

FILED

MAY 05 2015

Missouri Public
Service Commission

Case File No. EC-2015-0058

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

COMES NOW, Complainant, pro se and for Suggestions in Support of Post Hearing Order, states unto the Hon. Commission additional facts and evidence not filed or offered previously. Small is pro se.

Attached herein is AMEREN UE DISCONNET NOTICE, account No. 3443307009, dated January 31, 2007, # 23 LAKEROAD CT, Kirksville, Mo. 63501. Plus Breeze Bention communication to Commission Staff agent Gay Fred.

After careful review of the 01/31/2007 DISCONNECT NOTICE, I failed to find any suggestion of due process NOTICE informing CP Small of timely right to a Face-to-Face evidence hearing with expert or any other AMEREN UE MANAGEMENT authority, 1901 Chouteau St Louis, Mo.[01/31/2007 time period] Breeze Benton Account statement fails to list the DISCONNECT NOTICE served on 01/31/2007.

The DISCONNECT NOTICE dated 01/31/2007 is being constitutionally challenged in a contested case proceeding No. EC-2015-0058, based on contract and billing ambiguity, and imposing an impermissible burden on Iowa residents who journeys into Missouri jurisdiction to contest violations by AMEREN U.E.'s repeated failure over the years to provide timely NOTICE of customer's right to Due Process Face-to-Face hearing to challenge irregular, and ambiguous Billing practices, policies, Customs and procedures.

The meaning of an ambiguous contract is to be determined in regards to extrinsic circumstances. Shell v. Shell, 658 S.W. 2d 439, 444 (Mo. App. 1982).

Courts may look at the contract itself, any subsidiary agreements, the relationship between the parties, and the construction placed upon the contract by the parties themselves manifested by their own actions and deeds. Tri-Lakes Newspapers, Inc., v. Logan, 713 S.W. 2d 891, 893 (Mo. App. 1986).

The (a) DISCONNECT NOTICE, 01/31/2007 and Monthly Billing clearly show Interstate Commerce delivery by U.S. Postal Service to JIM E. SMALL, P.O. BOX 133, Quincy, Illinois 62306-0133.

Accordingly, In the on-going Dispute over electric Billing and DISCONNECT NOTICE processing by Utility, Small again asserts challenges raising Constitutional claims by the acts, conduct and utility deeds, depriving CP Small a timely NOTICE of right to Face-To-Face evidence hearing before Union Electric Co. MANAGEMENT, Cathy Hart or other responsible executive officer, under Craft applicable standards. 436 U.S. 1 (1978)

During the relevant year 01/31/2007 DISCONNECT NOTICE on Union Electric/AMEREN U.E. format, Billing procedures, * * * the Craft decision had been in effect for some 29 years involving potentially some 2,400,000 customers in need of due process and equal protection, without being singled out

as an out-of-State aggrieved party complainant. See U.S. Const. Art 1, sect.8 Cl 3. Bloomquist v. Schneider 244 S.W.3d 139.

4 CSR 240-13.010 subpart(2) provides. [“A utility shall not discriminate against a customer or applicant for services for exercising any right granted by this chapter”].

During the AUGUST 2014 Application occurrence Small was a Male applicant and the persons who denied him services and accommodations to connect electrical power are admitted to be subordinate female employee to ANNETTE SWEET and subordinate to MANAGEMENT female Cathy Hart.

The females have electrical power as requested while the out-of-state non-resident Small is a disabled, aged, male, denied and deprived of his Constitutional rights as stated in No. EC-2015-0058, and presently pending before the Missouri Commission on Human Rights. See also Mo Civil Proc Rule 55.33(b) Amendments to Conform to the Evidence.

Commission Staff investigators do not appear to like Small’s discrimination claims and Small did not invite Commission’s Staff Retaliatory illegal disclosure of Small’s rights to Privacy of Customer Specific information, to the aid and benefit of Union Electric Company in a contested case proceeding.

Violations of Small’s rights to privacy gives the appearance of advocacy for a Missouri Utility and adverse to the Out-Of-State party- not a utility.

Union Electric agents are not happy with CP Small’s complaints, Disputes and disagreements over deprivation matters and Small’s in not please with the deprivation of his civil liberty and civil rights violations. 4 CSR 240-13.010, 2002 through 2015 time period and continuing as a wrongful governmental policy, practice and custom where the Commission Staff elected to violated Small’s liberty

interest in privacy matters, No. EC-2015-0058 and continuing without corrective consequence. See Conspiracy laws 42 U.S.C.S. sect 1983; 1985(3).

When CP Small moved his legal residence to 606 West Hwy # 2, Milton, Iowa, Landlord Everett LaCost and Ameren U.E. began using Interstate Commerce through the United States Postal Service and Counsel Giboney continues to send litigation papers, request discovery through the United States mail and UPS delivery service.

Because evidence shows the parties Small v. Ameren U.E. have and continue to debate over disputed Bills, Disconnect Notices, the evidence demonstrates an actual case or controversy, suitable to U.S. District Court jurisdiction and including diversity jurisdiction. Richardson v. Ramirez, 418(1978) Sosna v. Iowa, 419 U.S. 393, 398 (1975). Small's choice of litigation VENUE is Iowa State not Missouri Venue.

The Fourteenth Amendment places procedural constraints on the actions of government that work a deprivation of interest enjoying the nature of "property" within the meaning of the due Process Clause. Although the underlying substantive interest is created by "an independent source such as state law", federal constitutional law determines whether that interest raises to the level of a "legitimate claim of entitlement" protected by the Due Process Clause. Board of Regents v. Roth, 408 U.S. 564, 577 (1972); Perry v. Sindermann, 408 U.S. 593, 602 (1972).

