

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

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

**ORDER DIRECTING RESPONSES AND AUTHORIZING DISCOVERY
MOTIONS**

Issue Date: July 18, 2023

Effective Date: July 18, 2023

On July 16, 2023, Complainant filed a request for an immediate hearing pursuant to Missouri Rules of Civil Procedure 55.15 and 55.20. Missouri Rule of Civil Procedure 55.15 is only applicable in actions for libel and slander and Missouri Rule of Civil Procedure 55.20 involves punitive damages. The current complaint before the Commission is for disconnection of electric service. The Commission is not a court of general jurisdiction and does not hear libel or slander actions. Additionally, the Commission is not authorized to award monetary damages. The Commission will deny Complainant’s request for a hearing pursuant to the aforementioned rules because those rules do not apply.

The Commission held a procedural conference on July 6, 2023. At that conference it was explained to Complainant that the Staff of the Commission (Staff) could not complete a timely report in this complaint unless Complainant answered Staff’s

outstanding data requests. Complainant had neither answered nor objected to Staff's outstanding data requests. Those data requests were already overdue as of the date of the procedural conference. The Commission will direct Staff to inform the Commission whether Complainant has answered data requests sufficient for Staff to submit a recommendation on July 24, 2023.

At the procedural conference the Commission directed Staff to coordinate with the parties to submit a procedural schedule. The Commission will direct Staff to inform the Commission if it believes it will be unable to propose a joint procedural schedule. If the parties cannot amiably exchange discovery and propose a procedural schedule, the Commission will set a schedule and hearing date without party involvement.

On July 13, 2023, Complainant filed his *Notice to Ameren's Data Requests*, which appeared to respond to Union Electric Company d/b/a Ameren Missouri's data requests. The Commission will direct that Ameren Missouri inform the Commission whether Complainant is answering Ameren Missouri's data requests.

The Commission will dispense with the requirement that parties request an immediate conference with the Regulatory Judge prior to filing discovery motions.

Some of Complainant's comments at the procedural conference and more recently in motions lead the Regulatory Law Judge to conclude that Complainant may want the Commission to suspended proceedings pending the results of other court proceedings. There is no mandate that the Commission suspend proceedings before it while other actions proceed in courts of general jurisdiction about the same or related matters. Generally, litigants are required to exhaust administrative remedies before bringing the

same action in court. Accordingly, the Commission will not stay or halt proceedings in this complaint case.

THE COMMISSION ORDERS THAT:

1. Complainant's motion for an immediate hearing pursuant to Missouri Rules of Civil Procedure 55.15 and 55.20 is denied.

2. Staff shall inform the Commission no later than July 20, 2023, whether Complainant has answered data requests sufficient for Staff to submit a recommendation on July 24, 2023.

3. Staff shall inform the Commission no later than July 20, 2023, if it believes it will be unable to propose a joint procedural schedule.

4. Ameren Missouri shall inform the Commission no later than July 20, 2023, whether Complainant is answering outstanding data requests.

5. The Commission Rule 20 CSR 4240-2.090(8)(B) requirement that parties seek an immediate telephone conference with the presiding officer and opposing counsel prior to filing a discovery motion is waived for all parties. Parties shall still comply with Commission Rule 20 CSR 4240-2.090(8)(A).

6. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 18th day of July 2023.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18th day of July, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 18, 2023

File/Case No. EC-2023-0395

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.