jurisdiction to decide FDCPA statute of limitations claims, fraud claims, false certification claims, threat claims in context to debt collection matters, 2006 thru 2013 and continuing unresolved. 15 U.S.C. sect. 1692e(5).

Significantly, it is also noted that neither the Six page or Eight page Utility pleading certified served on March 07, 2011 reflect a filed stamp date on which the MPSC could accurately ascertain if and when either pleading was filed as a public record. A docket sheet entry is not an official filed stamp.

Mo. R. Civ. Proc. Rule 43.02 FILING OF PLEADINGS

43.02(c) states in part, [“A facsimile signature shall have the same effect as an original signature.”] The person filing a pleading or other paper by facsimile transmission shall retain the original and make it available upon order of the court. R. 43.02 (d)(4) further provides, Facsimile filings received at the Court before 4:00 p.m. of a regular work day are deemed filed as of that day.

RESPONDENT CERTIFICATE OF SERVICE
03/07/2012 TO ITS PLEADING[S]

_State in full sweep, [“ The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 7th day of March 2011.

Samuel Ritchie
Asst. General Counsel, Atty for Staff of
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Mo. 65102

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
Jefferson City, Mo. 65102

Jimmie E. Small
Complainant
6 West Highway # 2
Milton, Iowa, 52570.

Public Record thereafter certified and compared by Acting Secretary Shelly Brueggemann and delivered to CP Small on February 11/2013.

At this point [02/11/2013] the issue of threats made by the Utility employee Horn, surfaced in the prehearing conference. See FDCPA T-15, U.S.C. sect 1692e(5). Jackson v. MIDLAND FUNDING, LLC, 754 f. Supp. 2d 711(2010).

No place within Utility Pleadings, No. EC-2011-0247; NO. EC-2012-0050 did Respondent produce or attach an actual credit collection agreement in support of its defense of CP's FDCPA claims, after first learning of Small's written dispute/disagreement over alleged debts due a Missouri based Utility Corporation. 04/04/2012 notice.

Respondent never produced any debt collection agreement when Gay Fred made MPSC data request for complete account records.

Respondent suppressed those same agreements when Staff agent Mary Duncan filed her Staff report and Affidavit asserting alleged facts due on account # 34433-07009.

**RESPONDENT'S VIOLATIONS OF
CONFIDENTIALITY/PRIVACY ACT MATTERS IN
VIOLATION OF T-15, U.S.C. sect. 1692e(5) federal standards.**

When Michael Horn learned the Identity of Complainant Small from Consumer Collection Management, on or about January 22-23, 2013 Respondent utility undertook threats against the discovery interest of customer Small, well after CCM served the Disputed Bill notice upon CP Small. Prior to Utility threats Michael Horn referred to Small as an anonymous person.

When the telephone threats by Michael Horn developed CCM had informed the Utility Company that the request for Affidavit account information was directly related to Jim Small, Ameren Missouri account # 34433-07009.

Respondent Utility's adverse treatment of CP Small intentionally treated the Iowa resident complainant Small differently than other Missouri electric customers, and the adverse acts complained of did occur after Small filed his August 06, 2010 written informal complaint.

See Hedrick v. Board of Regents of Univ. of Wis. Sys. 274 F. 3d 1174, 1183, (7th Cir. 2001).

Where the party injured by the fraud remains in ignorance of it without any fault or want of diligence or care on his part, use of the bar of the statute does not begin to run until the fraud is discovered though there be no special circumstances or efforts on the part of the party committing the fraud to conceal it from the knowledge of his other party. Lamplf, Pleva, Lilkind, Prespis & Detigrow v. Gilberton, 501 U.S. 350, 363, 111 S. Ct. 2773, 2782, 115 L Ed 2d. 321 (1991) quoting Bailey v. Glover, 88 U.S. (21 Wall) 342, 348, 22 L Ed 636 (1875).

Had MPSC presented its 02/11/2013 Certification of Public Records, Case No. EC-2011-0247 sooner Small would have learned of the continued Fraud effort by the Utility on March 07, 2011 when delivering TWO bogus Pleadings. One Six page Pleading or the Eight page Pleading. See Fraud and interference with a quasi judicial proceeding. Gross v. General Motors Corp. (1983, Mo.) 721 F 2d 1152, Cert denied (1984) 466 U.S. 980, 80 L Ed 836, 104 S. Ct. 2364. 42 U.S.C. sect 1983.

Had The Utility Provided CP Small with its March 07, 2011 Pleading positions prior to August 06, 2010, CP SMALL'S Fraud claims would have been presented sooner.

Had Small known about the falsified February 11, 2013 Certification comparison signed by Shelly Brueggemann prior to August 06, 2010, Small's falsified certification of Public Records claims would have been incorporated into his August 06, 2010 filed claims.

Had CP Small been informed and knowledgeable about the January 22-23, 2013 respondent's violation of privacy conduct prior to August 06, 2010, Small would have included privacy Act violations against the Utility Company, sooner, back in 2010 time period. See Walen v. Roe, 429 U.S. 599-600, 97 S. Ct. 876; Allgeyer v. Louisiana, 1897, 165 U.S. 578, 17 S. Ct. 427, 41 L Ed 832; Moore v. City of East Cleveland, 1977, 431 U.S. 494, 97 S. Ct. 1932, 52 L Ed 2d 531; Buckley v. Valeo, 1976, 424 U.S. 1, 96 S. Ct. 612, 46 L Ed 2d 659.

Private parties need only show fault of some kind to recover actual damages. See Gestz v. Robert Welch, 1974, 418 U.S. 323, 94 S. Ct. 2997, 41 L Ed 2d 789; Time ent. v. Firestone, 1976, 424 U.S. 448, 96 S. Ct. 958, 47 L Ed 2d 154.