If the Hon. ALJ Bushmann is not permitted inside AMEREN UE. Jefferson City facility located on Madison Street, [for any legitimate purpose,] then its difficult to envision when any one of 2,400,000 electric customers would ever be permitted to attend a Face-to-Face evidence hearing with MANAGEMENT Cathy

Hart, for any Dispute, disagreement, Disconnect Notice or for any other property interest conference.

“A public utility should not be able to coerce a customer to pay a disputed bill. Ibid 10, [436 U.S 1. Tennessee state appears obligated to provide service “to all of the inhabitants of the city of its location alike, without discrimination, and without denial, except for good and sufficient cause, “ Farmer v. Nashville, 127 Tenn 509, 515, 156 S.W. 189, 190 (1913), and may not terminate service except” for nonpayment of a just service bill, “ Trigg, 533 S.W. 2d at 733. Union Electric had no intention of permitting Small to prove their alleged past due , Final Bill was void and the Utility U.E. was successful in not providing said Due process hearing, at the exact same time ignoring and violating Craft principles over money potentially “property’ belonging to some 2,400,000 customers. A fact not rebutted by Cathy Hart MANAGEMENT or any witness at the April 20, 2015 hearing on the merits.

In this On-Going dispute Customer Small claims a right to continued service and the Fourteenth Amendment’s protection of Small’s liberty interest clearly reaches from Milton Iowa into the Kirksville, Mo service area where Small found NO management official in August 2014 to grant Complainant an evidence Face-To-Face hearing with the Utility acting in concert with City of Kirksville, Missouri.

Small’s complaint No. EC-2015-0058 challenges Kirksville, Mini Tax Charge,[2002 through 2015 and continuing as a wrongful governmental pocy, practice and custom] and the Utility’s Illegal cover-up as to timely NOTICE, similar to the treatment received in the Trigg and other cases. See also Fuentes v. Shevin. 407 U.S. 67, 86 (1972); Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306,314 (1950). Small wished to contest the adverse Utility decision

back in August 2014 and many times sooner, but found no Utility Office Facility or open door to MANAGEMENT to communicate deprivation of Small's liberty interest in property without due process of law.

Soon after Small faxed his complaint to MPSC[No. EC-2015-0058] Small was introduced to the Utilities Counsel Sarah Giboney.

Attorney at Law. SMITH LEWIS, LLC is not a utility and have no MANAGEMENT jurisdiction over Utility disputes.

This point is mentioned to suggest the continued policy, practice and custom routinely used by AMEREN U.E once a customer files a Dispute, grievance or dissatisfaction. 1-800 numbers are used instead of Face-to-Face Hearings with Utility Management some 36 years after the CRAFT U.S. S. Ct decision.

Because Ameren U.E. Utility may terminate service only "for cause" CP Small asserts in No. EC-2015-0058, a legitimate claim of entitlement within the protection of the Due Process Clause, from 2002 start date for service at # 23, Lakeroad Ct. to and including the January 31, 2007 DISCONNECT NOTICE presented herein for disposition.

That because MANAGEMENT Cathy Hart testified under oath on April 20, 2015 that Ameren U.E. Kirksville, Mo facility was NOT a Customer Service Location, then that same substantial evidence tends to show that neither the City of Kirksville, or Ameren U.E. ever intended to have a customer complaint service facility within the entire inhabitants of Adair County, and continuing some 36 years after the Craft decision set the record straight on due process NOTICE mandate.

The failed City of Kirksville, franchise agreement, is only part and parcel of the on-going governmental cover up of due process right involving potentially some

2,40,000 Missouri and out-of-State customers and good faith applicants for service in August 2014 time period.

MOOTNESS

Mootness of a controversy is a threshold question in any appellate review of that controversy.

CP Small will argue to the Appellate Court [If Need] that the 01/31/2007 documented evidence served by Ameren U.E. Disconnect NOTICE is relevant to the claim of constitutional deprivation, in the Kirksville, Mo. service area and most likely across the entire state of Missouri.

Accordingly, despite Counsel Giboney's aggressive reluctance to cooperate with timely discovery, the 01/31/2007 NOTICE OF DISPUTE referred to Consumer Collection Management, continued on April 20, 2015, therefore said document, claim and Service Dispute is not moot. P.M. Construction Service Inc., Respondent v. Sandra E. Lewis 26 S.W. 3d 284 (Mo. App. W.D. 2000).

WHEREFORE the Complainant prays the commission accept filing and consider the enclosed suggestions in Support of claims and permits relevant exhibits evidence to be included and incorporated into the April 20, 2015 hearing on the merits, as the Hon. Commission ALJ Jordan might deem appropriate in the above given premises.

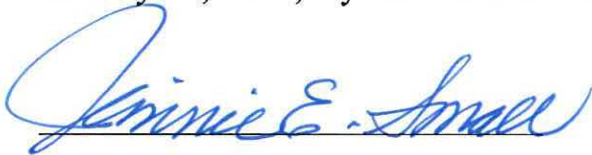
Respectfully suggested


JIMMIE E. SMALL

606 West Hwy # 2,
Milton, Iowa 52570

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing suggestions in support, Post-Hearing [04/20/2015], have been served by U.S. Mail delivery to all parties of record on this Friday, May 1st, 2015, with an original filed with the Commission Data Center 200 Madison Street, Jefferson, City Mo, Plus attached disconnect notice 01/31/2007. Exhibits will be attached and mailed to Parties and Data Center on May 02, 2015, by leave of the Commission, as appropriate.



JIMMIE E. SMALL