

# BEFORE THE PUBLIC SERVICE COMMISSION

## STATE OF MISSOURI

JONATHAN L. MILLER, Complainant,

V.

Spire Missouri Inc. d/b/a Spire, Respondent.

Case No. GC-2026-0007

## COMPLAINANT'S REVISED RESPONSE TO RESPONDENT'S MOTION FOR PROTECTIVE ORDER, AND MOTION TO COMPEL INSUFFICIENT DISCOVERY RESPONSES

COMES NOW Complainant, Jonathan L. Miller, and, pursuant to the Missouri Public Service Commission's rules of practice and procedure, respectfully submits this Revised Response to Respondent Spire Missouri Inc.'s "Motion for Protective Order," concurrently moving to compel insufficient discovery responses.

### I. INTRODUCTION: The Commission's Dual Obligation and the Context of This Complaint

1. Complainant understands and generally does not object to the establishment of a protective order for information that is genuinely confidential, proprietary, or constitutes a trade secret, as provided for under 20 CSR 4240-2.135. The necessity of safeguarding sensitive business information in Commission proceedings is acknowledged. However, such necessity must be balanced against the Commission's paramount constitutional and ethical obligation to ensure **due process** and **equal protection** for all parties, including *pro se* litigants, and to uphold the integrity of the regulatory process **in this and all proceedings**.
2. Respondent Spire Missouri Inc.'s Motion for Protective Order explicitly emphasizes Complainant's *pro se* status as a basis for requiring special certification. This stance by Respondent, and the Commission's current operational framework, create **systemic disparities in access and functionality** within the Electronic Filing and Information System (EFIS) that directly violate core legal and ethical principles governing administrative proceedings and the rule of law **as they apply to the just resolution of Complainant's formal complaint regarding alleged incorrect budget billing enrollment (Case No. GC-2026-0007)**. This motion further exposes a pattern of non-transparency and the mishandling of critical information by both Respondent and PSC Staff that directly impedes the fair adjudication of the underlying complaint. **Indeed, Complainant's extensive investigation into these systemic issues, leading to**

escalated concerns all the way to this regulatory proceeding, was directly precipitated by Respondent's initial refusal to provide a simple, written, and documented resolution to Complainant's account and billing concerns, compelling Complainant to pursue further inquiry.

## II. FACTUAL BASIS AND DOCUMENTED VIOLATIONS

3. Respondent's motion underscores a fundamental contradiction: while Complainant, as a *pro se* litigant in **Case No. GC-2026-0007**, is held to the **same substantive and procedural legal standards** as licensed attorneys and utility representatives, he is systematically denied the equivalent tools, access, and presumptions of trustworthiness afforded to "Professional Account" holders within EFIS. This unequal treatment, directly impacting Complainant's ability to prosecute his complaint, is detailed in Complainant's "Refined Comprehensive Data Requests Related to EFIS Operation, Data Handling, and Inadvertent Disclosure (Set No. 2)," particularly **DR 15.0 through DR 15.9**.
4. This systemic denial of equal access, pertinent to the fair resolution of Complainant's complaint, forces Complainant to perform **uncompensated administrative, investigative, and data security incident response labor**, as articulated in Complainant's **DR 18.0 series**. The Commission's own EFIS system further compounds this burden; as depicted in **Complainant's attached Screenshots (5069) and (5070)**, the "Add CC" function for electronic service consistently fails to populate attorney names for the Office of Public Counsel (OPC) and MO PSC Staff, preventing proper electronic carbon copying. This technical failure, whether a consequence of Complainant's "Personal Account" status or a broader system deficiency (as explored in DR 15.9), directly impedes due process and equal service essential for the just adjudication of this case.
5. Complainant was **directly victimized** by the inadvertent data breach that occurred on or about August 11, 2025, in Case No. GC-2026-0007 (related to *Armour v. Spire*), having been the unintended recipient of highly sensitive personal information (including Social Security Number, credit card information, and Spire account number) belonging to [REDACTED]. Complainant asserts that he is a **key witness** to the systemic data handling failures underlying that incident, which occurred through Spire's use of an **off-platform file-sharing service (Kiteworks)** between parties (Spire and PSC Staff) operating within the "Professional Account" tier of EFIS. This incident **demolishes any purported security rationale** for limiting "Personal Account" access and is directly relevant to demonstrating the broader systemic vulnerabilities impacting the integrity of data handling in all Commission proceedings, including **Case No. GC-2026-0007**.
6. Despite the gravity of this data breach, **neither Respondent nor PSC Staff publicly filed the breach notification letter (Spire's August 12, 2025 letter to the Armours) on the directly affected docket, Case No. GC-2026-0021, to inform the Regulatory Law Judge and all parties**. Complainant's attempt to remedy this by filing a "Motion to Take Judicial Notice" in that docket was formally **struck by the Commission** (Item #14 in GC-2026-0021), citing Complainant's lack of formal party status in that case. This action constitutes a **mishandling of evidence** and raises serious concerns about

