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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Pre-hearing Conference, via WebEx

July 28, 2023

Jefferson City, Missouri

Volume III

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

JOHN T. CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

Reported via WebEx by:
Tracy Taylor, CCR No. 939

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A P P E A R A N C E S

(All parties appearing remotely.)

BRETT FELBER, Complainant
316 Sonderen Street
O'Fallon, Missouri 63366
ddtpgcorp@gmail.com

ERIC K. BANKS
1824 Chouteau Avenue
St. Louis, Missouri 63103
ericbanks@banksllc.com
FOR: Union Electric Company

JEFF KEEVIL
Department of Economic Development
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
staffcounsel@psc.mo.gov
jeff.keevil@psc.mo.gov
FOR: Staff of the Missouri Public Service Commission

1 JUDGE CLARK: Let's go on the record.
2 Today's date is July 28th, 2023 and the current time
3 is 10:00 a.m.

4 This pre-hearing conference is being
5 conducted WebEx. The Commission has set aside this
6 time for a pre-hearing conference in the case
7 captioned as Brett Felber, Complainant, versus Union
8 Electric, doing business as Ameren Missouri,
9 Respondent, and that is File Number EC-2023-0395.

10 My name's John Clark. I'm the Regulatory
11 Law Judge overseeing this matter. I'm going to begin
12 by asking the parties to enter their appearance. I
13 will start with you, Mr. Felber. You're here on your
14 own behalf, correct?

15 MR. FELBER: Yes, sir.

16 JUDGE CLARK: On behalf of Ameren
17 Missouri.

18 MR. BANKS: Eric Kendall Banks, Banks
19 Law, LLC 1824 Chouteau Avenue, St. Louis, Missouri
20 63103.

21 JUDGE CLARK: Thank you, Mr. Banks.
22 On behalf of the Commission Staff.

23 MR. KEEVIL: Yes, Judge. Jeff Keevil on
24 behalf of the Staff of the Commission, 200 Madison
25 Street, Jefferson City, Missouri 65101.

1 JUDGE CLARK: Thank you, Mr. Keevil.

2 Anybody here from the Office of the
3 Public Counsel? I hear no one. That was not expected
4 to have somebody here anyway.

5 Is there anybody I have missed? I hear
6 no one.

7 All right. I had set this pre-hearing
8 conference after having an opportunity to look at
9 Staff's pleading in regards to whether or not the
10 parties were going to be able to come up with a
11 procedural schedule with Staff and it didn't appear
12 that that was going to be the case. So I'm going to
13 set a hearing date today and then I will issue a
14 procedural schedule before -- well, probably early
15 next week.

16 I wanted to go over a few brief things,
17 simply because as I've been watching EFIS, some of the
18 filings seem to have gone astray from the issues in
19 this case.

20 Under the Commission's complaint statute,
21 which is 386.390, the Revised Statutes of Missouri,
22 complaints are limited to any act or thing done or
23 omitted to be done by any corporation, person or
24 public utility in violation, or claimed to be in
25 violation, of any provision of law subject to the

1 Commission's authority of any rule promulgated of the
2 Commission of any utility tariff or any order or
3 decision of this Commission.

4 What that means is the things that I will
5 not be addressing in this hearing or in any order of
6 the Commission are outside lawsuits of any kind; any
7 bankruptcy matters that are not covered by a law,
8 rule, order or tariff under the Commission's
9 jurisdiction; any disciplinary actions that may be
10 proceeding outside of this --

11 I'm getting some background noise. If
12 you're the one making that noise, please mute your
13 phone.

14 -- or any federal agency issues or
15 actions. None of those have anything to do with what
16 is in front of the Commission. The only thing I am
17 interested in determining is whether or not there has
18 been a violation of a Commission order of a rule
19 subject to the -- well, of a Commission rule of a law
20 subject to the Commission's jurisdiction or of a
21 utility tariff.

