

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Case No.: GC-2026-0007 JONATHAN L. MILLER,

Complainant,

v.

Spire Missouri Inc. d/b/a Spire,

Respondent.

MOTION TO COMPEL DISCOVERY

COMES NOW Complainant, Jonathan L. Miller, Pro Se, and respectfully files this **Motion to Compel Discovery** pursuant to **20 CSR 4240-2.090(2)(D)**, requesting that the Administrative Law Judge (ALJ) overrule Staff's Objections to Complainant's Data Request 0023 and compel full and complete responses.

I. INTRODUCTION AND PURPOSE

This Motion seeks to compel responses to Complainant's Data Request 0023, which Staff has objected to in its entirety. These requests are critical to uncovering the facts, policies, and procedural decisions central to this administrative legal proceeding, which Complainant alleges was initiated against his will and in violation of his due process rights.

II. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On August 19, 2025, Complainant issued a comprehensive Data Request 0023 to Missouri Public Service Commission Staff ("Staff"). Data Request 0023, comprising approximately seventy (70) separate inquiries across several categories, sought detailed information regarding Spire's actions, Staff's conduct, the PSC's complaint-handling procedures, its Electronic Filing and Information System (EFIS) functionality, constitutional compliance, and accountability for alleged violations.

On August 27, 2025, Staff filed its "Objection Letter - DR 0023," asserting numerous generalized objections to Complainant's Data Request 0023 in its entirety. As detailed herein, Staff's objections are without merit, unduly impede Complainant's ability to prosecute this case, and fundamentally violate principles of due process and equal protection within this administrative legal proceeding.

III. LEGAL STANDARD FOR DISCOVERY AND OBJECTIONS

Discovery in administrative proceedings, as in judicial proceedings, is intended to facilitate the fair and efficient resolution of disputes by allowing parties to obtain relevant, non-privileged

information. Pursuant to **20 CSR 4240-2.090(1)**, "Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action or appears reasonably calculated to lead to the discovery of admissible evidence." The scope of discovery is broad.

Pursuant to **20 CSR 4240-2.090(2)(D)**, a party may object to a data request, but the burden rests squarely with the objecting party to demonstrate, with specificity, that the requested information is not discoverable or that the objection is otherwise valid. Bare or boilerplate objections, lacking particularized explanations and specific factual bases, are legally insufficient.

IV. COMPLAINANT'S REBUTTAL TO STAFF'S OBJECTIONS

Complainant herein rebuts each category of Staff's objections:

A. Regarding Objections of "Vague, Ambiguous, Irrelevant, Not Proportional to the Needs of the Case Considering the Totality of the Circumstances, Immaterial, Overly Broad, Unduly Burdensome"

Staff's generalized assertions are boilerplate, lack specificity, and fail to meet Staff's burden.

1. **Direct Relevance to "Double Problem" and Core Allegations:** Complainant's case, GC-2026-0007, directly involves a "double problem": (1) Spire's alleged unauthorized enrollment of Complainant into a budget payment plan, which Spire's own supervisor confirmed was an error; and (2) the PSC Staff's alleged unauthorized and unconsented initiation of this formal administrative legal proceeding without proper notification, thereby constituting a second instance of "auto-enrollment" and a profound violation of Complainant's due process rights. The requested information directly pertains to these central allegations.
2. **Constitutional and Procedural Issues:** The requests are **highly relevant** to numerous central issues, including:
 - The PSC's adherence to its own rules (e.g., 20 CSR 4240-2.070, 20 CSR 4240-13.020, 20 CSR 4240-13.030).
 - PSC Staff's conduct, particularly regarding alleged misinformation, unprofessionalism, and failure to follow internal procedures.
 - The PSC's internal processes for handling consumer complaints, especially from pro se litigants.
 - Compliance with U.S. and Missouri Constitutional principles of **Due Process** (U.S. 5th/14th Amendments, MO Art. I, Sec. 10), **Equal Protection** (U.S. 14th Amendment, MO Art. I, Sec. 2), and the prohibition against **Involuntary Servitude** (U.S. 13th Amendment). These are explicit claims Complainant is making and has a right to discover supporting evidence for.
3. **Proportionality for Pro Se Litigant:** As a pro se litigant, Complainant lacks the institutional knowledge, access to internal records, and vast resources of PSC Staff and utility counsel. Broader discovery is **proportionate and necessary** to uncover the full scope of internal policies, systemic failures, and the rationale behind Staff's actions and

omissions, all of which are exclusively within Staff's possession. To claim these requests are "unduly burdensome" while simultaneously withholding essential information effectively denies Complainant a meaningful opportunity to be heard and to present his case fully. The burden is on Staff to provide this information, not on Complainant to conduct Staff's internal investigations or develop their processes.

