

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Brett Felber,)	
)	
Complainant,)	
)	
v.)	File No. EC-2023-0395
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
)	
Respondent.)	

**UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI’S
RESPONSE AND SUGGESTIONS IN OPPOSITION TO COMPLAINANT’S PETITION
FOR EMERGENCY RESTORATION OF SERVICE**

Comes Now, Union Electric Company d/b/a Ameren Missouri (henceforth referred to as “Ameren Missouri”) who for its Response and Suggestions in Opposition to Complainant’s Petition for Emergency Restoration of Services states:

1. Complainant filed his formal Complaint before the Missouri Public Service Commission (henceforth referred to as “the Commission”) on May 23, 2023.
2. The Complaint, inter alia, accuses Ameren Missouri of fraudulently disconnecting the electric service at 2865 Dividend Park, Florissant, Missouri 63031.
3. On May 25, 2023, Complainant filed his Emergency Petition seeking the immediate restoration of his electric service.
4. Also on May 25, 2023, the Commission issued its Order shortening the 10-day time frame for parties to respond to a filing and specifically requiring Ameren Missouri to file a response to the Emergency Petition no later than June 1, 2023.

5. Complainant's Petition must be dismissed for failure to state a claim upon which relief can be granted. Complainant makes many baseless allegations but does not state why the Commission has the authority to order emergency restoration of electric service.

6. 20 CSR 4240-2.070 is entitled "Complaints." There is nothing in this section, or any other statute, regulation, or tariff that authorizes the Commission to order emergency restoration of electric service simply because Complainant has filed a "garden variety" Complaint. The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto. The Commission has no authority to require reparation or refund, cannot declare or enforce any principle of law or equity, and cannot determine damages. *State ex rel. City of St. Louis v. Missouri Public Service Commission*, 73 S.W.2d 393, 399 (Mo. Banc. 1934); *State ex rel. Kansas City Transit, Inc. v. Public Service Commission*, 406 S.W.2d 5,8 (Mo. 1966); *Straube v. Bowling Green Gas Co.*, 227 S. W 2d. 666,668-669 (Mo. 1950).

7. A complainant has the burden of proving the Company's alleged acts and/or omissions violated the law or its tariff; or that the Company has otherwise engaged in unjust or unreasonable actions. *State ex rel. GS Techs Operating Co. v. PSC of MO.*, 116 S.W.3d 680,696 (Mo. App. 2003). The Commission has not had the opportunity to make the required determinations. It would be an abuse of discretion for the Commission to order the restoration of Complainant's services before Ameren Missouri has had an opportunity to prove that it followed the Commission's rules and regulations, as well as its tariffs, when it disconnected Complainant's electric service.

WHEREFORE, for the aforementioned reasons Ameren Missouri requests that Complainant's Petition for Emergency Restoration of Service be denied, and for such additional relief as this Commission finds just and proper.

Respectfully submitted,

Banks Law LLC

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**Counsel for Union Electric Company d/b/a
Ameren Missouri**

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I caused the aforementioned document to be electronically filed with the Secretary of the Public Service Commission of the State of Missouri who will send a copy to counsel for all parties of record.

/s/ Eric Kendall Banks