

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

JONATHAN MILLER Complainant,

v.

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

**MOTION FOR RECONSIDERATION AND CLARIFICATION OF AUGUST 20, 2025 ORDER,
AND SUPPLEMENTAL MOTION ON PROCEDURAL STATUS AND REQUEST FOR
APPROPRIATE RELIEF**

COMES NOW Complainant, Jonathan Miller, Pro Se, and respectfully submits this Motion for Reconsideration and Clarification of the Commission's "NOTICE AND RESPONSE TO FILINGS" issued on August 20, 2025 "August 20 Order", and concurrently files this as a Supplement to his "Motion for Clarification of Procedural Status and Request for Appropriate Relief" filed on August 24, 2025 "Complainant's Prior Motion". This filing incorporates newly discovered, irrefutable evidence and provides comprehensive legal, ethical, administrative, regulatory, state, and constitutional analysis demonstrating a profound "double problem" created by the Commission's actions.

I. INTRODUCTION: THE DOUBLE PROBLEM

On August 20, 2025, the Commission issued an Order directly responding to Complainant's filings regarding EFIS access, data request notifications, and the inadvertent disclosure of Sensitive Personally Identifiable Information PII. While acknowledging certain facts, the August 20 Order makes assertions that fundamentally conflict with Complainant's experience and, as newly evidenced herein, demonstrate profound procedural failures and due process violations by the Commission. These failures by the Commission exacerbate Complainant's original issue with Spire Missouri Inc.'s unauthorized billing, creating a **"double problem"**: first, being subjected to a utility's unauthorized action, and then being unwillingly forced into a legal battle by the very regulatory agency tasked with consumer protection.

This Motion seeks reconsideration and clarification of the August 20 Order, particularly regarding the deletion of Complainant's filings, the assertion of "equal EFIS access," and the directives issued to Complainant. Furthermore, this filing serves to supplement Complainant's Prior Motion, providing irrefutable documentary evidence that Complainant was coerced into a formal legal proceeding without informed consent, fundamentally undermining the integrity of the Commission's process for unrepresented litigants.

**II. FACTUAL BACKGROUND AND NEWLY DISCOVERED EVIDENCE: THE
AUTO-ENROLLMENT TRAJECTORY**

1. On June 27, 2025, Complainant submitted an email to the Missouri Public Service Commission PSC titled "FORMAL COMPLAINT," explicitly requesting a "thorough

investigation" into Spire's practices and the conduct of a PSC representative See Complainant's Prior Motion, Exhibit A, Email 2. Complainant's intent was to trigger a regulatory investigation into Spire's unauthorized auto-enrollment into budget billing and the PSC's initial dismissal of this concern, not to initiate a personal, adversarial lawsuit.

2. On July 1, 2025, at 7:58 AM, PSC Consumer Services sent an email to Complainant stating: "You should expect to hear from a Lead Customer Service Representative who will be in touch with you to discuss the details of your complaint and the next steps" See Complainant's Prior Motion, Exhibit A, Email 7. **Complainant explicitly awaited this promised human contact and discussion, and was subsequently surprised when no such call was received before formal docketing.**
3. However, less than 24 hours later, on July 2, 2025, between 1:52 PM and 1:59 PM, the PSC's Electronic Filing and Information System EFIS automatically proceeded to:
 - o Register "Jonathan Miller" as a "Company" with "Consumer" type Exhibit A, Email 16.
 - o Designate "Jonathan Miller" as a "Case Consultant" Exhibit A, Email 17.
 - o Formally docket Case No. GC-2026-0007 as "Jonathan Miller, Complainant, v. Spire Missouri, Inc. d/b/a, Spire, Respondent" Exhibit A, Email 18.
 - o Send Complainant an email confirming the formal case number and directing him to use EFIS for future filings, with user ID and password instructions Exhibit A, Email 19. **This process occurred without any intervening discussion with a Lead Customer Service Representative, or any explicit offer of alternative complaint pathways, or documented informed consent from Complainant, thus auto-enrolling him into a legal battle.**
4. On August 20, 2025, the Commission issued its "NOTICE AND RESPONSE TO FILINGS," which a asserted Complainant has a "professional account designation" and "equal access" to EFIS, b confirmed that data request notifications are not sent to all parties, c directed Complainant to review public resources, and d ordered the deletion of filings 41 through 101 and other documents deemed "irrelevant" or containing names of non-parties.
5. **NEWLY DISCOVERED, IRREFUTABLE EVIDENCE August 25, 2025:** Today, August 25, 2025, for the **first time**, Complainant downloaded and reviewed the following documents from the PSC's public website, none of which he had previously accessed or been made aware of prior to the formal docketing of this case:
 - o **Exhibit C:** "Informal Complaint Form.pdf"
 - o **Exhibit D:** "FORMAL COMPLAINT FORM 2023.pdf"
 - o **Exhibit E:** "Consumer Bill of Rights.pdf"
 - o **Exhibit F:** "Screenshot of PSC Website 'How To Submit A Complaint' Page"Complainant explicitly states that he **never saw, received, or utilized any of these forms or the associated webpage prior to the automatic docketing of Case No. GC-2026-0007 on July 2, 2025. Complainant never downloaded or signed the "FORMAL COMPLAINT FORM 2023.pdf" Exhibit D, but rather initiated his complaint via email only.** Furthermore, Complainant discovered Exhibit F today while actively investigating #MissouriPSC systemic issues on Facebook, highlighting its non-obvious accessibility.

III. ARGUMENT: THE PSC'S DOUBLE PROBLEM AND DUE PROCESS VIOLATIONS

The Commission's actions, from the initial handling of Complainant's concern about Spire's unauthorized billing to its automatic enrollment of Complainant into formal litigation, represent a "double problem" that constitutes egregious legal, ethical, administrative, regulatory, state, and constitutional violations.

A. THE COMMISSION'S AUGUST 20 ORDER MUST BE RECONSIDERED AND CLARIFIED REGARDING EFIS ACCESS AND ACCOUNT TYPE Points 5 and 6 of August 20 Order

The Commission's assertion that Complainant's EFIS account has a "professional account designation" and that "all EFIS access is equal as to the parties and EFIS is functioning appropriately" August 20 Order, Point 5 is fundamentally inconsistent with Complainant's experience, the Presiding Officer's own statements, and newly discovered evidence.

1. **Unverifiable Assertion and Lack of Transparency:** In a pre-conference discussion, the Presiding Officer stated to Complainant that there is "no way to confirm on my end what type of account I have," despite offering assurances of "equal access" and that "all parties have the same type of account." This direct contradiction creates a fundamental transparency void. Due process demands transparency and the ability to verify, not blind trust in an unverifiable assertion about a critical procedural tool. How can Complainant genuinely verify "equal access" if the foundational claim of account type is explicitly stated to be unverifiable to the user?
2. **Demonstrable Functional Disparity Specific to Discovery:** Complainant has experienced, and articulated to the Commission, a **specific and persistent technical issue within EFIS related to carbon copying CC attorneys for the Office of Public Counsel OPC and PSC Staff when filing data requests.** This direct functional impediment to proper discovery service is irrefutable proof that EFIS is *not* "functioning appropriately" and that access is *not* "equal" in a practical sense for performing essential litigation tasks. This specific issue was detailed in Complainant's "SECOND SET OF DATA REQUESTS TO THE MISSOURI PUBLIC SERVICE COMMISSION" DR 15.9, filed August 25, 2025.
3. **Lack of Foundational Knowledge:** Complainant's newly discovered evidence Exhibits C-F, found only through independent investigation into systemic issues, demonstrates that he was unaware of the very public-facing information that describes different complaint pathways or EFIS account functionalities at the time of formal docketing. To then assert "equal access" and functionality is to ignore the foundational lack of information that precluded Complainant from meaningfully understanding or utilizing any supposed equality.

B. THE COMMISSION'S DELETION OF FILINGS Points 1 and 4 of August 20 Order IS IMPROPER AND THE INADVERTENT DISCLOSURE IS HIGHLY RELEVANT

The Commission's Order to delete filings 41 through 101 and other documents, citing "irrelevance" and the inclusion of "names of citizens who are not parties without permission,"

constitutes an improper and procedurally unfair action that obstructs justice and undermines due process.

