

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

Jimmie E. Small,)	
)	
Complainant,)	
)	
v.)	File No. EC-2015-0058
)	
Union Electric Company)	
d/b/a Ameren Missouri)	
)	
Respondent.)	

**ORDER DENYING LEAVE TO AMEND COMPLAINT
AND DENYING CONTINUANCE**

Issue Date: April 3, 2015

Effective Date: April 3, 2015

Jimmie Small's filing of April 1, 2015 ("motion") includes several requests for relief.¹ Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") filed its response in an expedited fashion.² The Commission will rule on Mr. Small's request for reconsideration of his motion for summary determination by separate order, and rules on the other relief in this order, as follows.

Leave to amend the complaint is necessary because more than ten days have passed since Mr. Small filed the complaint.³ Mr. Small seeks leave to amend the complaint so that he can add claims against Ameren Missouri for violations of the Missouri Human Rights Act⁴ and against Staff and Staff counsel for violation of the United States Commerce

¹ Electronic Filing and Information Service ("EFIS") No. 49 (April 1, 2015) *Complainant's MO.R. Civ. Proc. Rule 55.27(g) (3) Motion to Dismiss Ameren Missouri's September 8, 2014 Alleged Electric Utility Bill Claim in the State Amount of \$846.15.*

² EFIS No. 53 (April 3, 2015) *Ameren Missouri's Response to Order Directing Filing.*

³ 4 CSR 240-2.080(18). EFIS No. 1 (August 29, 2014), Mr. Small's complaint.

⁴ Chapter 213, RSMo. EFIS No. 1 (August 29, 2014), Mr. Small's complaint, page 5, paragraph 12.

Clause.⁵ To develop those claims, and to extend the time for Ameren Missouri to respond to discovery and the parties to discuss those responses, Mr. Small also seeks a continuance of the hearing. Each of those claims stands in part on Mr. Small's allegation that he has suffered disparate treatment because he is an Iowa resident.

Ameren Missouri objects to the motion for leave to amend because the amendments sought are not subject to determination by this Commission. The complaint can address whether Ameren Missouri has violated any rule or order or decision of the commission [,]"⁶ or "any provision of law [,]" by refusing to reconnect electric service to Mr. Small.⁷ But those provisions of law are only those that the Commission has authority to enforce, because the Commission's authority extends only as far as the statutes provide.⁸ The Commission has no authority to enforce the Missouri Human Rights Act or the United States Commerce Clause.

As to discovery, none is due as to the claims that this Commission can decide. Further, as Ameren Missouri notes, Ameren Missouri served discovery responses on Mr. Small on March 20, 2015.⁹ Ameren Missouri states that the parties have already discussed those responses, and notes that Mr. Small has not pursued enforcement of discovery as

⁵ United States Constitution, Art. 1, Section 8. EFIS No. 1 (August 29, 2014), Mr. Small's complaint, page 7 through 8, paragraph 22.

⁶ Section 386.390.1, RSMo 2000.

⁷ Section 386.390.1, RSMo 2000.

⁸ *In re Laclede Gas Co.*, 417 S.W.3d 815, 819-20 (Mo. App., W.D. 2014).

⁹ EFIS No. 46 (March 20, 2015) *Certificate of Service of Ameren Missouri's Objections to Complainant's Unnumbered "Request to Admit Facts"* and EFIS No. 47 (March 20, 2015) *Certificate of Service of Ameren Missouri's Objections and Responses to Complainant's Rule 56.01 First Request for Production of Documents and Things*.

provided by law, which does not include continuing the hearing for further discussion or amending the complaint.¹⁰

Mr. Small's grounds for leave to amend the complaint and continue the hearing do not support that relief. Therefore, the Commission will deny the motion as to that relief. The Commission will rule on the request for reconsideration by separate order.

THE COMMISSION ORDERS THAT:

1. The motion described in the body of this order ("motion") is denied as to leave to file an amended complaint.
2. The motion is denied as to a continuance of the hearing.
3. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of April, 2015.

¹⁰ 4 CSR 240-2.090.