**spoliation** of critical information from the public record of the affected case. This is formally detailed in Complainant's DR 14.5, DR 14.8, and DR 21.8, and directly impacts the Commission's ability to oversee transparent and fair discovery across related cases, including **Case No. GC-2026-0007**.

### **III. ARGUMENT: Legal, Ethical, and Regulatory Violations and Their Consequences Impacting Case No. GC-2026-0007**

The undisputed facts and evidence demonstrate that the Commission's EFIS system and its broader administrative oversight, as designed and operated, create an unconstitutional and ethically indefensible barrier to full and fair participation in its proceedings, directly impeding the just and efficient resolution of **Case No. GC-2026-0007**.

#### **A. Constitutional Implications: Flagrant Violations of Due Process and Equal Protection.**

7. The **Fifth Amendment to the U.S. Constitution** mandates that "No person shall...be deprived of life, liberty, or property, without due process of law." This is extended to state actions by the **Fourteenth Amendment, Section 1, of the U.S. Constitution**, which similarly prohibits any State from depriving "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." Further, **Article I, Section 10 of the Missouri Constitution** affirms that "no person shall be deprived of life, liberty or property without due process of law."
  - o **Violation:** Holding *pro se* litigants (like Complainant in **Case No. GC-2026-0007**) to the same procedural and substantive standards as attorneys, while simultaneously denying them essential EFIS tools and imposing unique burdens (e.g., failed CC function, need for special certifications), denies a **meaningful opportunity to be heard** and constitutes **unequal treatment** without a rational basis. The documented data breach within the "Professional Account" tier negates any claim of superior security justifying such disparity, which is directly relevant to the fair and legitimate prosecution of the underlying complaint.

#### **B. Compelled Uncompensated Labor and Unconstitutional Taking Directly Related to This Case**

8. The **Thirteenth Amendment to the U.S. Constitution** prohibits involuntary servitude. The **Fifth and Fourteenth Amendments** prohibit the taking of property without just compensation.
  - o **Violation:** Forcing Complainant to act as an unpaid investigator, auditor, and incident responder to uncover and manage data security breaches and systemic deficiencies (like those detailed in the **BBB and Facebook Reports** already filed by Complainant), which directly benefit the public interest and the Commission's oversight function, constitutes an **unconstitutional taking of Complainant's property (labor)** without just compensation. It also raises concerns akin to **involuntary servitude**. This burden, imposed directly on Complainant in **Case No. GC-2026-0007**, is exacerbated by Spire's responses to Complainant's First

Set of Data Requests (received August 15, 2025), which demonstrate a pattern of **denying systemic issues** (DR 7, 8, 13) that are **demonstrably contradicted by Complainant's previously filed public reports**, thereby compelling further uncompensated investigative effort to prove what should be evident and to legitimize Complainant's initial claims.

