

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

**JONATHAN MILLER,**

**Complainant,**

**Case No. GC-2026-0007**

**v.**

**MISSOURI PUBLIC SERVICE COMMISSION,**

**Respondent.**

**MOTION FOR DECLARATORY RULING AND SYSTEMIC REMEDIATION REGARDING EFIS ACCESS**

COMES NOW, Jonathan Miller, Complainant, appearing *pro se*, and respectfully moves the Missouri Public Service Commission (hereinafter "Commission" or "PSC") for a Declaratory Ruling regarding the legality and constitutionality of its Electronic Filing and Information System (EFIS) access structure, and for an Order for Systemic Remediation to ensure full procedural parity for all litigants. This Motion is based upon the evidence previously filed in this case, specifically the Commission's own EFIS User Guides, which demonstrate a two-tiered system that creates prejudicial and unequal access.

**I. INTRODUCTION**

1. This Motion seeks to address fundamental issues of due process and equal protection as they pertain to the Commission's Electronic Filing and Information System (EFIS). As a *pro se* litigant in Case No. GC-2026-0007, Complainant Jonathan Miller (hereinafter "Complainant") has experienced direct and documented denial of access to essential functions within EFIS, functionalities explicitly reserved for a "Professional Account" while being unavailable to a "Personal Account" user such as myself.
2. The Commission, as a public regulatory body, has a constitutional and ethical obligation to provide a fair and impartial forum for all parties. The evidence previously filed demonstrates that the current EFIS structure falls short of this obligation, creating a system that disadvantages *pro se* litigants and members of the public by denying them critical tools necessary for effective participation in regulatory proceedings.

**II. STATEMENT OF UNDISPUTED FACTS**

3. The Commission maintains the EFIS system for electronic filings and information management concerning Commission cases, tariffs, and other regulatory matters.
4. Through extensive personal experience as a *pro se* litigant in this case, and through diligent investigation and filing of the Commission's own EFIS User Guides, Complainant has irrefutably proven that the EFIS system operates on a two-tiered access structure. This structure differentiates between "Personal Accounts" (accessible to the general

public) and "Professional Accounts" (accessible to regulated companies and their certified representatives).

5. The Commission's own published user guides explicitly delineate these disparate levels of access and functionality: a. **Filing and Management of Tariffs:** The ability to e-File a **New Tariff**; **Cancel Tariff In Its Entirety**; **Extend Effective Date of Pending Tariff**; **Replace Tariff In Its Entirety**; and **Revise Tariff e-Filing** are all functions explicitly restricted to users possessing a "Professional Account." This is unequivocally proven by Commission's User Guides titled "New Tariff e-Filing" (**Exhibit AZ**); "Cancel Tariff In Its Entirety" (**Exhibit AX**); "Extend Effective Date of Pending Tariff" (**Exhibit AY**); "Replace Tariff In Its Entirety" (**Exhibit BA**); and "Revise Tariff e-Filing" (**Exhibit BB**), each stating, "NOTE: Users must have a 'Professional Account' and linked to the company they are filing on behalf of." b. **Responding to Data Requests (Discovery):** The ability to **Respond to Data Requests**—a fundamental component of legal discovery in Commission cases—is explicitly restricted to "professional account users." This is proven by the Commission's User Guide titled "Respond to Data Request" (**Exhibit AV**). c. **Access to Comprehensive Service Lists and Confidential Data:** Access to the full "Certified Service List," which grants members access to "highly confidential and proprietary data," is not available to all users. This is proven by the Commission's User Guide titled "Service List Search" (**Exhibit AW**). While public users can search for basic service list information, the comprehensive access and the ability to interact with filings designated as confidential or highly confidential is reserved for Certified Members, who typically hold "Professional Accounts." d. **Withdrawal of Filings:** The ability to **Withdraw Pending Tariff or Tariff Sheets** is also explicitly restricted to users with a "Professional Account." This is proven by the Commission's User Guide titled "Withdraw Pending Tariff or Tariff Sheets" (**Exhibit BD**).
6. As a *pro se* litigant and a "Personal Account" holder, Complainant is demonstrably unable to perform these essential legal and regulatory functions within the EFIS system, even when they are directly relevant to his participation in Commission proceedings.