Unlawful disclosure of CP Small's identification used by Ameren employee Michael Horn,[Threats] presents a substantial constitutional violation, where a legitimate expectation of privacy existed. Privacy of personal matters is an interest in and of itself, protected constitutionally, as discussed above. Santiest Eban v. Goodyear Tire & Rubber Co. 5th Cir. 1962,306 F 2d 9.

CP Small would also argue that his First Amendment right of Free Speech association with CCM employees involved constitutionally protected speech, on or about January 22-23, 2013 time period. Respondent acts, Tampering with a witness with knowledge of Small's disputed account [balance] allegedly due to respondent Utility, is also a protected activity, similar to 4 CSR 240-13.010 discrimination filed claims.

RESPONDENT'S NOVEMBER 28, 2013 PLEADING

State the Company incorporates by reference its answer to the original complaint. Company's Original complaint according to MPSC official Shelly Brueggemann certified on 02/11/2013, consisted of TWO March 07, 2011 pleadings, certified as true.

The difficulty confronting a fair and impartial arbitrator accepting Respondent's March 07, 2011 Pleading defense[s] to Small's claims, lies in the fact that Respondent failed to state with specificity or particularity which Original Complaint answer, Respondent elected to incorporate and rely on for its defense[s] to Small's filed claims. The Six page Pleading defenses on November 07, 2013 or Respondent's Eight page Pleading Defenses.

Failure to state a legal defense under Mo. R. Civ. Proc. Rule 55.27(g)(2) applies just as much to the 25-26 billion dollar utility, as Pleading standard apply to an Iowa ADA pro se non-corporate party.

MPSC practices, custom, policy of permitting Ameren Missouri to rely on TWO separate March 07, 2011 Pleading Defenses, may have been the rational for adopting rule 55.27(g)(2) to begin with.

Having Two separate Pleading defenses on file containing the exact same date and certification of service,[verification] would appear much like a moving target.

This pleading action permits Respondent to pick and choose which of TWO pleading defenses best fit the moment, on 02/11/2013 prehearing conference for example.

On November 28, 2012 the Original Answer to the Complaint was incorporated by reference.

On 02/11/2013 it became convenient for Counsel Giboney to equivocate, just to get past ALJ Bushmann's question, [get past that moment], when specific pleading defenses were front and center. See Barnhill v. Iowa District Court for Polk County. 765 N.W. 2d 267.

At paragraph 9, of its pleading defense, Respondent avers [**" In further answer, Ameren Missouri states that all records and information it has provided to the Commission in response to the informal Complaint and this Complaint are true and correct."**]

Respondent on March 07, 2011 when providing the Commission Two separate and distinct Answers to Small's Complaint claims were false when Counsel Tatro and Counsel Giboney caused the Certificate of Service verification to be signed.

The Certification verifications were also false when delivered and placed/Lodged with the MPSC data Center, thereafter certified by Shelly Brueggeman on 02/11/2013.

Pursuant to Rule 61.01(a) Evasive or incomplete Answer provides, in part[“ an evasive or incomplete answer is to be treated as a failure to answer.”]

Civil Proc. Rule 55.33 Amended Pleading subpart (c) Relation Back of Amendments, provides, in part, [“ Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.”]

Given Respondent’s November 28, 2012 Answer and request to incorporate its March 07, 2011 Answer to the original Complaint, Rule 55.33 Amended Pleadings would appear to apply here, against Respondent in defense of claims.

03/07/2011 MPSC DOCKET FACTS

Certified Docket Facts, provided under Certification date of 02/11/2013 by Secretary Brueggemann, indicate Ameren

Missouri, [Answer (HC- & NP) entered the Public Record on 03/07/2011.

The MPSC administrative exhaustion record indicates also that Mary Schierman-Duncan, her Affidavit & Staff report/recommendation entered of record on March 17, 2011, only 10 investigative days after Respondent filed its selective TWO Answer/Pleading, which were also known to MPSC investigator Mary Duncan.

Accordingly, Mary Duncan knew full well on the 17th Day of March, 2011 respondent's defenses to Small's original complaint included fraud claims and Duncan knew that TWO Answers one Six pages in Length and the other Eight (8) pages in length comprised Respondent's bobbled answer which failed and continues to fail to state a legal defense to CP Small's claims.

The MPSC may also enter judgment on the Pleading for evasive, incomplete or bad faith pleading on March 07, 2011 where the record is incomplete as to which of the TWO ANSWERS, were actually served on CP Small and Office of Public Counsel, as mandated by Mo. R. Civ. Proc. Rule 43.01(d) applicable standards.

Pursuant to Mo. R. Civ. Proc. Rule 55.27(e) Motion to Strike Rule, the 03/07/2011 Respondent ANSWER may be stricken as insufficient to raise a timely defense, where the MPSC ALJ Bushmann must use conjecture and speculation to ascertain which Answer was actually served on Office of Public Counsel and CP Small.

Additionally, the administrative Record and Docketed entries [ANSWER] entered of record on 03/07/2011 should be stricken and or dismissed as insufficient, where the MPSC lacks subject Matter jurisdiction over a complete pleading answer, on which to go forward with a formal hearing on the merits of Small's timely filed claims, August 06, 2010 forward and continuing in 2013 unresolved. See Citizens to Preserve Overton Park v. Volpe 401 U.S. 402.

