

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 5<sup>th</sup> day  
of October, 2011.

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

**File No. EC-2012-0050**

**ORDER DISMISSING PARTIES AND CLAIMS**

Issue Date: October 5, 2011

Effective Date: October 15, 2011

**Syllabus:** This order dismisses several parties and claims due to the Commission lacking jurisdiction over those parties and due to the Commission having no authority to grant certain remedies. With this order, the Commission makes no comment on the validity, or lack thereof, of any of Mr. Small's allegations. The Commission simply states that it has no jurisdiction to order the relief he requests.

**Procedural History**

Jimmie E. Small filed a complaint against Ameren Missouri on August 15, 2011.<sup>1</sup> On August 31, Mr. Small filed an amended complaint, naming Lake Road Village Trailer Park, Everett and Beverly Lacost, The Missouri Department of Conservation, Missouri Conservation Commission, Adair County, Missouri and Schuyler County, Missouri as

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<sup>1</sup> Calendar references are to 2011 unless otherwise noted.

Respondents. Mr. Small alleges these Respondents have conspired to: disconnect electrical and water services to his home, evict him, report false credit information to credit agencies, discourage him from testifying in certain state and federal actions, and deny him a fair hearing by concealing and/or destroying information.

Also on August 31, the Commission ordered the Staff of the Commission to respond to Mr. Small's allegations by stating what jurisdiction, if any, the Commission had over these Respondents. Further, the Commission ordered the Staff to state what jurisdiction, if any, it had to grant the various forms of relief Mr. Small requests the Commission to grant.

Staff responded on September 16. Staff states that the Commission has no jurisdiction over any of the parties except for Ameren Missouri. Staff further states that the Commission has no authority to grant equitable damages or class action relief.

Commission Rule 4 CSR 240-2.080(15) permits parties to respond to pleadings within ten days unless otherwise ordered by the Commission. The Commission issued no order to the contrary, so any responses to Staff's September 16 pleading were due no later than September 26. The Commission received no responses to Staff's September 16 pleading.

### **Decision**

The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto.<sup>2</sup> The Commission has statutory authority over electrical corporations, water corporations and

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<sup>2</sup> See, e.g., State ex. rel. City of St. Louis v. Missouri Public Service Comm'n, 73 S.W.2d 393, 399 (Mo. banc 1934); State ex. rel. Kansas City Transit, Inc. v. Public Service Comm'n, 406 S.W.2d 5, 8 (Mo. 1966).

public utilities.<sup>3</sup> Upon review of the pleadings, and considering no party responded to Staff's September 16 pleading, the Commission finds and concludes that the only Respondent over which the Commission has jurisdiction is Ameren Missouri. Thus, all of Mr. Small's claims against Lake Road Village Trailer Park, Everett and Beverly Lacost, The Missouri Department of Conservation, Missouri Conservation Commission, Adair County, Missouri and Schuyler County, Missouri are dismissed, and those Respondents are dismissed.

The Commission has no authority to require reparation or refund, cannot declare or enforce any principle of law or equity, and as a result, cannot determine damages.<sup>4</sup> The Commission also cannot grant equitable relief, and cannot abate a nuisance.<sup>5</sup> Likewise, the Commission has no jurisdiction to entertain a class action matter.<sup>6</sup> Therefore, all of Mr. Small's requests for legal, equitable relief and class action relief are dismissed for lack of jurisdiction.

Staff states that a utility is restricted from subjecting a customer to undue or unreasonable prejudice or disadvantage. Thus, Staff believes the Commission has the authority to hear a complaint against Ameren Missouri on whether it has discriminated against Mr. Small. The Commission will address this in subsequent orders.

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<sup>3</sup> See Sections 386.250, 393.130, .140 RSMo (2000).

<sup>4</sup> See, e.g., *Straube v. Bowling Green Gas Co.*, 227 S.W.2d 666,668-669 (Mo. 1950).

<sup>5</sup> See, e.g., *State ex. rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 695 (Mo. App. 2003); *American Petroleum Exchange v. Public Service Comm'n*, 172 S.W.2d 952, 955 (Mo. 1943).

<sup>6</sup> See *id.*; see also Commission Rule 4 CSR 240-2.040(5), Sections 484.010 and .020 RSMo 2000 (allowing nonattorneys to only represent themselves).

**THE COMMISSION ORDERS THAT:**

1. Lake Road Village Trailer Park, Everett and Beverly Lacost, The Missouri Department of Conservation, Missouri Conservation Commission, Adair County, Missouri and Schuler County, Missouri are dismissed.
2. The requests Jimmie E. Small made for legal, equitable and class action relief against Union Electric Company d/b/a Ameren Missouri are dismissed.
3. This order shall become effective on October 15, 2011.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Davis, Jarrett,  
and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge