

In the Missouri Public Service Commission

In the matter of

Janice Shands

Complainant)

V WC 2015-0030

MAWC

Respondent

In the matter of

Janice Shands

Complainant)

V EC 2015-0043

Ameren

Respondent

Janice Shands et al

complainant

v GS-2015-045

LaClede Gas

Respondent

**Complainant's Supplemental Memo/Motion in support of
motions**

for finding that the claims are not in PSC complaint jurisdiction

Comes now Complainants and for their supplemental Memo/Motion and add in addition to the statute the CSR is also clear that PSC's complaint procedures do not extend to its general supervisory jurisdiction.

1. The CSR expressly limits complaints to when aggrieved by a violation of a tariff, order or decision of the commission.

This is in the PSC regulation

4 CSR 240-2.070 Complaints

PURPOSE: This rule establishes the procedures for filing formal and informal complaints with the commission.

(1) Any person or public utility who feels aggrieved by an alleged violation of any tariff, statute, rule, order, or decision within the commission's jurisdiction may file a complaint. ..

end of quote

2. This is especially so on a formal complaint :

This is in 4 CSR 240-2.070(4)

(4) Formal Complaints. A formal complaint may be made by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any person, corporation, or public utility, including any rule or charge established or fixed by or for any person, corporation, or public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission.

emphasis added

4 The complaint here against the utilities is not so based on any rule, or provision of law or order of the commission., It is based on common law and the limits as set out in the recorded Declaration.

6. Under law an agency is subject to its own procedures and rules which are to be construed as in Turner based on the ordinary meaning of the words . Any other reading would seek to reduce the words based on rule, provision „,of the commission to surplusage as if not present.

This is especially so where regulation have to be adopted after notice and hearing and be submitted to a legislative committee where persons would have relied on the fact those limits were in the regulations in finding they followed the statute on complaints.

Wherefore for these reason move for the above.

By /s/ Susan H. Mello #31158

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Certificate of service

A copy was sent by email to P.C. Office of General Counsel at staff counsel@psc.mo.gov, to Dustin Allen (Public Counsel) at opscervice@ded.mo.gov, and counsel for the utilities on October 1 2014

_/s/ Susan H Mello