

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

Jonathan Miller,

Complainant,

v.

Case No.: GC-2026-0007

Spire Missouri Inc. d/b/a Spire,

Respondent.

### COMPLAINANT'S OBJECTION TO STAFF'S STATUS REPORT AND MOTION FOR EXTENSION OF TIME TO FILE ITS REPORT

COMES NOW Complainant, Jonathan Miller, proceeding *pro se*, and for his Objection to the Staff of the Missouri Public Service Commission's ("Staff") Status Report and Motion for Extension of Time to File Its Report, states as follows:

1. On **August 28, 2025**, Staff filed its "Status Report and Motion for Extension of Time to File Its Report," seeking an extension until October 21, 2025, for the filing of its investigation report. The original deadline for Staff's report was August 31, 2025, as set forth in the Commission's "Notice of Complaint and Order Directing Answer" issued on July 18, 2025 (hereafter "July 18, 2025 Order").
2. Complainant objects to Staff's Motion for Extension of Time as it constitutes an unreasonable delay, undermines the expedited nature of this proceeding, and further prejudices Complainant, who has been subjected to a process initiated without his informed consent and without the provision of ordered procedural guidance.

#### **I. Staff's Requested Extension Undermines the "Small Formal Complaint" Designation**

3. The July 18, 2025 Order explicitly indicated that Complainant's case falls under the **Small Formal Complaint Case procedures** prescribed in Commission Rule **20 CSR 4240-2.070(15)**. This rule (20 CSR 4240-2.070(15)(D)) mandates that Staff "shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report." Complainant's complaint was filed on July 2, 2025, making the initial 45-day

period expire on August 16, 2025. The Commission's August 31, 2025 deadline was already an extension.

4. Staff's request for an additional extension until October 21, 2025, for its investigation report—nearly **two months beyond the Commission's already extended deadline of August 31, 2025, and over three months beyond the 45-day statutory guideline**—directly contravenes the very purpose of a "Small Formal Complaint" designation, which is intended for expedited resolution.
5. Such a lengthy delay in an "expedited" proceeding further burdens Complainant, who alleges he was "auto-enrolled" into this formal litigation process without his informed consent. The imposition of prolonged litigation, particularly when Complainant has repeatedly raised concerns about procedural fairness, exacerbates the "double problem" inherent in this case.

## **II. PSC's Demonstrated Failure to Provide Ordered Procedural Documents**

6. Complainant emphasizes that this request for an extension occurs in the context of the Commission's demonstrable failure to provide him with fundamental procedural documents, as explicitly ordered by the Commission itself.
7. Specifically, **Point 3 of the July 18, 2025 Order explicitly directed the Commission's Data Center to "send a copy of this notice, the Commission's procedural rules, 20 CSR 4240-2, a copy of the handbook titled 'How to Present Your Formal Complaint Before the Missouri Public Service Commission', and a copy of the Commission's information sheet regarding mediation to Complainant."**
8. Complainant did not receive these four specific documents directly from the Commission's Data Center as ordered. Review of Complainant's email records (from July 18, 2025, onward) confirms the absence of any email confirming the direct transmission of these essential materials.
9. On August 27, 2025, **40 days after the Commission's order**, PSC Staff Legal Counsel Andrea Hansen belatedly provided *only two* of the four ordered documents (Chapters 2 and 13 of the Commission Rules) via email, under the misleading subject line "GC-2026-0007: Informal Complaint Process." The crucial "How to Present Your Formal Complaint Before the Missouri Public Service Commission" handbook and the mediation information sheet remain undelivered by the Data Center or Staff.
10. This demonstrable **failure of the PSC Data Center to comply with a direct Commission Order**, followed by a partial, belated, and confusing transmission from Staff Legal Counsel, unequivocally deprived Complainant of the basic procedural information necessary for informed participation in this formal legal proceeding. This constitutes a direct violation of Complainant's Due Process rights and undermines any claim of informed consent to the process.

## **III. Disparity in Procedural Treatment**

11. Furthermore, while the Respondent, Spire Missouri Inc., received verifiable certified mail service of the July 18, 2025 Order and a copy of the complaint (as evidenced by certified

mail receipt **Exhibit A, to be filed with Reply Brief**), Complainant did not receive such verifiable service for the equally critical procedural documents, highlighting an unequal application of procedural standards.