22 In particularity, in regards to this --
23 in regard to this case, the primary matter before the
24 Commission in this instance is whether or not Ameren
25 Missouri violated, under its tariff, a Commission rule

1 or a statute when it disconnected Mr. Felber's power.
2 Anything outside of that or another violation that
3 were come to light during that proceeding, I don't
4 really care about.

5 Now, in regards to outstanding data
6 requests, I've seen data requests relating to -- as
7 Mr. Banks had put in a pleading: Please admit why I
8 gave you a particular nickname.

9 I don't care about that. That's not
10 relevant to this proceeding. I want to get Mr. Felber
11 his -- his hearing. That's what I want to do. And I
12 want it to be narrowly tailored as to things that are
13 relevant to the Commission's jurisdiction.

14 So with that in mind, if there is a data
15 request that does not directly -- or is not directly
16 relevant to the violation, I'm not going to require a
17 party to answer that.

18 Now, in regards to a hearing date, I'm
19 going to set the hearing in this matter for
20 August 30th, at 9:00 a.m. Mr. Felber, is it still
21 your desire to conduct that hearing via video
22 conference?

23 MR. FELBER: Yes, Your Honor.

24 JUDGE CLARK: Okay. Is there anybody who
25 objects to having this hearing via video conference?

1 MR. BANKS: Your Honor, Aubrey is online.

2 May I check with her schedule, please?

3 JUDGE CLARK: Of course. Please go
4 ahead, Mr. Banks.

5 MR. BANKS: Aubrey, are you free on
6 August 30th?

7 MS. KRCCMAR: Yes, sir, I sure am.

8 MR. BANKS: Great. Thank you.

9 MS. KRCCMAR: Yep.

10 JUDGE CLARK: As I indicated, I've
11 already started drafting a procedural schedule. I
12 don't really want discovery matters running past --
13 well, let's pick a good date for that. Let me pull up
14 a calendar. Bear with me. I've got a lot of screens
15 open.

16 August 15th is a Tuesday. That's going
17 to be the last day to issue any discovery requests.
18 Any discovery requests issued on that Tuesday will be
19 due no later than the following Monday, the 21st. And
20 like I said, given the proximity to hearing, any
21 discovery requests that aren't answered at that time
22 I'll take with the hearing at the hearing.

23 MR. KEEVIL: Judge, this is Keevil again.
24 If -- if data requests or any kind of -- well, stick
25 with data requests for now. We have 20 days normally

1 to answer those, so if one was issued on the 14th,
2 that would be due after the hearing date.

3 JUDGE CLARK: I understand. That's why
4 I'm shortening the time to answer those when you get
5 to the 15th. you're saying if one was issued the day
6 before the 20 days? Let's just make the deadline to
7 issue any discovery requests the 15th, the deadline to
8 answer any discovery requests the 21st. And I believe
9 that will solve that problem. I can see your issue
10 Mr. Keevil. Is that correct?

11 MR. KEEVIL: Yeah. What you said there
12 will work, Judge, thanks.

13 JUDGE CLARK: Okay. Thank you for
14 bringing that to my attention. I did not think about
15 that factor. All right.

16 MR. KEEVIL: If I can raise -- it's
17 related to this -- related to what you said earlier,
18 Judge. Normally as part of a procedural schedule,
19 you'll have a list of issues. And I think in this
20 particular case, a list of issues may be more -- you
21 know, more important than in the typical customer
22 complaint case.

23 I see that as being -- as being an
24 issue -- agreement upon the issues, I see that as
25 being an issue. So how do you propose we address that

1 in this particular case?

2 JUDGE CLARK: Well, I think -- I wasn't
3 going to require the parties to file a list of issues
4 or a statement of position. As I've indicated,
5 because this is a complaint case, the issues are
6 fairly narrow: Has there been a violation of
7 Commission order, rule or tariff? So --

8 MR. KEEVIL: Okay.

9 JUDGE CLARK: -- I'm not requiring
10 anybody to file anything. Anybody at the -- or any
11 party at the hearing that date who wishes to address
12 alleged violation that would be in that, may do so.