### **III. ARGUMENT: Legal, Ethical, Regulatory Implications, and Consequences**

The undisputed facts demonstrate that the Commission's EFIS system, as designed and operated, creates an unconstitutional and ethically indefensible barrier to full and fair participation in its proceedings, leading to significant implications and consequences for all parties involved.

#### **A. Legal Implications: Violations of Due Process and Equal Protection Under Applicable Law.**

7. The **Fifth Amendment to the U.S. Constitution** states that "No person shall...be deprived of life, liberty, or property, without due process of law." This clause applies to the federal government. The **Fourteenth Amendment to the U.S. Constitution**, in Section 1, extends similar protections to state actions, stating, "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Additionally, **Article I**,

**Section 10 of the Missouri Constitution** guarantees that "no person shall be deprived of life, liberty or property without due process of law."

8. "Due process" fundamentally requires fair procedures, adequate notice, and a meaningful opportunity to be heard before governmental action can affect one's interests. The "equal protection" clause requires that all persons similarly situated should be treated alike under the law, ensuring that governmental classifications are not arbitrary or unreasonable.
9. The Commission's EFIS system directly contravenes these constitutional guarantees. By explicitly restricting crucial functionalities to "Professional Accounts" while simultaneously holding *pro se* litigants to the same procedural standards expected of all parties, the Commission creates an inherently unfair and unequal playing field. The evidence presented in **Exhibits AZ, AX, AY, BA, BB, AV, AW, and BD** unequivocally proves that the ability to initiate, manage, or respond to core regulatory and discovery actions is systematically denied to "Personal Account" users. This denial is not a mere inconvenience; it is a direct impediment to a *pro se* litigant's fundamental right to effectively participate in proceedings that affect their interests. The Commission cannot lawfully provide one class of litigants with essential procedural tools while denying those same tools to another class, thereby creating a prejudicial informational and functional asymmetry. This asymmetry affects a litigant's ability to:
  - **Effectively present a case:** Without the ability to file certain documents or amend filings, a litigant's arguments may be incomplete or procedurally disadvantaged.
  - **Engage in full discovery:** The inability to respond to data requests places a *pro se* litigant at a severe disadvantage, potentially leading to adverse rulings or the preclusion of evidence due to non-compliance.
  - **Receive timely and consistent notice:** While some notifications may be public, critical updates related to the actions reserved for "Professional Accounts" may not be received equitably, hindering a *pro se* litigant's ability to respond promptly.

#### **B. Ethical Implications: Lack of Transparency and Breach of Public Trust.**

10. As a public administrative agency, the Commission is ethically bound to operate with transparency and to maintain the public trust. The operation of a two-tiered electronic system, where essential procedural functions are hidden behind an exclusive account type, constitutes a significant ethical failing. This secrecy regarding full system functionality violates the public's right to clear and complete information about how its government operates, as generally advocated by principles of governmental transparency. While the public may view some documents, the inability to *act* within the system—to file, amend, or respond in the same manner as regulated entities—creates an opaque environment. This lack of full procedural transparency fosters distrust and gives an unfair advantage to parties with "Professional Accounts," thereby undermining the integrity of the regulatory process itself and eroding public confidence in the Commission's impartiality.

### **C. Regulatory Implications: Undermining the Commission's Own Mission and Fair Regulation.**

11. The Commission's statutory mandate, as generally established by state public service commission laws (e.g., in Missouri, **Chapter 386 of the Revised Statutes of Missouri**), is to regulate public utilities in the public interest, ensuring fair, just, and reasonable rates and reliable service. Effective public oversight and robust stakeholder participation are cornerstone elements of this mission.
12. By creating an EFIS system that limits the public's ability to directly engage in critical aspects of regulatory proceedings, the Commission is inadvertently undermining its own regulatory mission. The system, as currently configured, prioritizes administrative convenience for regulated entities over comprehensive and accessible public participation, thereby diminishing its capacity to fully serve the broader public interest it is designed to protect. The documented restrictions prove that the EFIS system is a barrier, rather than a facilitator, of true public engagement, potentially leading to less informed regulatory outcomes due to incomplete public input. This also creates an appearance of favoritism towards regulated entities, which is contrary to the spirit of independent regulation.