### **C. Ethical and Regulatory Breaches: Transparency, Data Security, and Candor Impacting Case No. GC-2026-0007**

9. The **Missouri Public Service Commission**, under **Chapter 386 RSMo**, has a statutory mandate to regulate utilities in the **public interest**, ensuring fairness, just and reasonable rates, and reliable service. This mandate implies robust **oversight** and **transparency**. Ethical principles of administrative law also demand **candor to the tribunal** and **fairness to all parties**.
  - **Violation:**
    - **Breach of Public Trust & Data Security:** The inadvertent disclosure of Sensitive PII by Spire, particularly via an un-vetted off-platform service, and the PSC Staff's subsequent dismissal of it as a "one-off" while **advising Complainant to "destroy" evidence**, is a profound dereliction of their ethical and regulatory duty to safeguard sensitive data and ensure proper evidence preservation. This behavior raises serious concerns of **spoliation** and ethical misconduct by PSC Staff, directly impacting the integrity of discovery and evidence in **Case No. GC-2026-0007**.
    - **Lack of Transparency & Candor:** The failure to publicly file the data breach notification on the directly affected docket (GC-2026-0021), followed by the Commission's order striking Complainant's attempt to remedy this, demonstrates a systemic failure in ensuring full transparency and a troubling disregard for complete information being available to relevant judges and parties. This creates an appearance of attempting to minimize or conceal the gravity of the incident from the public record of the affected case, impacting the overall fairness and legitimacy of proceedings, including **Case No. GC-2026-0007**.
    - **Failure of Oversight:** The documented pattern of Spire's non-transparent responses to public complaints (e.g., the "See Attached" strategy in BBB complaints) and their explicit denials of "systemic issues" in discovery (DR 7, 8, 13), despite Complainant's already-filed evidence to the contrary, highlights a critical failure in the Commission's proactive oversight and its reliance on self-reporting that avoids accountability, making it harder for Complainant to legitimately prove the systemic nature of his original billing complaint.

### **IV. POTENTIAL CONSEQUENCES AND PRAYER FOR REMEDIATION IMPACTING CASE NO. GC-2026-0007**

The "damages" and "consequences" arising from the current EFIS system and associated administrative failures are primarily systemic and procedural, impacting the integrity and fairness of the regulatory process for all, and directly impeding the just resolution of **Case No. GC-2026-0007**.

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 Commission's current design and practices:

14. **For the Complainant (Jonathan L. Miller) in Case No. GC-2026-0007:** 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, substantial emotional distress and mental anguish, and the necessity of initiating formal motions to compel basic access. The harm is systemic denial of effective administrative remedies, coupled with the imposition of **uncompensated, high-value labor** (investigative, administrative, and data security incident response) that infringes upon his liberty and property, all directly impacting the legitimate prosecution of his initial complaint.
15. **For the Missouri Public Service Commission:**
  - a. **Reputational Damage and Erosion of Trust:** Continued operation of a system demonstrably unfair, opaque, and discriminatory, and prone to severe data handling failures, as confirmed by the Commission's own records, fundamentally erodes public trust and confidence in the Commission's impartiality and commitment to public service, thereby undermining its ability to legitimately oversee cases like **GC-2026-0007**.
  - b. **Risk of Adverse Judicial Rulings and Court-Ordered Overhaul:** If the Commission fails to address these constitutional violations and systemic concerns administratively, it faces the substantial risk of adverse rulings in state or federal court. Such rulings could lead to a costly, disruptive, and externally mandated overhaul of EFIS and its related procedures, along with potential awards of compensatory damages against the state for compelled uncompensated labor and other harms directly arising from the deficiencies affecting cases like **GC-2026-0007**.
  - c. **Diminished Legitimacy:** Loss of public confidence in its impartiality and commitment to its mandate.
16. **For Regulated Companies (e.g., Spire):**
  - a. **Increased Scrutiny:** If the PSC system is reformed, Spire will face more robust and direct participation from *pro se* litigants and public interest groups, potentially resulting in more extensive and transparent discovery and challenges in regulatory proceedings, including **Case No. GC-2026-0007**.
  - b. **Loss of Procedural Advantage:** The current procedural and informational advantage they enjoy due to exclusive EFIS access will be eliminated, requiring them to engage with all parties on a truly equal footing in cases like this one.
  - c. **Enhanced Accountability:** Their alleged pattern of non-transparent responses and denials of systemic issues will become more difficult to maintain under a truly transparent and equitable system, allowing for a more legitimate examination of their practices as alleged in the complaint.
17. **For the Office of the Public Counsel (OPC):**
  - a. **Empowerment of Public Interest:** A ruling in favor of systemic remediation would significantly empower the OPC's mission by removing critical technological and procedural barriers to public participation, allowing