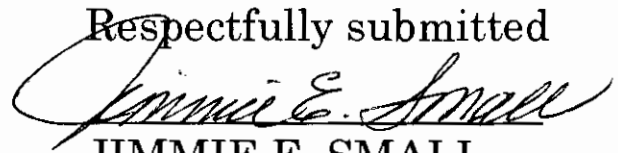
CONCLUSION

Based on the above and foregoing givens docketed by the Data Center on 03/07/2011 good cause is shown for entry of judgment on the pleadings in favor of complainant against Respondent utility.

WHEREFORE the undersigned prays for such order the Honorable commission finds appropriate under Rule

55.27(g)(2) standards, and grant other relief the Commission deem appropriate.

Respectfully submitted

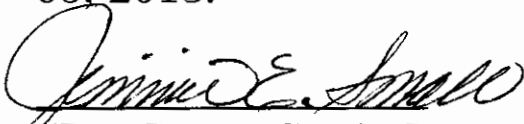


JIMMIE E. SMALL

606 West Hwy # 2,
Milton, Iowa, 52570

CERTIFICATE OF SERVICE

I certify that the above and foregoing Suggestions in Support of Order [Judgment on the Pleadings] was served on all parties of record in this contested case, Data Center, Office Of Public Counsel, Counsel Tatro. All done this Tuesday March 05, 2013.


JIMMIE E. SMALL

Missouri Public Service Commission

Docket Sheet

Date: 2/11/2013

Case No. EC-2011-0247
Company Name Union Electric Company-Investor(Electric)
(s) Ameren Missouri-Investor(Electric)
 Jimmie E. Small-(All)
Style of Case Jimmie E. Small, Complainant vs. Union Electric Company d/b/a Ameren Missouri, Respondent
Tracking No.
Status Closed
Assigned Judge Jordan Daniel
Assigned Attorney Hernandez Jennifer
Consolidated To
Consolidated From
Appealed To

Item No.	Date Filed	Title of Filing	Filed on Behalf Of	In Response to Item No.
58	11/3/2011	Complainant's Letter to Ameren Missouri (HC)	Jimmie E. Small-(All)	
57	10/20/2011	Summary of Meeting	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	97
56	10/14/2011	Complainant's Supplemental Objections to Staff Report of 09/30/11 (HC)	Jimmie E. Small-(All)	
55	8/30/2011	Exhibit in Support of Claims before Missouri Public Service Commission Small vs Ameren Missouri Filed June 29, 2011 and Photos Evidence in Support	Jimmie E. Small-(All)	
54	8/4/2011	Notice of Meeting	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
53	7/27/2011	Order Dismissing Complaint Without Prejudice	Commission-(All)	
52	7/20/2011	Summary of Diversity Day Presentation	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
51	7/14/2011	Notice of Extra-Record Communication (Chairman Kevin D. Gunn, Vice Chairman Rober M. Clayton III, Commissioner Jeff N.	Commission-(All)	

19

Davis, Commissioner Terry M. Jarrett,
and Commissioner Robert S. Kenney)

50	7/13/2011	Notice of Meeting (Ameren Diversity Day)	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
49	7/7/2011	Notice of Communication (Commissioner Robert S. Kenney and Policy Advisor/Legal Counsel Joshua Harden)	Commission-(All)	
48	7/6/2011	Notice of Communication (Commissioner Terry M. Jarrett)	Commission-(All)	
47	6/24/2011	Order To Show Cause	Commission-(All)	
46	6/16/2011	Notice of Communication (Commissioner Robert S. Kenney and Policy Advisor/Legal Counsel Joshua Harden)	Commission-(All)	
45	6/14/2011	Notice of Communication (Commissioner Jeff Davis)	Commission-(All)	
44	6/6/2011	Notice of Communication (Summary of Energy Learning Center Event)	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
43	6/2/2011	Notice of Communication (Commissioner Robert S. Kenney and Policy Advisor/Legal Counsel Joshua Harden)	Commission-(All)	
42	5/31/2011	Notice of Meeting and Draft of Meeting Agenda	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
41	5/20/2011	Certificate of Service of Ameren Missouri's Response to Request for Admissions	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)	
40	5/16/2011	Order Setting Procedural Schedule For Discovery and List Of Issues	Commission-(All)	
39	5/13/2011	Additional Documentation	Jimmie E. Small-(All)	
38	5/12/2011	Order Allowing Late Filing	Commission-(All)	
37	5/11/2011	Staff's Motion to Late File Proposed Procedural Schedule and Response to Ameren Missouri's Procedural Schedule	MO PSC Staff-(All)	31 34
36	5/10/2011	Notice Regarding Extra-Record Communication (Chairman Kevin D.Gunn)	Commission-(All)	
35	5/10/2011	Notice Regarding Extra-Record Communication (Chairman Kevin D.Gunn)	Commission-(All)	
34	5/4/2011	Ameren Missouri's Proposed Procedural Schedule	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)	31
33	4/26/2011	Subpoena Duces Tecum and Complainant's Request to Admit by Respondent Utility	Jimmie E. Small-(All)	