13 MR. KEEVIL: Okay.

14 JUDGE CLARK: Providing that there is
15 relevant evidence to support that.

16 MR. KEEVIL: Okay. That should be --
17 that should -- that should be cover that then. Thank
18 you.

19 JUDGE CLARK: Yeah. I don't see any
20 reason for -- if -- if Staff has had difficulty
21 communicating or getting the parties to communicate to
22 put together a procedural schedule and hearing date,
23 I'm certainly not going to ask Staff to reach a
24 consensus as to what the issues are.

25 Okay. Are there any questions in regard

1 to that?

2 MR. BANKS: No, thank you, Your Honor.

3 JUDGE CLARK: Okay.

4 MR. FELBER: None, Your Honor.

5 JUDGE CLARK: Thank you. Moving on,
6 outstanding data requests. Mr. Felber, do you have
7 any outstanding data requests that you have issued
8 that you believe are relevant to the subject matter of
9 this hearing that you would like me to address?

10 MR. FELBER: I do. And it's really
11 concerning of everything because it was listed in the
12 Staff report on page 10, which kind of concludes with
13 this payment agreement that was set up. And in it,
14 Ameren can't produce a letter. I find it kind of
15 mysterious that -- well, I know who SendGrid is. I
16 know the CEO of SendGrid as well too. I'm in the
17 cellular communications field, yada, yada. I know how
18 they product [sic] everything, but I know their
19 procedure as well too.

20 That being said, how they delete files --
21 I would think knowing that this is a big issue at
22 hand, Ameren would keep something on file and say hey,
23 you know -- that's a big part of my thing because I'm
24 trying to prove that Ameren illegally disconnected
25 service and they can't get me something when -- I can

1 send them a document -- and I apologize if I put in
2 the watermark backing behind that that Ameren lied. I
3 kept that so that way it was tamperproof. And then
4 the JPEG image, they have nothing as well too that can
5 refute that. They have nothing.

6 So I'm giving counsel a copy of a payment
7 agreement and he can't give me the -- a main
8 foundation that -- I mean that goes -- revolving [sic]
9 this. They can't give me anything. I mean, the only
10 thing they did was they typed a letter up and said,
11 oh, this and this.

12 It's kind of taking hearsay to the actual
13 physical evidence and absurdly making it to where I'm
14 now accused of trying to tamper something. They
15 should have kept a file of it. I mean, they're a big
16 corporation. Tell me a big corporation doesn't have
17 an e-mail system that says Ameren MO Service on it?

18 I don't get it. I have nothing else -- I
19 mean, that's where really surrounds everything is this
20 payment agreement.

21 JUDGE CLARK: Okay. Now, in regard to
22 that, if I remember -- and we're going to have to run
23 off my memory here. If I remember, Staff's report
24 indicated that Ameren's -- and I don't know whether
25 it's e-mails or letters in this regard, are outsourced

1 to a third party and that those are destroyed after
2 30 days. Is that correct, Mr. Banks?

3 MR. BANKS: Yes, Your Honor. And we're
4 already making efforts to extend that to put a
5 litigation hold on these types of matters. So
6 hopefully going forward, it will be my recommendation
7 that those records will be kept for longer than
8 30 days.

9 JUDGE CLARK: Okay. Thank you,
10 Mr. Banks.

11 In regards to this as a data request,
12 Mr. Felber, you're not being accused of anything. If
13 they want to imply or make an argument that you've
14 altered it at the hearing, they can do that. And if
15 you want to make an argument that they have failed to
16 produce a document that is both relevant and
17 determinative, to a degree of this, you are free to
18 make that argument.

