

OCT 20 2014

BEFORE THE PUBLIC SERVICE COMMISSION
FOR THE STATE OF MISSOURIMissouri Public
Service Commission

JIMMIE E. SMALL,)	
)	
Complainant,)	
)	
Vs.)	Case No. EC-2015-0058
)	
UNION ELECTRIC CO., d/b/a,)	
AMEREN MISSOURI,)	
)	
Respondent.)	

**COMPLAINANT'S RULE 65.01 MOTION FOR CONTINUANCE TO
ASSIMILATE AND FILE OBJECTIONS TO STAFF'S REPORT AND
RECOMMENDATION TO DISMISS AND TO RESPOND TO
RESPONDENT'S PLEADING TO DISMISS, WITHPREJUDICE**

NOW COMES the complainant, nonresident of Missouri and pursuant to Mo. R. Civ. Proc. Rule 65.01; 65.02 and for his continuance request states unto the Hon. ALJ Jordan, the following particulars;

1. Complainant is in need of a 30 day continuance so as to permit the VAMC Health professionals an opportunity to complete nuralogical testing to determine the reasons for complainant's repeated falling episodes.
2. Recently Complainant spent two separate days in the emergency ward facility, VAMC Iowa City, Iowa, being examined, ex-rayed for potential caused of unstable balance symptoms.
3. Complainant respectfully request a reasonable 30 day continuance in Cause No. EC-2015-0058, permitting the NONRESIDENT disabled veteran a full, fair opportunity to assimilate and file his objections to (a) Respondent's

Motion to Dismiss and the Utilities inconsistent statements given to (i) Hon. ALJ Bushmann, Transcript page 55, Lines 5 thru 7 ; MS. GIBONEY, * *

* Is it correct that, at this point, at this point, Ameren is not trying to collect any money at all from Mr. Small, or is there? MS. GIBONEY: Ameren is not making any attempts to collect any money.

4. Hon. ALJ Bushmann referred to the TRANSCRIPT created on 02/11/2013 as an evidence hearing as well as a pre-hearing conference in context to discovery disputes.
5. CP Small discovered that Ameren was not trying to collect any money not even \$846.15 as represented in falsified account records submitted to the Missouri Public Service Commission from 2010 time period through the present Case No. EC2015-0058.
6. Staff report Schedule 6, Respondent EXHIBIT A shows that as of September 08, 2014 Respondent AMEREN MISSOURI once again has elected to muster a possible defense in cause No. EC-2015-0058 by recycling its 2007-2008 allegations in context to some alleged delinquent account.
7. When the learned/Schooled/ ALJ Bushmann questioned Respondent Counsel whether a delinquent account record was valid or not valid, Ms. Giboney skillfully answered that [“Ameren is not making any attempt to collect any money.
8. Not any attempt until September 08, 2014 when CP Small respectfully requested that his electrical power be and the same reconnected at LOT # 23.
9. The Kathy Hart September 08, 2014 claim of \$846.15 due is the exact same account Hon. ALJ Bushmann specifically ask Counsel Giboney about [In Evidence”] at page 55, Reanscript 02/11/2013, Lines 3-thru10 JUDGE BUSHMANN; All right