32	4/25/2011	Transcript - Volume 1 (April 19, 2011)	Commission-(All)	
31	4/21/2011	Order Regarding Proposed Procedural Schedule and Other Filings	Commission-(All)	
30	4/21/2011	Request for Continuance	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)	
29	4/20/2011	Status Report	MO PSC Staff-(All)	
28	4/12/2011	Order Canceling Hearing, Directing Filing, and Amending Caption	Commission-(All)	
27	4/12/2011	Motion for Continuance	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)	25
26	4/11/2011	Data Request Supplement	Jimmie E. Small-(All)	
25	4/11/2011	Notice Of Hearing and Order Setting Pre-Hearing Conference	Commission-(All)	
24	4/8/2011	Notice of Communication (Summary of MISO Meeting)	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
23	4/7/2011	Letter and Reply Form from Jimmie E Small (HC)	Jimmie E. Small-(All)	
22	4/5/2011	Notice of Communication (Kevin A. Thompson)	MO PSC Staff-(All)	
21	3/31/2011	Notice of Meeting	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
20	3/24/2011	Letter	Commission-(All)	
19	3/18/2011	Staff Recommendation	MO PSC Staff-(All)	
18	3/18/2011	Notice of Communication (Commissioner Robert S. Kenney and Policy Advisor/Legal Counsel Office of Commissioner Robert S. Kenney Joshua Harden)	Commission-(All)	
17	3/15/2011	Notice of Communication (Chairman Kevin Gunn)	Commission-(All)	
16	3/10/2011	Notice of Communication (Chairman Kevin Gunn, Commissioners Robert Clayton III, Jeff Davis, Terry Jarrett & Robert Kenney)	Commission-(All)	
15	3/10/2011	Notice of Communication (Commissioner Robert S. Kenney and Policy Advisor/Legal Counsel Office of Commissioner Robert S. Kenney Joshua Harden)	Commission-(All)	
14	3/9/2011	Summary of Communication	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)	
13	3/7/2011	Answer (HC & NP)	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)	2
12	3/2/2011	Notice of Communication (Commissioner Jeff Davis)	Commission-(All)	

19

11	3/2/2011	Notice of Meeting	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)
10	3/1/2011	Notice Extra-Record Communication Communication (Commissioner Terry M. Jarrett and Advisor to Commissioner Jarrett Janet E. Wheeler)	Commission-(All)
9	3/1/2011	Notice Regarding Extra-Record Communication (Commissioner Robert M. Clayton III and Advisor to Commissioner Clayton Jeff Keevil)	Commission-(All)
8	3/1/2011	Notice Regarding External Communication (Chairman Kevin D. Gunn, Vice Chairman Robert M. Clayton III, Commissioner Jeff N. Davis, Commissioner Terry M. Jarrett, Advisor to Chairman Gunn Cheryl Voss and Advisor to Vice Chairman Jeff Keevil)	Commission-(All)
7	2/25/2011	Notice of Response Letter from Ameren Missouri Regarding Callaway II	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)
6	2/24/2011	Notice of Extra-Record Communication	Ameren Missouri-Investor(Electric) Ameren Missouri-Investor(Gas) Union Electric Company-Investor (Electric) Union Electric Company-Investor(Gas)
5	2/24/2011	Notice of Ex Parte Contact (Chairman Kevin D. Gunn, Vice Chairman Robert M. Clayton III, Commissioner Jeff N. Davis, Commissioner Terry M. Jarrett, and Commissioner Robert S. Kenney)	Commission-(All)
4	2/17/2011	Notice Regarding External Communication (Chairman Kevin D. Gunn)	Commission-(All)
3	2/14/2011	Certified Mail Receipt	Ameren Missouri-Investor(Electric) Union Electric Company-Investor (Electric)
2	2/7/2011	Notice Of Contested Case and Order Directing Filings	Commission-(All)
1	2/4/2011	Complaint	Jimmie E. Small-(All)

20

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 7th day of March, 2011.

Samuel Ritchie
Asst. General Counsel, Atty for Staff of
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Samuel.ritchie@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov
Lewis.mills@ded.mo.gov

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

/s/ Sarah E. Giboney
Sarah E. Giboney

HIGHLY CONFIDENTIAL

21

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 7th day of March, 2011.

Samuel Ritchie
Asst. General Counsel, Atty for Staff of
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Samuel.ritchie@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov
Lewis.mills@ded.mo.gov

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


/s/ Sarah E. Giboney
Sarah E. Giboney

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 11th day of February 2013.


Shelley Brueggemann
Acting Secretary

SUBPOENA DUCES TECUM



THE STATE OF MISSOURI. To AMEREN MISSOURI, AGENTS & ASSIGNS.
CASE NO. EC-2011-0247

You are hereby commanded to be and appear personally before The Public Service Commission of the State of Missouri or any Commissioner thereof on the 29th day of April, 2011 at

9 o'clock of that day, at 200 Madison Street, Room 305 Jefferson City in the County of Cole,
in the State of Missouri, ^{YES} to testify at a hearing in the matter of: JIMMIE E. SMALL,

COMPLAINANT vs. AMEREN MISSOURI, RESPONDENT,

And that you bring with you and produce ^{YES} at said hearing (a) METER SEAL-LOCK-SECURITY ^{me}
RECORDS ^{April} 17-2006 #4677914 (b) ALL FIELD SERVICE RECORDS FOR ^{SEAL}
#4677914, LOT #23, SERVICE LOCATION, 23067 POTTER TRAIL, KIRKSVILLE ^{MO.}
on behalf of COMPLAINANT SMALL and hereof fail not at your peril. The person or officer serving
METER NO. 57623981. (c) AMP reading for #57623981 as of ^{first} disconn.

Given under my hand, this 19th day of APRIL, 2011.

[Signature] SECRETARY
[Name] [Title]

RETURN

I HEREBY CERTIFY that I have served the within writ by reading the same in the presence and hearing of the

within named Kathy Hart on the 19th day of April, 2011, in

Cole County, in the State of Missouri.

Jimmie E. Small Complainant EC-2011-0247 P.S.C.
[Name] ADA [Title] ADA



Consumer Collection Management, Inc.

April 4, 2012

Jim Small – SR0726
606 West Highway 2
Milton, IA 52570

RE: Disputed Account
SS#: 490-48-9768
Original Creditor: Ameren Missouri
Account#: 3443307009
CBI#: 4527697
Amount: \$495.78

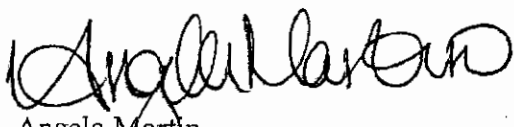
Dear Sir or Madam:

This letter is to advise you that the above account has been canceled from our office as of 1/8/2008. We forwarded this information to Trans Union, Equifax, and Experian Credit Bureaus on 1/31/2008 and again on 4/4/2012. We have requested the accounts be deleted from your credit history. Consumer reporting agencies may take up to 30 days or longer to update consumer reports and this is beyond our control.

Please feel free to give us a call if you should have any questions.

This is an attempt to collect a debt by a debt collector. Any information obtained will be used for that purpose.

Sincerely,


Angela Martin
Resolutions Coordinator

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

Jimmie E. Small,

Complainant,

v.

Union Electric Company d/b/a/ Ameren
Missouri,

Respondent.

)
)
)
)
)
)
)

Case No. EC-2011-0247

AFFIDAVIT OF MARY SCHIERMAN-DUNCAN

STATE OF MISSOURI

)

) ss

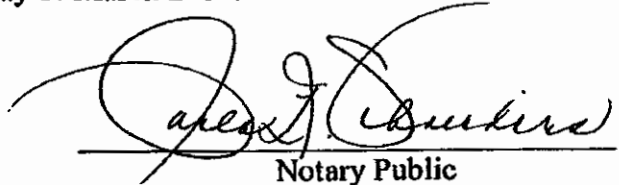
COUNTY OF COLE

)

Mary Schierman-Duncan, of lawful age, on her oath states: that she has knowledge of the matters set forth, in the Report of Staff; and that such matters are true to the best of her knowledge and belief.


Mary Schierman-Duncan

Subscribed and sworn to me before this 17th day of March 2011.


Notary Public

My commission expires

August 25, 2012

CARLA K. SCHNIEDERS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: August 25, 2012
Commission Number: 08533187

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

RECEIVED

MAY 09 2012

Records
Public Service Commission

Jimmie E. Small,)
Complainant,)
vs.) Case No: EC-2012-0050
Union Electric Company, d/b/a)
Ameren Missouri,)
Respondent.)

**AMEREN MISSOURI'S OBJECTIONS AND RESPONSES TO
COMPLAINANT'S UNNUMBERED "REQUEST TO ADMIT"**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"),
by and through counsel, and for its objections and responses to Complainant's Unnumbered
"Request to Admit" states:

Request #1.

1. Respondent is requested to Admit that on or about December 19-20, 2007 during
Respondent's Reconnection incident at Lot #23, 23067 Potter Trail, 4 CSR 240-18.010 Subpart
two (2) did apply to Respondent Ameren Missouri, its agents and assigns.

Response #1.

Ameren Missouri objects to Request # 1 on the grounds that the phrase, "Reconnection
incident" is vague and ambiguous, and on the grounds that the request is completely
irrelevant to the only two issues for hearing pursuant to the Commission's March 2, 2012
Order Denying Motions and Setting Procedural Schedule: (1) whether Ameren Missouri
acted in accordance with applicable Missouri statutes, rules and tariffs during 2006—2008
when it disconnected electric service at Mr. Small's property in Kirksville, Missouri and (2)
whether Ameren Missouri falsified documentation of Mr. Small's electric service account

records. Subject to and without waiving said objection, Ameren Missouri admits that as an electric utility subject to regulation by the Public Service Commission, it is required to comply with the safety standards set forth in 4 CSR 240-18.010, including subpart (2) thereof.

Request #2.

2. Respondent is requested to admit that on or about December 19-20, 2007 alleged Reconnection of Electrical Utility, LOT #23, no request for reconnection was maintained within any account identification number in which Complainant Small [is now] responsible.

Response #2.

Ameren Missouri objects to Request #2 on the grounds that the phrase, "no request for reconnection was maintained within any account identification number" is vague and ambiguous, and on the ground that the request is irrelevant to the only two issues for hearing pursuant to the Commission's March 2, 2012 Order Denying Motions and Setting Procedural Schedule: (1) whether Ameren Missouri acted in accordance with applicable Missouri statutes, rules and tariffs during 2006—2008 when it disconnected electric service at Mr. Small's property in Kirksville, Missouri and (2) whether Ameren Missouri falsified documentation of Mr. Small's electric service account records. Subject to and without waiving said objection, Ameren denies Complainant's Request #2 and states that Ameren Missouri's records reflect that on December 19, 2007, Mr. Small made a payment in the amount of \$130.00, the amount Ameren Missouri had advised would be required to restore his electric service, and Mr. Small called Ameren Missouri and discussed information related to reconnection and provided his then-current mailing address.

Request #3

3. Respondent Utility is requested to Admit that Safety Standards, and verification of Main Circuit Breaker measures were overlooked during the alleged incident of reconnection procedures.

Response #3

Ameren Missouri objects to Request #3 on the grounds that it is vague and ambiguous, and completely irrelevant to the only two issues for hearing pursuant to the Commission's March 2, 2012 Order Denying Motions and Setting Procedural Schedule: (1) whether Ameren Missouri acted in accordance with applicable Missouri statutes, rules and tariffs during 2006—2008 when it disconnected electric service at Mr. Small's property in Kirksville, Missouri and (2) whether Ameren Missouri falsified documentation of Mr. Small's electric service account records. Subject to and without waiving said objection, Ameren Missouri denies Request #3.