12. It is inconsistent and prejudicial for Staff to request additional time for its investigation while simultaneously failing to ensure Complainant received the Commission-ordered materials to understand and participate effectively in the very process being prolonged.

#### **IV. Relevant Legal and Regulatory Framework**

This Objection is grounded in the following Missouri Statutes and Code of State Regulations, which underscore the procedural and substantive violations at issue:

- **U.S. Constitution, Fourteenth Amendment, Section 1 (Due Process Clause):** Guarantees that no state shall "deprive any person of life, liberty, or property, without due process of law." This fundamental right to adequate notice and a meaningful opportunity to be heard has been violated by the PSC's failure to provide essential procedural information and its inconsistent application of rules.
- **Missouri Revised Statutes (RSMo) 386.250 (Just and Reasonable Practices):** Requires all charges, practices, rules, and regulations by public utilities to be just and reasonable. Spire's alleged unilateral placement of Complainant on a budget plan without consent and the PSC's initial handling of this issue may be inconsistent with this statute.
- **Missouri Revised Statutes (RSMo) 386.260 (Approved Tariffs):** Requires utilities to file and adhere to approved tariffs. Spire's actions regarding unauthorized billing changes may contravene its own approved tariffs, which typically mandate customer consent for significant changes.
- **20 CSR 4240-2.070 (Complaints):** This rule governs the filing and processing of complaints before the Commission.
  - **20 CSR 4240-2.070(2):** Outlines informal and formal complaint options and grants the Presiding Officer discretion to direct *pro se* complainants to the informal process. The PSC bypassed this discretion, automatically enrolling Complainant into formal litigation.
  - **20 CSR 4240-2.070(8):** Mandates certified mail service for the respondent in a formal complaint, highlighting a disparity in the level of formal notice provided to the parties.
  - **20 CSR 4240-2.070(15)(A):** Requires the Regulatory Law Judge to "notify all parties that the complaint will proceed under the small formal complaint process." The PSC failed to provide this crucial notification to Complainant until Staff's August 28, 2025 filing.
  - **20 CSR 4240-2.070(15)(D):** States Staff "shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report." Staff's current request for extension well exceeds this guideline, particularly for an "expedited" process.

- **20 CSR 4240-2.070(15)(F)**: Specifies that small formal complaint hearings "shall be conducted in an informal summary manner whenever possible." The prolonged discovery battles and requests for extensions contradict this stated intent for an expedited, less formal process.
- **20 CSR 4240-2.135 (Confidential Information)**: Outlines procedures for handling confidential information, including redaction and public/non-public versions. The Commission's action of deleting Complainant's filings related to inadvertently disclosed PII was inconsistent with these rules.
- **20 CSR 4240-13.020(5) (Billing and Payment Standards)**: States that a utility "may bill its customers in accordance with equal payment billing programs at the election of the utility customer." This supports Complainant's assertion that budget billing enrollment requires customer consent.
- **20 CSR 4240-13.040(3) (Inquiries)**: Requires utilities to "prepare, in written form, information in plain language, which summarizes the rights and responsibilities of the utility and its customers." Spire failed to provide such transparent information regarding the budget plan terms, and the PSC failed to provide it for the formal complaint process.
- **20 CSR 4240-13.055(10)(A) (Cold Weather Maintenance of Service)**: Requires the utility to "confirm in writing the terms of any payment agreement under this rule." Spire failed to provide written confirmation of the alleged budget plan terms.
- **20 CSR 4240-13.055(14)(B) (Cold Weather Maintenance of Service)**: Reiterates that budget-billing enrollment is "at the customer's request." This further undermines Spire's claim of "automatic" enrollment without consent.

## V. Request for Relief

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

a) **DENY Staff's Motion for Extension of Time to File Its Report**; or, in the alternative, b) Grant a **significantly shorter extension**, not to exceed **fourteen (14)** additional days, to ensure compliance with the expedited nature of a Small Formal Complaint; and c) Grant such other and further relief as the Commission deems just and reasonable.

Respectfully Submitted,

Dated: August 28, 2025

Jonathan Miller Complainant, *Pro Se*

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic mail this 28th day of August, 2025, to all parties of record:

- **Spire Missouri Inc. d/b/a Spire:**

- [REDACTED]
- [REDACTED]
- [REDACTED]

- **Missouri Public Service Commission Staff:**

- [REDACTED]

- **Office of Public Counsel:**

- [REDACTED]