BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

JONATHAN MILLER,

Complainant,

v.

Spire Missouri Inc. d/b/a Spire,

Respondent.

Case No. GC-2026-0007

COMPLAINANT'S MOTION TO COMPEL DISCOVERY

COMES NOW Complainant, Jonathan Miller, Pro Se, and respectfully submits this Motion to Compel Discovery, requesting that the Administrative Law Judge ("ALJ") order the Missouri Public Service Commission ("PSC") Staff to provide full and complete responses to Complainant's Data Requests, which were improperly objected to by Staff.

I. BACKGROUND

1. On August 24, 2025, and August 26, 2025, Complainant submitted its Second and Third Sets of Data Requests to PSC Staff, filed in the Electronic Filing and Information System (EFIS) as DR 0029 and DR 0023, respectively.
2. These Data Requests sought information essential to the procedural issues raised in this proceeding, including due process concerns, the PSC's complaint intake policies, and the handling of customer data.
3. On August 27, 2025, and September 3, 2025, PSC Staff filed objection letters, asserting that Complainant's requests were "not relevant to material issues" and "not proportional to the needs of the case."

II. ARGUMENT

4. **The Relevance of Staff Conduct to the Original Complaint:** a. From the very inception of this case, Complainant's filings have consistently raised concerns about unauthorized actions and a lack of procedural clarity. The original complaint email (June 27, 2025) titled "URGENT: FORMAL COMPLAINT" detailed Spire's unauthorized enrollment of Complainant's account. This core theme of **unauthorized, "automatic" actions** was then extended to the Commission's own conduct in a subsequent filing (DR 26.12), which explicitly states that the conversion of the informal complaint to a formal legal proceeding without consent constitutes a "second, separate instance of an unauthorized, 'automatic' enrollment." b. Therefore, the conduct of PSC Staff, including their internal policies and procedures for handling complaints, is and always has been a

material issue in this case. The due process issues raised are not a tangential matter but are central to the integrity of this entire proceeding.

5. **The PSC Skipped the Informal Process:** a. The Commission's Staff has incorrectly characterized Complainant's inquiries as irrelevant. The data requests are highly relevant to proving that the PSC deliberately bypassed its own informal complaint process. The right to a fair hearing and due process is guaranteed by the **Missouri Constitution, Article I, Section 10**. b. A letter from the Secretary of the Commission, Nancy Dippell, dated August 28, 2025, directly addresses this issue. Ms. Dippell states, "During our conversation you asked me to send you the documents that began your formal complaint case. You also told me that you had not intended to open a 'formal complaint' at the Commission but rather were only interested in having your complaint investigated by the Commission." She further acknowledged this by stating, "If the Commission's employees misinterpreted your filings, we can remedy that by dismissing your formal complaint... If your formal case were dismissed, the Commission could resume the informal process. However, the result of the informal process may be no different with regard to the actual outcome of your case." c. This letter is an official acknowledgment from the Commission that a decision was made to convert the complaint directly to a formal proceeding, bypassing the informal process, despite Complainant's expressed intent to the contrary. The requested information regarding internal policies, such as the Commission's intake and processing of consumer complaints (DR 1.0 - DR 5.3), is therefore a vital part of establishing that due process was violated. This is especially true given that **20 CSR 4240-2.070(1)(B)** requires formal complaints to be in writing and signed, a requirement not met here.
6. **Inconsistent Application of Rules: The Case of GC-2026-0021:** a. Complainant has direct knowledge, based on a review of public filings, that another formal complaint, Case No. GC-2026-0021, was also initiated through an email. The complainants in that case were Bobby and Margarett Armour. b. A review of the public record for GC-2026-0021 confirms that the Armours filed **two separate formal complaints**, one on March 14, 2025, and another on July 16, 2025. This latter filing was made just two weeks after Complainant's initial email to the Commission. c. This stands in stark contrast to the handling of Complainant's case, where the PSC Staff proceeded to convert an informal inquiry directly to a formal complaint, bypassing the informal process and denying Complainant the opportunity to use the formal complaint form. This documented, repeated pattern of the PSC giving other complainants the opportunity to use the formal complaint form, while denying Complainant that same opportunity, demonstrates a procedural breakdown and a violation of the principle of equal treatment under the law. d. The requested discovery is necessary to understand and expose this pattern of inconsistent procedural application, which has directly impacted Complainant's ability to navigate this legal process.
7. **The Limited Scope of Formal Complaints in 2025:** a. Based on public filings, it appears that Complainant's case (GC-2026-0007) and the Armour's case (GC-2026-0021) are among the few, if not the only, formal complaints of 2025 that have been initiated. The small number of these cases, coupled with the differing procedural handling of each, underscores a potential for significant and systemic procedural failure.