Request #4

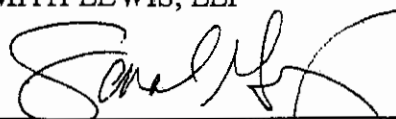
4. Respondent is requested to admit that Cathy Hart, Breeze Benton and other Respondent agents have no evidence or elements of proof now available to establish that Chapter 18, American National Standard, National Electric Safety Code (NESC) were met by Respondent, on December 19-20, 2007, [Incident] LOT # 23 LOCATION, 23067 Potter trail, Kirksville, Mo. 63501

Response #4

Ameren Missouri objects to Request #4 on the grounds that the request that Respondent admit that "...Respondent agents have no evidence or elements of proof" improperly seeks work product, that the request in its entirety is vague and ambiguous, and the request is irrelevant to the only two issues for hearing pursuant to the

Commission's March 2, 2012 Order Denying Motions and Setting Procedural Schedule: (1) whether Ameren Missouri acted in accordance with applicable Missouri statutes, rules and tariffs during 2006—2008 when it disconnected electric service at Mr. Small's property in Kirksville, Missouri and (2) whether Ameren Missouri falsified documentation of Mr. Small's electric service account records. Subject to and without waiving said objection, Ameren Missouri denies Request # 4.

SMITH LEWIS, LLP



Sarah E. Giboney, #50299
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
(573) 443-3141
(573) 442-6686 (Facsimile)
giboney@smithlewis.com
Attorney for Ameren Missouri

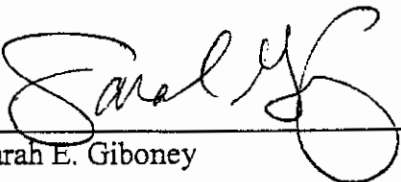
By: /s/ Wendy K. Tatro

Wendy K. Tatro, # 60261
Associate General Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Ameren Missouri's Objections and Responses to Complainant's Unnumbered Request to Admit were served on Jimmie Small via certified and regular mail on this 12th day of March, 2012.

Jimmie E. Small
Complainant
3535 Locust St.
General Delivery
Quincy, Illinois 62301



Sarah E. Giboney

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Jimmie E. Small,)	
Complainant,)	
)	
vs.)	Case No: EC-2012-0050
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

**AMEREN MISSOURI'S OBJECTIONS TO
COMPLAINANT'S REQUEST FOR ADMISSIONS**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"),
by and through counsel, and for its objections to Complainant's Request to Admit Facts states:

1. Respondent Union Electric, d/b/a/, Ameren Missouri is respectfully requested to admit that Respondent serves approximately one (1) million residential customers, within Missouri Public Service Commission, [JURISDICTION] further subject to 4 CSR 240-2-135 subpart 3(C), and (4)(F) rules, regulations, and Tariff contract Standards.

RESPONSE: Ameren Missouri objects to Request No. 1 as vague and ambiguous.

2. According to Expert witness, Cathy Hart's letter in response to data request, dated _____, Small was present at Utilities Jefferson City facility, during a formal contested case proceeding. [LOCATION, " with you in the vestibule]. Utility Expert Cathy Hart, expert is requested to admit[relevant facts] that ADA CP Small's presence on March 04, 2011, at the vestibule was directly connected to data request and request to access" CUSTOMER-SPECIFIC information, personally, to and including accurate KWH meter readings for LOT # 23, 23067 Potter Trail, Kirksville, Missouri, personally inspect data, Computer specific service orders, field order data, and record accurate Red Tag Serial identification Numbers] disconnect deal] placed

on meter No. _____, which access to "CUSTOMER-SPECIFIC information rights under 4 CSR 240-2.135(3)(C); and (4)(F) were denied by expert Cathy Hart, plus in the presence of one other male witness observer.

RESPONSE: Ameren Missouri objects to Request No. 2 as vague and indefinite.

3. That the facts stated in paragraph request two (2) next above written were policies, and practices well known to the highest level of Corporate management, Respondent Union Electric Company, d/b/a AMEREN MISSOURI.

RESPONSE: Ameren Missouri objects to Request No. 3 as vague and indefinite.

4. Had Respondent Utility Ameren Missouri, CEO, **executive level officials** served CP ADA pro se Small's request to access "**Customer-Specific**" information on March 04, 2011 [**facility vestibule location**], instead of Utility expert, female Cathy Hart, and under due process and equal rights standards [4 CSR 240-2.135(3)(C); (4)(F), the negative services and accommodation treatment of ADA Small would have been materially **unchanged**, in a contested case proceeding.

RESPONSE: Ameren Missouri objects to Request No. 4 as vague and ambiguous and as beyond the scope of requests for admission under Rule 59.01(a), in that it is not a request that Ameren Missouri admit to the truth of any matters that relate to statements or opinions of fact or the application of law to fact, or the genuineness of any documents described in the request.

5. On March 28, 2011 Expert Cathy Hart, stated alleged facts as follows, [" On 06/13/2006, we received a check for \$150.00 through priority mail. We set the remaining balance on a payment agreement (\$25.00/6 months). Initially, Respondent Utility provided MPSC agent Gay Fred with conflicting facts such that NO such payment agreement ever existed.

Hart also stated [" On 06/13/06, we advised you that we would accept a minimum of \$177.44 to prevent disconnect. You stated that you would only pay \$100.00 and requested the call be escalated. After speaking with a leader and supervisor, we advised you to pay either \$175.00 by 06/14/10 or \$152.00 by 06/14/10 with a payment agreement"].

Respondent Ameren Missouri is respectfully requested to **admit facts** such that a four year period exist between the dates of **06/13/2006 and 06/14/10** making Respondent's accuracy of account # 34433-07009 clearly unrealistic on which the Commission could affirm any debt due by Complainant, to Ameren Missouri prior to Utility action in presenting Consumer Collection Management account statements alleging Bad Uncollectable Debt on Account # 34433-07009. April 17, 2006 disconnect time period, Red Tag Security Seal No. 4677914; Utility Meter Serial Number 57623981.