1. **Relevance of the Inadvertent Disclosure and Broader Public Interest Concerns:**

The "Inadvertent Disclosure" recoding of other complainants' Sensitive PII is **highly relevant** to the fundamental issues of this case, directly stemming from and compounding the initial problem of Spire's data handling related to billing. It demonstrates:

- **Systemic Data Handling Failures:** It provides direct evidence of a breakdown in utility data security and discovery protocols, which is a systemic concern impacting all consumers. This is relevant to the initial problem of unauthorized billing as both relate to how Spire manages customer data and agreements.
- **PSC Oversight Mandate:** It directly implicates the Commission's oversight responsibilities for utility compliance with data privacy regulations e.g., RSMo 407.1500, 20 CSR 4240-10.175. This is fundamental to ensuring "just and reasonable" practices as per RSMo 386.250, a principle undermined by Spire's initial billing actions.
- **Burden on Pro Se Litigant:** The discovery and handling of this breach imposed significant, uncompensated investigative and administrative labor on Complainant, further exemplifying the burdens of compelled litigation—a direct consequence of being auto-enrolled into a legal battle for his original complaint.
- **Catalyst for Regulatory Action:** The PSC Staff's own extensive data requests DR 0024.0-0028.0 to Spire on data breach compliance, prompted by Complainant's actions, definitively confirm the regulatory importance and relevance of this issue. The Commission cannot now unilaterally declare the very evidence that triggered its own investigation to be "irrelevant."
- **Peculiarity of Spire's Regulatory "Victories":** This issue is further illuminated by the peculiarity of Spire's Q3 2025 promises of "regulatory victories" to their shareholders and stakeholders. Such pronouncements bring into serious question the legitimacy of any subsequent rate increases and the overall validity of the entire regulatory system, especially when the Commission's processes (as applied to Complainant) appear to stifle discovery of systemic issues and compel unrepresented consumers into burdensome litigation. This connection makes the "inadvertent disclosure" highly relevant to the public interest and the PSC's duty to ensure transparent and equitable regulatory outcomes.

2. **Improper Handling of Confidential Information 20 CSR 4240-2.135 and EFIS Functionality:**

- The Commission's action of *striking* the entire filing is inconsistent with its own rule **20 CSR 4240-2.135 Confidential Information**, which outlines specific procedures for protecting confidential information, such as redaction, filing public/non-public versions, or seeking a protective order. It does not provide for wholesale deletion of relevant filings.
- Complainant previously informed the Presiding Officer that **the EFIS system typically seems to edit and make two copies public/non-public of filings**

containing confidential information on its own. If this inherent system functionality failed for the inadvertently disclosed PII, the fault lies with the EFIS system itself or the PSC's oversight of it, not with Complainant's good-faith attempt to submit relevant evidence. Striking the filing is punitive for a system failure that a pro se litigant cannot control, understand, or be expected to account for without explicit, transparent guidance.

C. Egregious DUE PROCESS VIOLATIONS AND COMPELLED LITIGATION: THE CORE OF THE DOUBLE PROBLEM

The August 20 Order directs Complainant to review public resources booklet, rules for formal proceedings. This directive, in light of the documented events, constitutes a fundamental show of bad faith and an egregious violation of due process, directly compounding Complainant's initial billing issue.

1. Complete Absence of Informed Consent New Evidence:

- Complainant's newly discovered evidence Exhibits C, D, E, F, accessed **for the first time today, August 25, 2025**, definitively proves that he **never saw, received, or utilized any of these foundational documents or the associated webpage prior to the automatic docketing of Case No. GC-2026-0007 on July 2, 2025**. Furthermore, Complainant explicitly discovered Exhibit F today **through his independent investigation into #MissouriPSC systemic issues on Facebook**, highlighting its non-obvious accessibility.
- These documents, particularly the "Informal Complaint Form" Exhibit C and the "How To Submit A Complaint" webpage Exhibit F, describe alternative pathways. The "FORMAL COMPLAINT FORM 2023.pdf" Exhibit D is a legal pleading, not a choice document. **Complainant's initial communication was via email only, providing no signature or explicit consent for a formal legal proceeding.**
- The PSC's failure to provide these options or obtain a documented, informed choice *at the outset*—before imposing a formal legal proceeding—is a profound due process violation. **This means Complainant was auto-enrolled into a legal battle by the PSC, just as he was initially auto-enrolled into budget billing by Spire, but without his consent in either instance.**

2. Breach of PSC's Own Promise and Automatic Escalation:

- The PSC's email of July 1, 2025 Exhibit A, Email 7, promising a human contact to "discuss the details of your complaint and the next steps," set a clear expectation for guided assistance. **Complainant explicitly awaited this call, and was surprised when his complaint was filed into EFIS on their own.**
- Instead, less than 24 hours later, the PSC's automated EFIS system bypassed this promised discussion, docketed the case formally, and imposed legal roles "Company," "Case Consultant," "Complainant" on Complainant without his knowledge or consent. This constitutes an administrative breach of their own stated commitment, directly creating the "second problem" for Complainant.