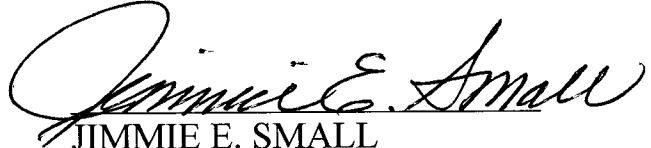
10. JUDGE BUSHMANN : Transcript, page 55 lines 13-16, ALJ
BUSHMANN; Mr. Small, you often talk about Ameren trying to collect money from you, but it seems at this point they're not trying to collect any money from you. Page 55, line 17 MS GIBONEY; I'm not aware of any.
11. The Appearance of Specialist Kathy Hart, by phone participation, remained silent.
12. Remained silent until September 08, 2014 when Ameren Missouri demanded payment of an alleged delinquent account in the amount of \$846.15.
13. These inconsistencies in evidence is the continued claims that Ameren Missouri, its agents and assigns are free to use false records, inconsistent statement in evidence and the Missouri Public Service Commission joins with Counsel Giboney to dismiss CP Small's valid claims, with prejudice while Staff fails to mention the material irregularities, resulting in clear, compelling, bias and prejudicial treatment against the known Iowa resident, disabled male party, over a period of years and continuing in Cause No. EC-2015-0058.
14. See bias and prejudice factors found in UNION ELECTRIC COMPANY, ACF Industries, Inc., et al, and ABEC Corp. v. PUBLIC SERVICE COMMISSION of the state of Missouri and Commissioner Alberta Slavin, 591 S.W. 2d 134.; King's Lake Drainage & Levee Dist. V. Jamison, 176 Mo. 557, 75 S.W. 679 (1903).; Union Electric Co., ACF Industries, Inc., and ABEX Corp., et al v. Public Service Commission of the state of Missouri. 591 S.W. 2d 134.

CONCLUSION

Based on adverse health conditions beyond the pro se's control, the continuance should be granted. The inappropriate use of materially inconsistent evidence statements and falsified account record submitted to the Commission over a period of years and continuing should not be allowed to raise to the level of affirmative defenses in a quasi-judicial proceeding. Perjury is also a crime in Missouri and can form the basis of a Civil Action matter.

WHEREFORE, Complainant prays the Pro se Complaint not be dismiss, prays for such reasonable extension of time the Hon. ALJ [Jordan] might elect to deem appropriate in the above given premises

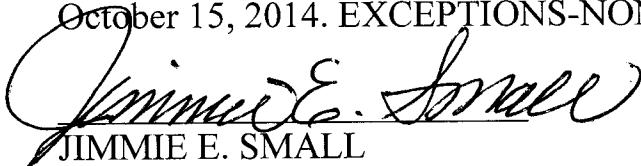
Respectfully submitted



JIMMIE E. SMALL
606 West Hwy # 2,
Milton, Iowa, 52570

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for continuance, with suggestions in support, were served on all counsel of record with an original signed copy filed with the Data Center, Public Service Commission, 200 Madison Street, P.O. Box 360, Jefferson City, Missouri 65102, all done this October 15, 2014. EXCEPTIONS-NONE.



JIMMIE E. SMALL

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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

February 11, 2013

Jefferson City, Missouri

Volume 1

(Starting time of hearing: 1:35 p.m.)

1 JUDGE BUSHMANN: Well, before we close, I just
2 want to clear up one thing.

3 Ms. Giboney, am I correct there's been a lot of --
4 there's been a lot of paper exchanged about collection
5 attempts. Is it correct that, at this point, Ameren is
6 not trying to collect any money at all from Mr. Small, or
7 is there?

8 MS. GIBONEY: Ameren is not making any attempts to
9 collect any money.

10 JUDGE BUSHMANN: All right.

11 MR. SMALL: Under what circumstances? Would
12 Ameren Missouri -

13 JUDGE BUSHMANN: Mr. Small, you often talk about
14 Ameren trying to collect money from you, but it seems at
15 this point they're not trying to collect any money from
16 you.

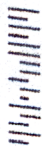
17 MS. GIBONEY: I'm not aware of any --

18 MR. SMALL: You're telling me you're claiming \$846
19 is due but you don't want to collect it, right?

20 MS. GIBONEY: Judge, I don't know. I can't tell
21 you whether or not there's a collection agency currently
22 involved, but I can tell you that Ameren's not making any
23 efforts, that I'm aware of, to collect any funds.

24 JUDGE BUSHMANN: To collect any funds.

25 MS. GIBONEY: And if I find out differently, I



EC-2015-0058
HON. ALAN JORDAN

TO:

Public Service Commission
State of Missouri
Data Center,
P.O. Box 360,
Jefferson City, Missouri
65102