for more comprehensive representation of consumer and public interests in cases like **GC-2026-0007**. b. **Potential for Streamlined Advocacy:** With a more accessible EFIS and transparent data handling, the OPC could potentially collaborate more efficiently with informed *pro se* litigants and public groups, enhancing overall public advocacy.

18. The requested systemic remediation of EFIS and data handling protocols is therefore not merely a technical adjustment; it is a critical and constitutionally mandated measure to uphold constitutional principles, restore public trust, ensure procedural fairness, prevent uncompensated compelled labor, and enable the Commission to more effectively fulfill its regulatory mission in an equitable and transparent manner **for the legitimate and fair resolution of Case No. GC-2026-0007 and all similar proceedings.**

## V. PRAYER FOR RELIEF

WHEREFORE, Complainant Jonathan L. 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**, directly impeding the fair prosecution of cases like **GC-2026-0007**.
2. **Issue a Declaratory Ruling** that the Commission's current oversight of discovery and data handling, as evidenced by the inadvertent disclosure of Sensitive PII from "Professional Accounts" via an off-platform service and its subsequent dismissal as a "one-off" with advice to "destroy evidence," constitutes a failure to protect the public interest and a violation of due process.
3. **Issue a Declaratory Ruling** that the Commission's system, through its design and operational deficiencies (including the non-functional "Add CC" feature), compels *pro se* litigants like Complainant to perform substantial, uncompensated administrative, investigative, and data security incident response labor, thereby effecting an unconstitutional taking of property without just compensation, in violation of the **Fifth and Fourteenth Amendments to the U.S. Constitution**, and raising concerns akin to **involuntary servitude under the Thirteenth Amendment to the U.S. Constitution**, all directly impeding the legitimate prosecution of **GC-2026-0007**.
4. **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," thereby ensuring a level playing field for the fair resolution of **GC-2026-0007**.
5. **Order Systemic Remedial Action** to immediately review and revise the Commission's rules, policies, and oversight mechanisms for discovery and data handling, particularly concerning Sensitive PII and the use of off-platform services, to ensure robust data

security, clear accountability, and prevention of inadvertent disclosures, directly enhancing the integrity of all proceedings, including **GC-2026-0007**.

6. **Order Systemic Remedial Action** to immediately review and revise Commission policies and Staff practices concerning the acknowledgment, investigation, and transparent handling of data breaches and other systemic issues, ensuring that such matters are not dismissed as "one-offs" and that relevant information is appropriately filed across all affected dockets (e.g., **GC-2026-0007** and **GC-2026-0021**).
7. **Order Systemic Remedial Action** to compel Spire Missouri Inc. to provide complete and non-evasive responses to Complainant's First Set of Data Requests, particularly DR 7, DR 8, and DR 13, acknowledging the systemic nature of issues as evidenced by Complainant's previously filed reports (BBB and Facebook Reports), directly relevant to the core allegations of **GC-2026-0007**.
8. **Order** any other relief the Commission deems just and proper to ensure a fair, equitable, transparent, and constitutionally compliant regulatory process for all parties, including formal acknowledgment of Complainant's victimization by the August 11, 2025 data breach, his status as a key witness to the underlying systemic failures, and the PSC Staff's alleged spoliation and mishandling of evidence related to said breach, all directly impacting the legitimate prosecution of **GC-2026-0007**.

Respectfully Submitted,

**Jonathan L. Miller**

Complainant,

*Pro Se Case*

No. GC-2026-0007

[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 19th day of **August, 2025**.

**Jonathan L. Miller**