3. RLJ's Procedural Assertion vs. Due Process Reality:

- The Presiding Officer's statement that "You file the complaint. That makes you the complainant" See Complainant's Prior Motion, Exhibit B highlights a procedural rule that **completely bypasses the constitutional requirement of informed consent**. While the PSC may designate, it cannot compel an unrepresented citizen into a formal legal battle, with all its burdens, without ensuring they knowingly and willingly chose that path. This assertion, therefore, directly enables the "double problem" by failing to protect the unrepresented consumer from an imposed legal burden.
4. **Compelled, Uncompensated Labor Thirteenth & Fifth Amendments:**
- By automatically converting Complainant's request for an investigation into a personal, adversarial legal battle, the PSC has compelled him to perform extensive, uncompensated administrative, investigative, and quasi-legal tasks discovery, motion drafting, evidence review, data security incident response. This labor, which benefits the Commission's oversight function and the utility's compliance (stemming from both Spire's initial unauthorized billing and the systemic issues uncovered), constitutes an unconstitutional "taking" of Complainant's property labor without just compensation, and raises concerns akin to involuntary servitude.
 - This fundamental compulsion is what forces Complainant to continue participating in this process—to challenge its very imposition—not because he freely chose this task. **This transforms Complainant's original billing issue into an uncompensated, full-time legal and investigative job imposed by the regulatory agency.**
5. **Breach of 20 CSR 4240-2.0702:**
- The PSC's own rule states: **"the presiding officer may direct that a pro se complainant be required to go through the informal complaint procedure before the formal complaint will be heard by the commission."** This rule explicitly grants the RLJ the discretion to prevent precisely the situation Complainant is in. The failure to exercise this discretion, especially after Complainant expressed bewilderment and had sought a regulatory investigation, constitutes a regulatory failure to protect an unrepresented citizen and a perpetuation of the "double problem."

D. COMPREHENSIVE LEGAL, ETHICAL, ADMINISTRATIVE, REGULATORY, STATE, AND CONSTITUTIONAL IMPLICATIONS & VIOLATIONS OF THE DOUBLE PROBLEM

The Commission's actions and inactions, as evidenced herein, are not mere technicalities but systemic failures with profound implications across multiple domains, directly stemming from and compounding Complainant's initial unauthorized budget billing issue.

1. **Constitutional Violations U.S. & Missouri Constitutions:**
- **Due Process:** Flagrant violation through lack of adequate notice, absence of informed choice, and imposition of an unconsented legal burden, directly related to both the utility's unauthorized billing and the PSC's unauthorized litigation enrollment.

- **Equal Protection:** Disparate treatment of unrepresented citizens compared to represented parties, evidenced by EFIS functional limitations, lack of clear guidance, and the imposition of complex legal obligations, making it impossible to fairly contest the original utility issue.
 - **Thirteenth Amendment/Takings Clause:** Compelling uncompensated labor from a private citizen for public/regulatory benefit to address issues initiated by the utility and exacerbated by the PSC.
2. **Administrative/Regulatory Violations:**
- **Breach of Statutory/Regulatory Mandate:** Failure to protect the public interest and ensure just and reasonable practices, by actively compelling consumers into burdensome litigation rather than facilitating resolution of original utility issues. This includes the PSC's initial stance that Spire had a right to auto-enroll Complainant.
 - **Procedural Impropriety:** Bypassing standard consumer intake protocols and failing to document informed consent, turning a consumer's plea for investigation into an unconsented lawsuit.
 - **EFIS Functional Malfeasance:** Maintaining a system that creates transparency voids unverifiable account types, functional disparities CC issue for data requests, and inconsistent confidential information handling, all of which hinder effective participation in the imposed legal battle.
 - **Violation of 20 CSR 4240-2.0702:** Failure to exercise discretionary power to protect a pro se litigant, allowing the "double problem" to persist.
3. **Ethical Violations:**
- **Bad Faith:** The documented sequence of events—promising a discussion, automatically docketing a lawsuit, then pointing to a handbook the Complainant never saw, and deleting relevant filings—demonstrates a lack of good faith in administrative dealings with a vulnerable party. This behavior compounds the ethical concerns around the PSC's initial dismissal of Complainant's unauthorized billing issue.
 - **Erosion of Public Trust:** This process erodes public trust in the Commission's fairness and its role as a neutral arbiter, suggesting it prioritizes internal procedural convenience over consumer protection, thereby enabling both utility overreach and subsequent litigation burdens.

