

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Case No.: GC-2026-0007

Jonathan Miller,

Complainant,

v.

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

Respondent

MOTION FOR CLARIFICATION OF PROCEDURAL STATUS AND REQUEST FOR APPROPRIATE RELIEF

Complainant, Jonathan Miller, respectfully submits this Motion for Clarification of Procedural Status and Request for Appropriate Relief to the Missouri Public Service Commission (the "Commission"). This motion seeks clarity regarding Complainant's status in this proceeding and requests appropriate relief for the burdens imposed by the procedural trajectory of this case.

I. STATEMENT OF FACTS

1. On June 27, 2025, Complainant initiated contact with Spire's customer relations department via email to file a "FORMAL COMPLAINT" regarding an unauthorized budget billing enrollment. Simultaneously, Complainant submitted a "FORMAL COMPLAINT" to the Missouri Public Service Commission (PSC), citing unsuccessful attempts to resolve the issue directly with Spire and unprofessional conduct by a PSC representative. (See **Exhibit A: Compiled Email Correspondence**, Email 1 and Email 2).
2. On June 30, 2025, Complainant communicated with [REDACTED] of the Office of Public Counsel (OPC), who acknowledged the "systemic basis" of the complaint. (See **Exhibit A**, Email 5). During this period, Spire's Customer Service Team also contacted Complainant, offering account credits and waiving late fees, suggesting the matter was being addressed through conventional customer service channels. (See **Exhibit A**, Email 4).
3. On July 2, 2025, the Commission officially docketed Complainant's submission as Case No. GC-2026-0007, and subsequently issued multiple emails to Complainant:
 - o "New Company EFIS Registration" (July 2, 2025, 1:52 PM) registering "Jonathan Miller" as a "Company."
 - o "New Company Representative Request" (July 2, 2025, 1:53 PM) designating Complainant as a "Case Consultant."

- "New Case Notification" (July 2, 2025, 1:56 PM) formally listing the case as "Jonathan Miller, Complainant, v. Spire Missouri, Inc. d/b/a, Spire, Respondent."
 - "Formal Complaint" (July 2, 2025, 1:59 PM) confirming receipt of the formal complaint and providing instructions for EFIS filings. (See **Exhibit A**, Emails 16, 17, 18, 19).
4. On July 2, 2025, Spire's legal counsel filed an "Entry of Appearance" in Case No. GC-2026-0007. (See **Exhibit A**, Email 20).
 5. On August 6, 2025, [REDACTED] of the OPC explicitly clarified that the OPC does not represent Complainant "as an individual" but rather the "general interests of the public" in proceedings before the Commission. (See **Exhibit A**, Email 27). This clarification came after Complainant had been actively engaged in the formal proceeding for over a month, operating under the assumption of OPC representation.
 6. During a pre-conference hearing, Complainant stated, "Nobody asked me...if I wanted to be the primary plaintiff," and asserted that filing a complaint "just makes me somebody with a complaint. I'm a customer." The Presiding Officer responded, "You filed the complaint. That makes you the primary .". Complainant further testified to feeling "compelled to do legal work and investigative work and administrative work," leading to significant personal burden. (See **Exhibit B: PSC, OPC & Spire Pre-Conference Hearing Transcript**).

II. ARGUMENT

The procedural handling of Complainant's initial submission, and the subsequent lack of clear communication regarding his status, constitutes a violation of Complainant's due process rights and imposed undue burden.

A. Violation of Due Process through Procedural Ambiguity and Lack of Informed Choice

The Commission's own guidelines provide for an informal complaint process prior to formal proceedings. (See Missouri Public Service Commission, "Submit A Complaint" handbook and website, retrieved August 24, 2025). Complainant's initial contact was clearly aimed at resolving a consumer issue and addressing systemic concerns, as evidenced by his communications with Spire's customer service and the OPC. However, by titling his initial submission "FORMAL COMPLAINT," the Commission's system automatically bypassed the informal resolution phase.

This automatic escalation, without an intervening step from a customer service representative to clarify Complainant's intent or explain the distinct nature of a formal proceeding versus an informal consumer complaint, deprived Complainant of proper notice and an opportunity to choose his desired procedural path. Due process requires that individuals be adequately informed of their rights and the nature of the proceedings they are entering. Registering Complainant as a "Company" and a "Case Consultant," and then officially listing him as "Complainant" in a formal legal style, without a clear, prior, and explicit choice between an informal or formal process, violated his constitutional right to due process.

B. Ethical and Regulatory Breaches Regarding Unrepresented Litigants

The Commission, as a regulatory body, has an ethical and regulatory obligation to ensure fairness, especially for unrepresented litigants. The OPC's explicit statement that it does not represent Complainant "as an individual" highlights a critical gap in representation for consumers navigating the Commission's formal process. Complainant was operating under the reasonable assumption of OPC representation, only to be disabused of this belief well into the formal proceeding.

Furthermore, the Commission's failure to offer an informal resolution path, and instead immediately thrusting Complainant into an adversarial legal proceeding against an entity represented by counsel, placed Complainant at an inherent disadvantage. This procedural stance conflicts with the spirit of consumer protection and equitable access to dispute resolution.