4. **Uncovering Systemic Issues:** Complainant has already, through his own uncompensated labor, identified specific systemic issues (e.g., PII disclosure, EFIS access disparities, alleged unconsented formal docketing). These requests are essential to fully explore and substantiate these critical issues, which fall squarely within the PSC's public interest mandate.
5. **Conclusion:** These objections are boilerplate, lack specificity, and seek to shield Staff's conduct and internal procedures from legitimate inquiry. They should be overruled.

B. Regarding Objections of "Seeks Information Regarding the Public Service Commission's Electronic Filing and Information System (EFIS) and Information Not Within the Possession, Custody, Control, or Personal Knowledge of the Staff"

Staff's objection that information regarding EFIS is "not within the possession, custody, control, or personal knowledge of the Staff" is without merit.

1. **Agency Control:** The PSC, as an agency, has undeniable **possession, custody, and control** over its own Electronic Filing and Information System (EFIS), which is the primary platform for all formal proceedings. Staff, as employees and legal representatives of the Commission, cannot claim ignorance or lack of control over the system central to the Commission's operations and through which they conduct their daily business.
2. **Duty to Obtain Information:** If certain information is not within the *personal knowledge* of the individual preparing the response, Staff has an affirmative duty to make reasonable inquiry and obtain the information from other knowledgeable Staff members, departments, or contractors responsible for EFIS within the Commission. The PSC cannot use its own internal structure as a shield to evade legitimate discovery requests about its own systems and the administration of its duties.
3. **Relevance to Due Process:** The functionality, accessibility, and alleged disparities in access within EFIS directly impact pro se litigants' ability to engage in due process and equal protection. Information about EFIS is therefore highly relevant and discoverable.
4. **Conclusion:** This objection attempts to create an artificial barrier to discovery about the very system central to this case and the Commission's public function, and should be overruled.

C. Regarding Objections of "Seeks Material Subject to Attorney-Client Privilege and/or Work Product Privilege"

Staff's assertion of "attorney-client privilege and/or work product privilege" is a generic, boilerplate objection that fails to meet the legal standard for asserting privilege.

1. **Lack of Specificity:** Staff has failed to provide a **privilege log**, identifying the specific documents or information withheld, the date, author(s), recipient(s), and the precise legal basis for claiming such privilege. A blanket assertion of privilege without this specificity is legally insufficient and prevents Complainant from challenging the validity of the claimed privilege.
2. **Factual vs. Privileged:** Complainant's requests primarily seek factual information regarding established policies, procedures, events, communications (e.g., internal records of investigations, policies regarding employee conduct), and the factual basis for Staff's actions. Factual information is generally not privileged simply because it was communicated to or from an attorney.
3. **Conclusion:** This objection should be overruled due to Staff's failure to provide a properly detailed privilege log. Staff should be ordered to produce the requested information or a specific, itemized privilege log for each withheld item.

D. Regarding Objections of "Will Not Lead to the Discovery of Admissible Evidence"

Staff's objection that the requests "will not lead to the discovery of admissible evidence" misstates the broad scope of discovery under Commission rules.

1. **Discovery Standard:** As per **20 CSR 4240-2.090(1)**, information is discoverable if it is 'relevant to the subject matter involved in the pending action or appears reasonably calculated to lead to the discovery of admissible evidence.' It does not have to be admissible itself at this stage.
2. **Relevance to Constitutional and Procedural Claims:** The requested information is directly calculated to lead to evidence proving Complainant's claims regarding due process, equal protection, involuntary servitude, and the PSC's alleged failure to adhere to its own mandate and rules. This includes factual evidence of Staff's internal decision-making, procedural failures, and knowledge of systemic issues that are all admissible or could lead to admissible evidence.
3. **Conclusion:** This objection misrepresents the broad scope of discovery and should be overruled.