b. To confirm the scope of this issue and further demonstrate the inconsistency in Staff's application of its rules, Complainant has a valid and proportional need to understand the full universe of formal complaints filed in 2025. This information is a foundational piece of evidence necessary to show the true scale of the procedural errors.

8. **Compounding Procedural Failures:** a. The first procedural failure occurred at the earliest stage of this process. When Complainant initially contacted the Commission to complain about Spire's CWR policy and its unauthorized enrollment into budget billing, a PSC representative told Complainant that Spire was correct in this action and that they did not need Complainant's consent. The representative then abruptly ended the call and did not call back. This initial failure to properly advise Complainant and the subsequent lack of a return call demonstrates a clear procedural breakdown that is central to the due process issues in this case. b. The Commission's own order, "NOTICE OF COMPLAINT AND ORDER DIRECTING ANSWER" (July 18, 2025), explicitly directed the Data Center in **Point 3** to send Complainant a copy of the notice, procedural rules, the handbook titled “How to Present Your Formal Complaint Before the Missouri Public Service Commission,” and the mediation information sheet. **The Commission's Data Center has failed to comply with this order.** This failure to execute the Commission's own directive has frustrated Complainant's ability to participate in this proceeding and is a core procedural harm. c. Complainant's discovery requests are also relevant to the broader pattern of procedural breakdowns. The issue of Spire's "inadvertent disclosure" of a third-party's recorded phone calls, including their PII, is a central piece of evidence that directly resulted from this formal discovery process (as documented in Exhibit A). This documented evidence of a data handling failure demonstrates systemic deficiencies. The requested information is necessary to investigate these compounding procedural issues and to ensure the integrity of the record.
9. **Legal Basis for Discovery and Proportionality:** a. PSC Staff's objections based on relevance and proportionality are unfounded and contradict the Commission's own rules of discovery. Under **20 CSR 4240-2.090(1)(B)**, discovery is permitted for "any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party." The procedural issues raised by Complainant's requests are clearly relevant to the subject matter of this case. b. Furthermore, while **20 CSR 4240-2.090(2)(D)** allows for objections, the requested information is reasonably calculated to lead to the discovery of admissible evidence regarding the Commission's adherence to its own rules. Staff's objection that the requests are "not proportional" is without merit. **There is no good reason to deny a citizen, customer, or pro se litigant the right to discover information necessary to address procedural harms or hardships.** Discovery is a fundamental right of a party to a legal proceeding, and it is particularly critical for a Pro Se litigant like Complainant, who lacks the institutional knowledge and resources of the Commission Staff. The requested information is a necessary tool for Complainant to build his case, ensuring a fair and equitable process. The burden of providing this information to a party who has filed a valid complaint is a necessary function of the Commission's public service mandate.

III. PRAYER FOR RELIEF

WHEREFORE, Complainant Jonathan Miller respectfully requests that the Administrative Law Judge:

a) **GRANT** this Motion and **COMPEL** the Staff of the Missouri Public Service Commission to provide full and complete responses to Complainant's Data Requests within a reasonable timeframe.

b) **OVERRULE** Staff's objections to the aforementioned Data Requests as being without basis.

c) **GRANT** such other and further relief as the Commission deems just and reasonable.

Respectfully Submitted,

Jonathan L. Miller

Complainant, Pro Se

Account Number: [redacted]

Phone: [redacted]

Email: [redacted]

Date: September 5, 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 5th day of September, 2025.

Jonathan L. Miller Complainant, Pro Se