C. Imposition of Undue Legal, Administrative, and Investigative Burdens

As documented in the hearing transcript, Complainant was compelled to perform extensive "legal work and investigative work and administrative work" and incurred "emotional distress" due to the procedural complexities and adversarial nature of the formal proceeding. This burden was amplified by the lack of prior informed consent to participate in such a rigorous legal process and the absence of individual legal representation. The system's re-ordering of filing numbers also created unnecessary administrative confusion, further hindering Complainant's ability to navigate the case effectively.

III. RELEVANT LEGAL AND REGULATORY REFERENCES

This section outlines the key legal and regulatory provisions that apply to Complainant's case, underscoring where the process may have deviated from established requirements and constitutional guarantees.

A. Constitutional Law

- **U.S. Constitution, Fifth Amendment:** Guarantees that no person shall "be deprived of life, liberty, or property, without due process of law." This applies to the federal government.
- **U.S. Constitution, Fourteenth Amendment, Section 1:** States that no state shall "deprive any person of life, liberty, or property, without due process of law." This extends the due process requirement to state governments and their administrative agencies, including the Missouri Public Service Commission (PSC).
 - **Implication:** These amendments ensure that the PSC, in its quasi-judicial functions, must provide **adequate notice** and a **meaningful opportunity to be heard** before compelling an individual into a formal legal proceeding or affecting their rights.

B. Missouri Revised Statutes (RSMo)

- **Chapter 386, Public Service Commission — Powers, Duties and Organization:** Establishes the PSC and its authority to regulate public utilities in Missouri.
 - **Section 386.250, Just and Reasonable Practices:** Requires all charges, practices, rules, and regulations by public utilities to be just and reasonable.
 - **Implication:** Spire's alleged unilateral placement on a budget plan with deceptive terms, and the PSC's initial handling, could be argued as inconsistent with just and reasonable practices.
 - **Section 386.260, Approved Tariffs:** Requires utilities to file and adhere to approved tariffs. Any actions outside these tariffs could be a violation.
 - **Implication:** Spire's actions regarding unauthorized billing changes and terms may contravene its own approved tariffs, which typically mandate customer consent for significant changes.

C. Missouri Code of State Regulations (CSR)

- **4 CSR 240-13, Service and Billing Practices for Electric, Gas, and Water Utilities:** This chapter contains detailed rules regarding customer service, billing, and payment arrangements.
 - **4 CSR 240-13.010 - .090 (General Provisions, Customer Rights, Billing, Payment Arrangements, etc.):** These rules generally require utilities to obtain customer consent for significant changes to billing and service agreements. They also outline customer rights in disputes.
 - **Implication:** Complainant's assertion that Spire unilaterally placed his account on a budget plan without authorization directly implicates the consent requirements found within these regulations.
- **20 CSR 4240-13.055, Cold Weather Rule (CWR):** Establishes specific rules for utility service during cold weather months, including provisions for payment arrangements to prevent disconnection.
 - **Implication:** Complainant's claim that the 20-day repayment term is inconsistent with a true budget billing plan and that the arrangement contradicts the protective intent of the CWR could be challenged under this regulation. The PSC's alleged assertion that placing Complainant on a budget plan was "automatic for pledges during CWR months" would also be scrutinized under this rule, which generally provides options for customers to *enter into* agreements, not for unilateral imposition.
- **20 CSR 4240-2.070, Complaints (PSC Rules of Practice and Procedure):** This rule would outline the formal complaint process before the PSC. While not explicitly provided in Complainant's documents, standard administrative procedure rules would define what constitutes a formal complaint and the steps involved, including the existence of informal complaint options.
 - **Implication:** The PSC's alleged bypass of the informal complaint stage, and automatic escalation to a formal legal proceeding, would be directly challenged under the PSC's own rules for handling complaints.

D. Missouri Supreme Court Rules of Professional Conduct

- **Rule 4-4.2, Communication with Person Represented by Counsel:** "A lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order."
 - **Implication:** Complainant's email (See **Exhibit A**, Email 26) alleging that Spire's counsel, J. Antonio Arias, directly contacted him with a "settlement offer" *without* the prior knowledge or consent of the Office of Public Counsel (OPC), when Complainant reasonably believed the OPC was his legal representative, highlights a potential violation of this rule. The OPC's subsequent clarification that they do not represent Complainant *as an individual* (See **Exhibit A**, Email 27) complicates this, but the initial perception of representation is key to the ethical concern.

IV. REQUEST FOR RELIEF

Complainant respectfully requests the following relief from the Commission:

1. **A formal declaration** that the Commission's current process for handling initial "Formal Complaints" from unrepresented consumers, without an explicit informal resolution option or clear explanation of the legal implications, violated Complainant's due process rights.
2. **An order to initiate a 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.
3. **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 or individual representation. This compensation should reflect the reasonable value of the work performed and the harm suffered.
4. **Any other relief** the Commission deems just and appropriate to rectify the procedural inequities and burdens imposed on Complainant.

Respectfully Submitted,

Jonathan Miller,

Complainant, Pro Se Account Number: [REDACTED] Phone: [REDACTED] Email:

[REDACTED]

Date: August 24, 2025