RESPONSE: Ameren Missouri objects to Request No. 5 as vague and ambiguous.

6. Highly Confidential Utility Exhibit F, Cause No. 2011-0247 1(h): Request state: Please produce verified copies(legible) of each monthly billing statement service on complainant ADA client Small 01/11/2002 thru April 2008 illegal disconnect, Utility # C201101337 state, "Mary, Unfortunately, we are not able to retrieve the calls as they are too old. I was however, able to locate two payments made by Mr. Small. One payment was in the amount of \$200.00, (check) and one for \$ 130.00 (Money Order both for account #34433-07009!!! **NO Reconnect Orders Either.**

Utility under Tariff agreements are not authorized to connect residential electric after the April 17, 2006 disconnect without field order, service orders to do so and Ameren Missouri is respectfully requested to admit said facts in writing not inconsistent with Exhibit F alleged facts.

RESPONSE: Ameren Missouri objects to Request No. 6 as vague and ambiguous.

8. At times relevant after Small notified Respondent Ameren Missouri, that a 4 CSR 240-13.045 disputed electric bill did occur, [4 CSR 240-13-045] thereafter and during CP ADA Small's informal complaint investigation and Formal written complaint in particular, Respondent Utility in Kirksville, Missouri on more than one occasion suppressed computer generated data, relevant to Account No. 34433-07009, provided Complainant AMUEMO Written off finaled service, containing essentially blank service meter disconnect information, declined CP request to access "Customer —Specific" information in context to Red Tag Security Seal verification, times, dates, locations, field orders, service order data, and declined to provide CP ADA Small with cry AMR KWH reading during an ongoing dispute after the informal inquiry and request for accurate account records provided MPSC official Gay Fred, and continuing in Cause No. 2011-0247; Cause NO. 2012-0050, thus needlessly increasing the MPSC staff hours, Staff costs, investigating the cause of Small's complaint/dispute and to perpetuate denial of access to Customer-Specific information [rights] during an ongoing dispute with AMUEMO. 4 CSR 240-2.135 (3) (C) and Subpart (4)(F). See attached computer print-out exhibit attached

RESPONSE: Ameren Missouri objects to this request as vague and ambiguous and as beyond the scope of requests for admission under Rule 59.01(a), in that it is not a request that Ameren Missouri admit to the truth of any matters that relate to statements or opinions of fact of or the application of law to fact, or the genuineness of any documents described in the request.

SMITH LEWIS, LLP

/s/Sarah E. Giboney
Sarah E. Giboney, #50299
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918

35

~~(573) 443-3141~~

(573) 442-6686 (Facsimile)
giboney@smithlewis.com

Attorney for Ameren Missouri

By: /s/ Wendy K. Tatro

Wendy K. Tatro, # 60261
Associate General Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

36

Rick Koester

From: Tracy Packingham
Sent: Tuesday, January 22, 2013 9:45 AM
To: Rick Koester
Subject: FW: Ameren Missouri Customer/Public Service Commission Complaint
Importance: High

Please print this email and give to Mr. Small. Or read him this response when he calls.

From: Horn, Michael H [mailto:MHorn@ameren.com]
Sent: Tuesday, January 22, 2013 8:24 AM
To: Tracy Packingham
Cc: Mueller, Mark F
Subject: RE: Ameren Missouri Customer/Public Service Commission Complaint
Importance: High

Good morning,

If indeed this is a PSC Complaint the customer should be referred back to the PSC as that is the proper venue for complaint resolution. Ameren Missouri responds directly to the PSC not the customer, unless otherwise directed by the PSC, during the complaint process.

Since Ameren Missouri no longer has a business relationship with CCM we will not be meeting this anonymous person at your offices. It also is not Ameren Missouri's position to provide legal advice to CCM or this anonymous person as referenced in the 'demand' for an affidavit. Furthermore, Ameren Missouri will not respond to some anonymous request for information regarding a particular customer or former customer's account or any business relationship that we have or may have had at any particular time with another company.

Ameren Missouri presently sees this issue as a CCM issue. Should this person desire to reach out to me directly, identify themselves properly and discuss the matter I am more than willing to take the call and assist in its resolution; my phone remains 314-992-6799. Should the customer desire to make a complaint with the PSC, if they have not done so already, they are entitled to do so, however these complaints are not dealt with on an anonymous basis either. The customer should also be made aware that we do not allow access to the building by consumers for security reasons.

.....
MICHAEL HORN
Supervisor Credit Collections
Ameren Missouri
T 314-992-6799
E mhorn@ameren.com

.....
Ameren Missouri
1901 Chouteau
St Louis, MO 63103



Kevin Stewart
Police Officer
Bureau of Field Operations
DSN 26

11911 Dorsett Road
Maryland Heights, MO 63043
t: (314) 738-2336 f: (314) 298-9217
main: (314) 298-8700
kstewart@marylandheights.com

Please consider the environment before printing this e-mail.

From: Tracy Packingham [mailto:tracy@consumercollection.com]
Sent: Monday, January 21, 2013 12:06 PM
To: Horn, Michael H
Cc: Mueller, Mark F
Subject: Ameren Missouri Customer/Public Service Commission Complaint
Importance: High

Hello Mike,

CCM had a Ameren Missouri Consumer in our office for two hours this morning. He wants an affidavit or legal document from CCM stating what the statute of limitations is for Missouri State law as well as that Ameren Missouri sent his accounts to Consumer Collection Management as a valid debt. As you know, we no longer work for Ameren Missouri and these accounts are closed in our office. He understands these accounts are no longer active with CCM. But he has a valid point that we did have these accounts active in our system when placed and made attempt to collect the debt. This is not the first attempt he has made to discuss his matter with us – we continually tell him we no longer work with Ameren Missouri and he could care less.