IV. POTENTIAL DAMAGES AND REQUESTED RELIEF

Complainant, having demonstrated profound legal and procedural violations stemming from this "double problem," reiterates and expands upon the relief sought in his Prior Motion:

1. **Formal Declaration:** A formal declaration by the Commission that its current process for handling initial "Formal Complaints" from unrepresented consumers, without an explicit informal resolution option or clear explanation of legal implications and documented informed consent, violated Complainant's due process rights and its regulatory mandate. This declaration must also acknowledge that the PSC's initial stance regarding Spire's right to auto-enroll Complainant contributed to this procedural failure.

2. **Order for Procedural Revision:** An order to initiate an immediate and comprehensive review and revision of Commission procedures to ensure that:
 - Unrepresented consumers are explicitly offered and guided through an informal complaint process *before* being automatically transitioned into a formal legal proceeding.
 - Informed consent for a formal legal proceeding is obtained and **documented** e.g., via a "Complaint Pathway Selection & Acknowledgment Form" from unrepresented consumers prior to formal docketing.
 - EFIS functionalities for pro se litigants are demonstrably equitable, transparent, and fully functional, including transparent verification of account types and proper electronic service for data requests.
3. **Compensation for Compelled Labor and Distress:** An award of compensation for the substantial time, effort, and emotional distress Complainant incurred due to being compelled to perform legal, administrative, and investigative work in this formal proceeding without proper notice, individual representation, or informed consent. This compensation should reflect the reasonable value of the work performed in uncovering both Spire's original unauthorized action and the PSC's systemic procedural failings, and the compounding harm suffered.
4. **Reinstatement of Filings:** An order to reinstate all deleted filings 41 through 101 and others related to the "Inadvertent Disclosure," recognizing their high relevance to systemic data handling issues, PSC oversight, and the burdens imposed on Complainant as a direct consequence of being forced to litigate his original complaint, and directing the use of 20 CSR 4240-2.135 for proper protection of any confidential information therein.
5. **Immediate Compliance with Discovery:** An immediate order for PSC Staff to produce without objection all documents and information requested in Complainant's "SECOND SET OF DATA REQUESTS TO THE MISSOURI PUBLIC SERVICE COMMISSION" DR 1.0-5.0, filed August 25, 2025, as this information is crucial to fully evaluate the Commission's policies and practices that led to the "double problem."
6. **Any Other Just and Appropriate Relief:** Any other relief the Commission deems just and appropriate to rectify the procedural inequities and burdens imposed on Complainant and to ensure the integrity of its regulatory processes in the context of this "double problem."

V. CONCLUSION

Complainant has presented irrefutable evidence, including the Commission's own documented communications and newly discovered public materials, demonstrating a clear and systemic failure to uphold due process for unrepresented consumers. The automatic escalation of a request for investigation into a burdensome legal proceeding, without informed consent or adequate notice, compels an individual to uncompensated labor and undermines the very foundation of fair administrative practice. This "double problem"—where the regulatory agency's own processes compound an initial utility violation—is unacceptable. The Commission is respectfully urged to reconsider its August 20 Order, grant the requested relief, and initiate

necessary reforms to ensure its processes are constitutionally compliant, transparent, and truly serve the public interest.

RESPECTFULLY SUBMITTED,

Jonathan L. Miller

Complainant, Pro Se

Account Number: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Date: August 25, 2025

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served upon all parties of record in this matter via electronic filing through the Electronic Filing and Information System EFIS on this 25th day of August, 2025.

Jonathan L. Miller Complainant, Pro Se