

Before the Missouri public
Service Commission

FILED

AUG 19 2015

Missouri Public
Service Commission

Jimmie E. Small
complainant

Case NO.

EC-2015-0058

v.

Union Electric Co.
d/b/a Ameren Missouri

Motion for rehearing
of the Commission's final
Agency decision July 22, 2015

Comes now the complainant, prose
in the above Captioned matter,
And for his rehearing request
for reversal states unto the
the Commission the following
basis, grounds and particulars

1. The Commission's final
Agency Action fails to meet
Missouri Revised Statute,

Section 536.140.1 et seq.

2. Complainants asserts for reversal that the Commission decision is arbitrary, capricious, unreasonable under Missouri's Administrative Procedures Act standards And R.S. Mo. Section 386.510.1
3. The Commission's final decision is unconstitutional, And Violates due process of law, under Moose Lodge No. 107 v. Irwin 407 U.S. 163, 32 L Ed 2d And R.S. Mo. 386.515
4. This Application for rehearing dated August 19, 2015 is timely filed and served upon all other parties to this proceeding under R.S. Mo. Sect. 386.500.1
5. The Commission's final Order based upon the April 2015 hearing was unfair, confining and did not permit a proper hearing room for even. Adair Co. Mo.

In re: Ameren Missouri
Sect. 386.500.1 Motion for rehearing
File No. EC-2015-0058

6. pursuant to Section 386.500.1
subpart (4) the final Order
entered July 22, 2015 should
be set-aside, vacated, by
Virtue of the fact Ameren Missouri
during the April 2015 hearing on
the merits failed to produce
evidence of the identity of any
Ameren Service office, located
within the Green Hills Area
[Service Area] making a mockery
of City of Kirksville, Code of Ordinance
And the 20 year franchise Agreement.
No substantial evidence of any ^{Service} office

7. As Counsel Diboney pointed
out, the Commission Order is
riddled with factual errors, no
evidence to support such facts
and is incomplete. Making the
Commission void as to subject
matter challenge claims, not
appearing in the April 2015
transcript. See Citizens to Preserve
Overton Park (3) v. Volpe 401 U.S. 402.

Application for Rehearing

8. The Commission decision to deny Small's post-brief support, issues involving lack of discovery opportunity, violated the U.S. Commerce Clause U.S.C.A., Art 1, Sec. 8, cl 3 making it impossible for the Out-Of-State party to participate in Missouri Commerce, and subjected Small to discriminatory treatment by suppressing the exact Ameren Missouri, Service street address, on which the commission decision came to rest. See *Bloomquist v. Schneider*, 244 S.W. 3d 139 (Mo. banc 2008).
9. The Commission's final agency action entered on July 22, 2015, violates the U.S. Const. Const Amend 14, due process Clause and its decision suppressing Ameren Missouri Service Street Address, resulted in an incomplete Agency record, See *Citizen to preserve Overton park v. Volpe* 401 U.S. 402.

10. 42 U.S.C. Sect. 1983 discrimination claims are limited to Violations of rights secured by the U.S. Constitution or federal law. See Baker v. McCallaw, 443 U.S. 137, 146-47, (1979); Jackson v. Byrne 738 F. 2d 1443, (7th Cir. 1984)

11. State Action, for purposes of the equal protection clause of the Fourteenth Amendment may emanate from dealings of Administration and Regulatory Agencies as well as from Legislative or judicial Action See Moose Lodge 107 v. Iris 407 U.S. 163, 31 L. Ed 2d 627, 92 S. Ct. 1965. The Commission, its agents and assigns are investigative and Regulatory, leaving out of its 5 year investigation all evidence of Small's Electric Service connection with Alliant Energy, And thus treating Ameren Missouri Corporation more favorably than the disabled, down pro se party.

12. The Commission entered findings and conclusions in regards to Ameren Missouri's Service office where electrical Applicant could appear and request services, Adair Co. Mo. This erroneous finding of fact and legal conclusion is not supported by competent and substantiated evidence of any record, EC-2015-0058. See *Murphy v. Canon* — S.W.2d

13. Based on the above and foregoing basis for rehearing, the Commission's July 22, 2015 decision exceeds its Statutory Authority or jurisdiction of the agency, and Violates due process, under T.C.W. ex rel *Webb v. Wyciskala*, 275 S.W.3d 249 (Mo. banc. 2009).

14. Throughout contested Case No. EC-2015-0058, the office of public Counsel, Counsel D. Allison, abandoned the Out-of-State party, disabled 6 - War Veteran.

15. Abandonment of party Small, by office of public defense Y. Allish, was by design calculated to permit Ameren missouri a greater exhaustion of remedies opportunity and to defeat the Out-of-State disabled Viet Veteran, Agard.

16. Based upon the evidence of incomplete Agency Records, the April 2015 hearing on the merits resulted in less than a fair trial and in violation of the U.S. CA Const. Amend 14. See Hernandez v. Texas, 347 U.S. 475.

17. Miss application of Federal law. The Commissioner by denying Applicant due process protection under Memphis Sign, Gas and Water Division v. Craft, 436 U.S. 1 (1978).

Motion for leave to
file a first amended
Motion for rehearing,
based on (a) pro Se
Status (b) Out-of-State
inconvenience factors
(c) Aged/disability factors.

Wherefore, the undersigned
disabled, Aged complainant
prays for such Commission
Order the Commission be
reasonable in the above
given premises.

Respectfully
Submitted,
Prinice E. Spruce
606 West Hwy #2
Milton, Iowa
52570

Certificate of Service, I certify
that copies of the foregoing
motion for rehearing of the
July 22, 2015 final Agency Action
and all others, was filed with
the commission data center, with
copies to Sara Gibney, for Agency
all done on August 19, 2015. Prinice E. Spruce
606 West Hwy #2
Milton, Iowa 52570

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