E. Regarding Objections of "Seeks Public Information Equally Accessible to Complainant"

Staff's objection that some requests "seek public information equally accessible to Complainant" is unspecific and evasive.

1. **Lack of Specificity:** Staff has failed to identify *which* specific requests seek public information, or *where* this information can be found (e.g., providing specific URLs or

document references). A blanket objection is insufficient and imposes an undue burden on Complainant to speculate about what Staff considers "public."

2. **Relevance Still Justifies Production:** Even if some information is technically publicly available, its direct compilation and confirmation by Staff within the context of discovery remains relevant to ensure accuracy, verify official versions, and to streamline the discovery process, particularly for a pro se litigant who is already performing uncompensated labor.
3. **Conclusion:** Staff should be ordered to identify with specificity any public information relevant to the requests and provide its precise location, or otherwise produce the information as requested.

F. Regarding Objections of "Seeks Legal Conclusions and Conclusions Based on Hypothetical Situations"

Staff's objection that requests "seek legal conclusions and conclusions based on hypothetical situations" mischaracterizes the nature of Complainant's inquiries.

1. **Factual Policies and Directives:** Complainant's requests primarily seek factual information about established PSC policies, rules, procedures, internal directives, and the factual basis for Staff's past actions and interpretations. For example, questions regarding the "consequences for violations" (DR 27.0) seek factual information about existing PSC policies and rules regarding penalties, not speculative legal opinions.
2. **Understanding PSC's Interpretation:** Requests asking Staff to "explain their understanding" (e.g., DR 21.1-21.3, which address constitutional principles) are relevant to understanding the factual basis for Staff's actions and how they interpret their constitutional duties, which is crucial for evaluating their conduct and decision-making in this case. These are not requests for abstract legal opinions but for factual information about Staff's operational framework and adherence to its mandate.
3. **Conclusion:** This objection attempts to evade legitimate inquiry into the factual basis of Staff's operational framework and should be overruled.

G. Regarding Objections of "Asks a Compilation, Summary, or Analysis of Documents or Information. Creating Such a Compilation or Summary Would Require Undue Effort and is Beyond the Scope of Standard Discovery Requests."

Staff's objection that requests "ask a compilation, summary, or analysis" is a misapplication of discovery principles in this context.

1. **PSC's Unique Position:** The PSC, as the regulatory body, is the sole custodian of its own internal policies, aggregated complaint data, and comprehensive records regarding its oversight functions (e.g., systemic issues, constitutional compliance, uncompensated labor). Expecting Complainant, a pro se litigant, to compile this information from

disparate sources or raw data would place an impossible and **undue burden** on him, forcing him to expend additional uncompensated labor.

2. **Duty to Produce Existing Data and Explanations:** While discovery generally does not compel the creation of new documents or analyses, many of Complainant's requests seek existing compilations (e.g., lists of functionalities, policies, records of investigations) or direct explanations of existing processes, rather than the creation of entirely new analyses. Where a request *does* involve aggregation (e.g., total number of complaints, DR 23.1), this is precisely the type of oversight data the PSC is expected to maintain to fulfill its public interest mandate and ensure transparent regulatory oversight.
3. **"Undue Effort" as Evasion:** To claim "undue effort" for compiling information about their core functions (complaint handling, regulatory oversight) implies that the PSC is not adequately performing its duties or transparently documenting them, which itself is a matter of grave concern and relevance to this proceeding.
4. **Conclusion:** This objection attempts to shield readily available (though perhaps aggregated) information central to the Complainant's claims and should be overruled.

V. PRAYER FOR RELIEF

WHEREFORE, Complainant, Jonathan L. Miller, Pro Se, respectfully requests that the Administrative Law Judge issue an Order:

1. **OVERRULING** each and every one of Staff's Objections to Complainant's Data Request 0023.
2. **COMPELLING** Staff to provide full, complete, and unevasive responses to Complainant's Data Request 0023, including all sub-parts, within seven (7) days of the date of said Order.
3. Granting such other and further relief as the Administrative Law Judge deems just and proper.

RESPECTFULLY SUBMITTED,

Jonathan L. Miller Complainant, Pro Se Account Number: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED] Date: August 27, 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 **August 27, 2025**.

Jonathan L. Miller Complainant, Pro Se