The consumer will be calling us tomorrow (as he would not give us his contact information) to see if we have been able to reach you. He would like to have some resolution to this matter tomorrow. He is not opposed to sitting down with you in our office only, he has been to Ameren several times and feels that he has been treated “unprofessionally”.

I am not disclosing the name or account information in this correspondence as he has asked us not to. Please be advised I will only be in the office tomorrow afternoon. Let me know how you would like to proceed.

Tracy

Tracy Packingham
Consumer Collection Management, Inc.
Director of Marketing and Compliance
314-570-3580
tracy@consumercollection.com

The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation



Commissioners
ROBERT M. CLAYTON III
Chairman
JEFF DAVIS
TERRY M. JARRETT
KEVIN GUNN
ROBERT S. KENNEY

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director
DANA K. JOYCE
Director, Administration and
Regulatory Policy
ROBERT SCHALLENBERG
Director, Utility Services
NATELLE DIETRICH
Director, Utility Operations
STEVEN C. REED
Secretary/General Counsel
KEVIN A. THOMPSON
Chief Staff Counsel

December 17, 2010

Betty J. Wassam
Attn: Jimmie Small
23067 Potter Trail, Lot #23
Kirksville, MO 63501

Dear Mr. Small.:

This letter is in response to the complaint you filed against Ameren Missouri and your indication that you wish to file a formal complaint. You will have the burden of proof in your complaint case and must submit with your formal complaint form any and all documentation/evidence to support your allegations.

A formal complaint must be filed in written form and addressed to **Secretary of the Missouri Public Service Commission, ATTN: Data Center, P.O. Box 360, Jefferson City MO 65102-0360**. After filing, the Commission will give the company thirty (30) days to either satisfactorily resolve the complaint or respond in writing with the company position. If the complaint is not settled and the company responds denying the allegations, the Commission may order the Staff to conduct an investigation and may schedule a hearing.

The hearing is very similar to a trial in a court of law. At the time of the hearing, state law requires that you present evidence, which will substantiate your claim against the company. The company also will be given the opportunity to present evidence discounting your claims. All parties, including the Commission's Staff, will have the opportunity to cross-examine the other parties' witnesses. Further, any person as defined in 4 CSR 240-2.010(11), other than an individual, must be represented by an attorney.

Please note further filing requirements in the enclosed Chapter 2 - Rules of Practice and Procedure.

Sincerely,
Gay Fred
Consumer Services Manager

Enclosure: Chapter 2 - Rules of Practice and Procedure
Formal Complaint Form

F 573.681.7180
E bbenton@ameren.com

.....
Ameren Missouri
101 Madison St.
Jefferson City, MO 65101
AmerenMissouri.com

Please consider the environment before printing this e-mail.

From: Schlerman-Duncan, Mary [<mailto:Mary.Schlerman-Duncan@psc.mo.gov>]
Sent: Monday, March 14, 2011 10:38 AM
To: Benton, Breeze M
Subject: RE: Jimmie L. Small
Importance: High

Thanks – do we have a copy of the final bills rendered 4/23/08 and 4/3/07?

Mary Schlerman-Duncan
Consumer Services Coordinator - Specialists
Phone: (573) 751-3028
Fax: (573) 526-1500
E-Fax: (801) 457-6495
Email: Mary.Schlerman-Duncan@psc.mo.gov

From: Benton, Breeze M [<mailto:BBenton@ameren.com>]
Sent: Monday, March 14, 2011 9:27 AM
To: Schlerman-Duncan, Mary
Subject: RE: Jimmie L. Small

Mary,

Unfortunately, we are not able to retrieve the calls as they are too old. I was, however, able to locate two payments made by Mr. Small. One payment was in the amount of \$200.00 (check) and one for \$130.00 (money order).

.....
BREEZE BENTON
Customer Service Representative
Customer Service
T 314.992.8855
F 573.681.7180
E bbenton@ameren.com

.....
Ameren Missouri
101 Madison St.
Jefferson City, MO 65101
AmerenMissouri.com

Please consider the environment before printing this e-mail.

From: Schlerman-Duncan, Mary [<mailto:Mary.Schlerman-Duncan@psc.mo.gov>]
Sent: Friday, March 11, 2011 3:28 PM
To: Benton, Breeze M
Cc: Hart, Cathy L; Holder, Karen J
Subject: Jimmie L. Small
Importance: High

Breeze -

Back on 2/24 around 2 pm we spoke about this formal complaint. By my notes, you were going to check to see if you had any payment records or evidence of him living in the trailer during 2007 and 2008 other than the account activity. You were also going to check to see if you had any voice recordings of him calling Ameren during that period

Mary Schierman-Duncan

Consumer Services Coordinator - Specialists

Missouri Public Service Commission

P.O. Box 360

200 Madison, Ste. 800

Jefferson City, MO 65102

Phone: (573) 751-3028

Fax: (573) 526-1500

E-Fax: (801) 457-6495

Email: Mary.Schierman-Duncan@psc.mo.gov

The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

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

Jimmie E. Small,)	
Complainant,)	
)	
vs.)	Case No: EC-2011-0247
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Ameren Missouri's Response to Request for Admissions was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 20th day of May, 2011.

Jennifer Hernandez
Asst. General Counsel, Atty for Staff of
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
jennifer.hernandez@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov
Lewis.mills@ded.mo.gov

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

/s/ Sarah E. Giboney
Sarah E. Giboney

PAGE
42 of 42