

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

Jimmie E. Small,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EC-2015-0058
	)	
Union Electric Company	)	
	)	
Respondent.	)	

**NOTICE REGARDING RESPONSES TO MOTIONS**

Issue Date: October 29, 2014

The responses of Jimmie E. Small to motions of Union Electric Company (“Ameren”) and Staff<sup>1</sup> are moot or late. The motions were (A) to dismiss the complaint and (B) for reconsideration of the complaint’s reclassification. By the time the Commission received Mr. Small’s responses, Mr. Small had already prevailed on those motions, or (C) was out of time, as follows.

(A) Dismissal

On August 29,<sup>2</sup> Mr. Small filed the complaint.<sup>3</sup> The complaint was the object of motions to dismiss from Ameren<sup>4</sup> and Staff<sup>5</sup> filed on October 3 and 4 respectively. On

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<sup>1</sup> Electronic Filing and Information System (“EFIS”) No. 15, *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, With Prejudice*, filed on October 20, 2014, envelope, postmark.

<sup>2</sup> All dates are in 2014.

<sup>3</sup> EFIS No. 1, filed on August 29.

<sup>4</sup> EFIS No. 9, *Answer and Motion to Dismiss*, filed on October 2.

<sup>5</sup> EFIS No. 11, *Staff Recommendation to Dismiss Complaint with Prejudice*, filed on October 8.

October 15, the Commission ruled in favor of Mr. Small (“order”).<sup>6</sup> On that same day, Mr. Small mailed a response seeking more time to address the motions to dismiss,<sup>7</sup> so Mr. Small’s response to the motion crossed in the mail with an order in his favor. On October 20, the Commission received that response. The relief he requested was no longer of any practical use, which rendered each request moot.<sup>8</sup> Therefore, the Commission will not rule on that request.

#### (B) Reconsideration

The same order of October 15 also directed Staff to file a redacted copy of the cover pleading to which Staff attached its report.<sup>9</sup> On October 22, Staff filed a motion for reconsideration.<sup>10</sup> On October 29, the Commission denied that motion.<sup>11</sup> On October 31, Mr. Small filed a response to the motion for reconsideration.<sup>12</sup> Again, Mr. Small’s response to the motion crossed in the mail with an order in his favor. The relief that Mr. Small requested—maintaining the confidentiality of his complaint—was already granted, which rendered that request moot.<sup>13</sup> Therefore, the Commission will not rule on that request.

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<sup>6</sup> EFIS No. 13, *Orders for Small Formal Complaint, Denying Motions to Dismiss, and Setting Time for Filing*, issued on October 15, page 2-4.

<sup>7</sup> EFIS No. 15, *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, With Prejudice*, filed on October 20, envelope, postmark.

<sup>8</sup> *Rosenfeld v. Thoele*, 28 S.W.3d 446, 451 (Mo. App., E.D. 2000).

<sup>9</sup> EFIS No. 13, *Orders for Small Formal Complaint, Denying Motions to Dismiss, and Setting Time for Filing*, issued on October 15, page 1-2.

<sup>10</sup> EFIS No. 17, *Motion to Reconsider*, filed on October 22.

<sup>11</sup> EFIS No. 21, *Order of Clarification and Re-Classification*, issued on October 29.

<sup>12</sup> EFIS No. 21, *Complainant's Motion/Objection/Dispute/Disagreement with Staff's Report/Recommendation to Reconsider Commission's Order to Redact HC/Privacy Act Matters, as a Matter of Existing Missouri and Federal Privacy Act Laws*, filed on October 31.

<sup>13</sup> *Rosenfeld v. Thoele*, 28 S.W.3d 446, 451 (Mo. App., E.D. 2000).

### (C) Summary Disposition

Also, one isolated reference to “summary disposition” appears in Mr. Small’s response to the motion for reconsideration.<sup>14</sup> Mr. Small’s response to the motion for reconsideration does not otherwise discuss a decision on the merits. In any event, Mr. Small’s response to the motion for reconsideration did not meet the deadline of October 30 for filing a motion for summary disposition.<sup>15</sup> Therefore, the Commission will not rule on that request.



### 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 3<sup>rd</sup> day of November 2014.

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<sup>14</sup> EFIS No. 21, *Complainant's Motion/Objection/Dispute/Disagreement with Staff's Report/Recommendation to Reconsider Commission's Order to Redact HC/Privacy Act Matters, as a Matter of Existing Missouri and Federal Privacy Act Laws*, filed on October 31, page 23.

<sup>15</sup> EFIS No. 13, *Orders for Small Formal Complaint, Denying Motions to Dismiss, and Setting Time for Filing*, issued on October 15, page 4, ordered paragraph 4.