### **D. Potential Consequences for All Parties (Systemic Remediation as Primary "Damage")**

13. The "damages" and "consequences" arising from the current EFIS system are primarily systemic and procedural, impacting the integrity and fairness of the regulatory process for all. While this administrative motion primarily seeks systemic remediation rather than monetary damages (which are typically sought in a separate judicial action), the following impacts are directly attributable to the current EFIS design:
  - a. **For the Complainant (Jonathan Miller):** The primary consequence is the ongoing deprivation of fundamental constitutional rights (due process and equal protection). This includes the inability to effectively participate in discovery, manage filings, and fully present a case, leading to significant time investment, potential procedural disadvantages, and the necessity of initiating formal motions to compel basic access. The harm is systemic denial of effective administrative remedies.
  - b. **For the Missouri Public Service Commission:** \* **Reputational Damage:** Continued operation of a system perceived as unfair or discriminatory can erode public trust and confidence in the Commission's impartiality and commitment to public service. \* **Risk of Adverse Judicial Rulings:** If the Commission fails to address these concerns administratively, it faces the substantial risk of adverse rulings in state or federal court, potentially leading to a court-ordered overhaul of EFIS, which could be more disruptive and costly than proactive administrative reform. \* **Inefficiency:** The current system may lead to increased administrative burdens from *pro se* litigants filing paper documents or repeated motions seeking clarification and access. \* **Reduced Legitimacy:** A regulatory body whose processes are seen as non-transparent or unequal risks losing legitimacy in the eyes of the public it serves.
  - c. **For Regulated Companies (e.g., Spire):** \* **Increased Scrutiny:** If the EFIS system is made fully equitable, regulated companies may face more robust and direct participation

from *pro se* litigants and public interest groups, potentially leading to more extensive discovery and challenges in regulatory proceedings. \* **Leveling the Playing Field:** The current procedural advantage they enjoy due to exclusive EFIS access would be eliminated, requiring them to engage with all parties on truly equal footing.

d. **For the Office of the Public Counsel (OPC):** \* **Empowerment of Public Interest:** A ruling in favor of systemic remediation would significantly empower the OPC's mission by removing a critical technological barrier to public participation, allowing for more comprehensive representation of consumer and public interests. \* **Potential for Streamlined Advocacy:** With a more accessible EFIS, the OPC could potentially collaborate more efficiently with informed *pro se* litigants and public groups, enhancing overall public advocacy.

14. The requested systemic remediation of EFIS is therefore not merely a technical adjustment, but a critical measure to uphold constitutional principles, restore public trust, and enable the Commission to more effectively fulfill its regulatory mission in an equitable and transparent manner.

#### IV. PRAYER FOR RELIEF

WHEREFORE, Complainant Jonathan Miller respectfully requests that the Missouri Public Service Commission:

1. **Issue a Declaratory Ruling** that its current EFIS system, by differentiating between "Personal Accounts" and "Professional Accounts" for access to essential filing, management, and discovery functions, creates an unequal and prejudicial process that violates the due process and equal protection rights of *pro se* litigants and the general public, as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article I, Section 10 of the Missouri Constitution.
2. **Order Systemic Remedial Action** to immediately modify the EFIS system to grant all verified users, including *pro se* litigants and all members of the public, full procedural parity and equal access to all necessary filing, discovery, and notification features currently available only to "Professional Accounts."
3. **Grant** any other relief the Commission deems just and proper to ensure a fair and equitable electronic filing system for all parties.

Respectfully Submitted,

Jonathan Miller Complainant, *Pro Se*

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[REDACTED]

[REDACTED]

[REDACTED]

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via the Commission's Electronic Filing and Information System (EFIS) on this 18th day of **August, 2025**.

Jonathan Miller