19 But how data requests work is quite
20 simply you ask for something. If it is relevant and
21 on point, they produce it, if they have it. If they
22 don't have it, they are entitled to say they don't
23 have it. So if they say they don't have it, what's
24 not going to happen is they're not going to show up to
25 the hearing and say "oh, here it is" and not have it

1 be subject to objection. Because you haven't had
2 ample time to look at it at that point.

3 But "we don't have it" is an acceptable
4 data request answer. Just as if you were to ask a
5 question, "I don't know" would be an acceptable answer
6 as well. The only thing that matters is that they
7 answer your questions; not that they answer your
8 questions in the way that you would like.

9 So that -- in regard to that, they don't
10 have it and they've indicated why they don't have it
11 and you're free to make arguments at the hearing in
12 regard to that.

13 MR. FELBER: All right. Thank you, Your
14 Honor.

15 JUDGE CLARK: And next data request,
16 Mr. Felber.

17 MR. FELBER: That's really kind of -- I
18 mean, my main -- my main thing there. That and then
19 anything related I guess -- it's kind of iffy on
20 everything because I -- I have -- I have -- I've sent
21 e-mails to Mr. Banks. I know with the property damage
22 and everything, I want clar- -- I mean, if I can have
23 clarification from him off of that.

24 Are we going to go ahead -- I guess
25 we're -- we can take that -- the dwelling owner can go

1 ahead and proceed his way with it, with that.

2 JUDGE CLARK: What do you mean the
3 dwelling owner can go ahead and proceed?

4 MR. FELBER: Well, with -- with the
5 property damage. I'm not the property owner. So he
6 can do whatever he needs to do outside of there.

7 There was something in there that I asked
8 for -- the insurance information and everything for
9 the vehicles. One of the vehicles was driven by a
10 personnel that did not have Ameren attire on. He did
11 have a hard hat that said Ameren, but his vehicle was
12 not soliciting the correct Ameren information.

13 Anybody that comes within the subdivision
14 that solicits or is to do something is to have that
15 solicitation on them. That's kind of a bylaw that's
16 in our subdivision. That's to protect the safety of
17 not only residents, but also the employee themselves.

18 Nothing's been provided on it. And it's
19 pretty relevant to show if this guy was a
20 subcontractor for Ameren Missouri or if he wasn't a
21 subcontractor for Ameren Missouri and why he wasn't
22 wearing the necessary information for him.

23 JUDGE CLARK: Well, I think you're
24 entitled to ask if a subcontractor or an employee of
25 Ameren Missouri was there. But as to your particular

1 subdivision's rules regarding how things should be
2 marked, that is not something over which the
3 Commission has jurisdiction and that is not something
4 that is relevant as to whether or not a violation of
5 Commission rule, order, tariff or law subject to the
6 Commission's jurisdiction. So those are not relevant.

7 I also don't see why -- why the insurance
8 information would be relevant because it does not
9 relate to whether or not a violation occurred. It
10 only relates to whether or not if a violation
11 occurred, they would be able to address the remedy
12 under an insurance, which is not, again, relevant to
13 whether a violation occurred.

14 So I'm not going to make Ameren answer
15 any of those data requests except in regard to whether
16 or not there were employees in your neighborhood on
17 particular dates in regard to your -- in regards to
18 your utility service.

19 MR. FELBER: Understandable, Your Honor.

20 JUDGE CLARK: So if you have something
21 more pointed related to particular days as to yes or
22 no, as to whether utility workers were out near your
23 area, I think that's fine to ask in a DR.

24 MR. FELBER: All right. Thank you.

25 JUDGE CLARK: Any other DRs, Mr. Felber?

1 MR. FELBER: That's it.

2 JUDGE CLARK: Okay. Mr. Banks?

3 MR. KEEVIL: Judge, before Mr. Banks --
4 before Mr. Banks goes, I -- I have to apologize. My
5 computer kicked me off during part of Mr. Felber's
6 discussion with you there and I just wanted to make
7 sure you didn't have anything that you directed to me
8 during that time?

9 JUDGE CLARK: I'm sorry, Mr. Keevil. I
10 was unaware that you had cut out. To summarize, I did
11 not have any questions for you at that time;
12 otherwise, I would have been aware you were gone.

13 I basically indicated to -- Mr. Felber
14 had questions about a couple of data requests. I
15 indicated that any data requests are going to be
16 confined to what is relevant as to whether there was
17 or was not a violation. So I'm not going to address
18 insurance matters and I'm not going to address -- what
19 was the other matter I discussed? I'm not going to
20 address --

21 MR. KEEVIL: As long as it wasn't for me,
22 that's fine. I don't need --

23 JUDGE CLARK: Okay. Mr. Banks, I was
24 starting with you and any outstanding data requests?

25 MR. BANKS: Yes, thank you, Your Honor.

1 The first request we would like the Commission to
2 consider is request Number One, our data request
3 submitted to complainant. Request Number One says:
4 Please provide all documents that support your
5 contention that you applied for a medical hardship
6 waiver prior to the time you were disconnected.

7 JUDGE CLARK: Okay. Mr. Felber, do you
8 have any documents to those?

9 MR. FELBER: I do, I believe. I believe
10 I have those in -- they're buried in e-mails, so yes.

11 JUDGE CLARK: Will you provide those to
12 Mr. Banks?

13 MR. FELBER: I will.

14 JUDGE CLARK: Okay. Thank you.

15 Next DR? And that's DR number one,
16 correct?

17 MR. BANKS: Yes, Your Honor.

18 The next DR is Number Six: Please
19 provide any evidence that supports your claim that
20 Ameren Missouri improperly disconnected your electric
21 service on or about May 19th, 2023.

22 JUDGE CLARK: Okay. Isn't --

23 MR. FELBER: Do you want me to answer?

24 JUDGE CLARK: In a second.

25 MR. FELBER: Sorry.

1 JUDGE CLARK: It appears to me that most
2 of that information has already been put forth in EFIS
3 in various filings by Mr. Felber.

4 Mr. Felber, would you, in discovery, have
5 anything additional that you haven't put in EFIS?

6 MR. FELBER: No, I've given -- in fact,
7 in good faith prior to that, counsel has had a copy of
8 that since the 20th of June. Everything -- anything
9 in EFIS, he's had -- he has the e-mail that I've sent
10 to him, Ms. Grubbs and Ms. Krcmar. They've had it.

11 JUDGE CLARK: Okay. Mr. Banks, I know
12 the usual procedure is for them to send data request
13 answers directly to you, but since Mr. Felber has
14 filed so much in EFIS, do you have any objection to me
15 treating that as his answer to those data requests?

16 MR. BANKS: No, sir.

17 JUDGE CLARK: Okay. Any other data
18 requests, Mr. Banks?

19 MR. BANKS: Yes, Your Honor. Data
20 Request Number 12: Please admit that at all relevant
21 times to this complaint you lived at the Dividend
22 property.

23 JUDGE CLARK: Okay.

24 MR. FELBER: The answer is no.
25 100 percent no, sir. I have many different temporary

1 residence. I own businesses all over the United
2 States. I'm a very prospective person and a very
3 reputable business person.

4 I do not live at my residence every day
5 of the year. I have businesses that I travel to
6 Texas, to California, to Wyoming, to Florida for and
7 everything of that. I file tax returns that show that
8 as well too.

9 So no, I haven't lived here. You want me
10 to admit to something that I'm not going to admit to
11 and you want some sort of gratification off of it.
12 You're not going to get the gratification, counsel.
13 It's irrelevant. You want me to answer things, but
14 then you're going to be hypocritical of the things
15 that get answered to you.

16 JUDGE CLARK: Why don't we let me talk
17 for a second? Here's what I want you to answer in
18 regard to that, Mr. Felber. You've indicated that
19 that is not your exclusive residence. I want you to
20 supply to Mr. Banks a list of all the places that you
21 have resided from two weeks prior to the time you were
22 disconnected until -- until now.

23 MR. FELBER: Yes, Your Honor.

24 JUDGE CLARK: And I also -- because you
25 are required for tax purposes to list a primary

1 address, I want you to provide him with what your
2 primary address is.

3 MR. FELBER: Okay. Yes, Your Honor.

4 JUDGE CLARK: Okay. Any other data
5 requests, Mr. Banks?

6 MR. BANKS: Yes, Your Honor. Data
7 Request Number 14: Please admit during 2023 you and
8 Lisa Lambert resided at the Dividend property
9 together.

10 MR. FELBER: No.

11 JUDGE CLARK: That's -- that's
12 Mr. Felber's wife, correct?

13 MR. BANKS: Presumably.

14 MR. FELBER: Yes, correct. That is my
15 wife. Yeah, there's a couple things in there.

16 JUDGE CLARK: Have you and your wife
17 resided together at that address for any period of
18 time during the relevant period we just went over?

19 MR. FELBER: Of this time? Of -- of
20 2023? No, we did not.

21 JUDGE CLARK: You've not resided in that
22 address at all with her in 2023?

23 MR. FELBER: No, she is not.

24 JUDGE CLARK: Okay.

25 MR. FELBER: All the bills were in my

1 name or in my business articles' names.

2 JUDGE CLARK: Okay. Do you want anything
3 formal in writing in regard to that, Mr. Banks?

4 MR. BANKS: No, thank you, Your Honor.

5 JUDGE CLARK: Okay. Next data request.

6 MR. BANKS: Next data request is Data
7 Request Number 15: Please admit you received a bill
8 for electric service from Ameren Missouri dated
9 May 4th, 2023 indicating the amount due of \$5,018.25
10 due May 29th, 2023.

11 JUDGE CLARK: Okay. And what date was
12 this bill received again? May 4th; is that correct?

13 MR. BANKS: That's -- that's the date it
14 was mailed, Your Honor.

15 JUDGE CLARK: Okay. Does it -- does --
16 Mr. Felber, do you -- because it -- it's difficult for
17 me to understand from your filings. Do you receive
18 mail bills or do you receive e-mail bills or do you
19 receive both?

20 MR. FELBER: I receive mail -- mail. And
21 electronically, I'm going to decline that. Because in
22 my account dashboard right here for you, it shows
23 4,935.62 is due on May 29th of 2023, so --

24 JUDGE CLARK: Okay. Hold on. Hold on.
25 You're wanting to jump ahead and this is not a

1 conversation between you and Mr. Banks. This is a
2 conversation between you and me. So I'm going to ask
3 you, did you receive a paper bill for that May amount?

4 MR. FELBER: No, I did not, Your Honor.

5 JUDGE CLARK: And while you appear to
6 dispute the amount that the bill was for, you did
7 access that electronically?

8 MR. FELBER: I do.

9 JUDGE CLARK: When was the first time you
10 accessed that electronically?

11 MR. FELBER: This right here?

12 JUDGE CLARK: Yes.

13 MR. FELBER: The day that he addressed
14 Kevin Thompson in a e-mail with the data request.

15 JUDGE CLARK: That was the first time you
16 looked at that?

17 MR. FELBER: Yep.

18 JUDGE CLARK: Okay. When did you first
19 become aware of your outstanding May balance?

20 MR. FELBER: I just received -- my May
21 balance? By a phone call. Ameren called me.

22 JUDGE CLARK: Do you remember when that
23 was?

24 MR. FELBER: I don't have -- I don't
25 have -- I don't have it with me. It would have

1 been --

2 JUDGE CLARK: 're frozen.

3 MR. FELBER: I muted quickly.

4 JUDGE CLARK: Okay. Did you -- so just
5 to answer the DR, you did not receive that paper bill;
6 is that correct?

7 MR. FELBER: Correct.

8 JUDGE CLARK: Okay. Next DR, Mr. