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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

July 18, 2013
Jefferson City, Missouri
Volume 3

Jimmie E. Small,)
)
Complainant,)
)
vs.) Case No. EC-2012-0050
)
Ameren Missouri)
)
Respondent.)

MICHAEL BUSHMANN, Presiding
REGULATORY LAW JUDGE

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR
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1 P R O C E E D I N G S

2 JUDGE BUSHMANN: Why don't we go
3 ahead and go on the record. It's 9:30. Good
4 morning. Today is Thursday, July 18th, 2013. The
5 Commission has set this time for an evidentiary
6 hearing in Jimmie E. small, Complainant, versus
7 Ameren Missouri, et al., Respondents, File No.
8 EC-2012-0050.

9 Let's start with Counsel making their
10 entries of appearance. For Ameren Missouri?

11 MS. GIBONEY: Sarah Giboney, Smith
12 Lewis, 111 South Ninth Street, Columbia, Missouri,
13 65201.

14 JUDGE BUSHMANN: For Staff of the
15 Public Service Commission?

16 MS. HERNANDEZ: Jennifer Hernandez
17 appearing on behalf of the Staff of the Missouri
18 Public Service Commission. Our address is P.O. Box
19 360, Jefferson City, Missouri, 65102.

20 JUDGE BUSHMANN: I don't see anybody
21 hear from Public Counsel. Is there anybody from
22 Public Counsel on the phone?

23 And Mr. Small, are you on the phone
24 right now? Let record reflect that Mr. Small has
25 not appeared in person or by telephone.

1 Mr. Small contacted me yesterday and
2 asked for a continuance. I asked him to put that
3 motion in writing, which he has done. And that was
4 filed this morning just a little while ago. He
5 filed a motion for a continuance, and it was
6 submitted into EFIS, also.

7 Mr. Small alleges in his motion that
8 he needs a continuance because he hasn't been able
9 to find a witness to take a deposition, although
10 discovery in this matter ended on March 1st.

11 He also alleges that he's not been
12 successful in obtaining legal assistance, that he
13 has not received U.S. mail service at his residence
14 in Iowa because of t*he alleged conspiracy between
15 the U.S. Postal Service, the City of Melton, Iowa,
16 Alliant Energy and Union Electric Company.
17 Although none of Notices of the hearing were
18 delivered to Mr. Smalls by U.S. Mail. They were
19 delivered by U.S. Parcel Service confirmation to
20 his front door.

21 And then he goes and for some length
22 talking about a dispute that he has in Iowa
23 relating to a Homestead exempt property, and he
24 says it's in the Iowa Supreme Court at this point.

25 His last allegation is that he only

1 found about the hearing a day ago. During our
2 conversation, Mr. Small also admitted that he still
3 lives at the address where the information about
4 the hearing was sent. And the delivery by United
5 Parcel Service -- United Parcel service was
6 delivery confirmation, which was filed in EFIS.

7 So for those reasons, I don't think
8 that Mr. Small has shown good cause to have the
9 hearing continued.

10 Moreover, when talking to him
11 yesterday, I offered to give him for a second time
12 the telephone number that would allow him to be
13 able to participate in the hearing by telephone.
14 And he declined. He refused to accept the
15 telephone number.

16 He said he did not intend to appear
17 either in person or by telephone. So at this point
18 in the proceedings with the motion to continuance
19 denied and his failure to appear, my intention is
20 to file a recommended order disposing of the matter
21 probably today or tomorrow.

22 The Commission could then consider
23 after a ten-day -- during the rules, they have a
24 ten-day period to respond to the Motion for
25 Recommended Order. And then the Commission would

1 take that up and approve it or reject it, depending
2 on what they want to do.

3 With that, is there any -- anything
4 from any of the Counsel that we'd need to add for
5 the record before we conclude today's hearing?

6 MS. GIBONEY: Judge, Ameren Missouri
7 to would like to file a Motion to Dismiss.
8 Sounds like it's consistent with what you've just
9 indicated.

10 JUDGE BUSHMANN: Yes. That would be
11 consistent. And you want to submit that -- do you
12 want to give it to me, I guess?

13 MS. GIBONEY: Sure.

14 MS. HERNANDEZ: Is this my copy?

15 MS. GIBONEY: Yeah. That's your
16 copy.

17 JUDGE BUSHMANN: I can't grant --

18 MR. THOMPSON: Thank you.

19 JUDGE BUSHMANN: -- the motion, I
20 don't think, at this point. But it does sound
21 like it's consistent with what I intend to do
22 anyway. The Commission would need to take final
23 action on the case since it will be a dispositive
24 motion.

25 MS. GIBONEY: Okay.

1 MS. HERNANDEZ: Your Honor, for the
2 record, I would just like to state that the Staff
3 would support Ameren Missouri's Motion to Dismiss.
4 Staff filed report in this matter as it does in all
5 the complaint cases after its in-depth
6 investigation.

7 And we found Ameren Missouri has not
8 violated any Commission statutes, rules, orders or
9 Commission-approved company tariff.

10 This is the third time that the
11 parties have been asked to prepare for a hearing
12 and no such hearing has been held. And the Staff
13 in particular has expended over 350 hours of Staff
14 time preparing for this complaint and -- and --
15 analyzing the pleadings that have been filed and
16 other such actions. So, again, we would just
17 support the Motion to Dismiss.

18 JUDGE BUSHMANN: Okay. Thank you.
19 Anything further? Hearing nothing, then today's
20 hearing is adjourned. Thank you.

21 MR. THOMPSON: Thank you, Judge.

22 JUDGE BUSHMANN: Off the record.

23 (The proceedings were concluded at 9:36 a.m.
24 on July 18, 2013.)

25

1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI)

) ss.

4 COUNTY OF OSAGE)

5

6 I, Monnie S. Mealy, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered Professional
8 Reporter, within and for the State of Missouri, do hereby
9 certify that I was personally present at the proceedings as
10 set forth in the caption sheet hereof; that I then and there
11 took down in stenotype the proceedings had at said time and
12 was thereafter transcribed by me, and is fully and accurately
13 set forth in the preceding pages.

14

15 IN WITNESS WHEREOF, I have hereunto set my hand and
16 seal on _____, 2013.

17

18

19

20 _____
Monnie S. Mealy, CSR, CCR #0539

21 Registered Professional Reporter

22

23

24

25

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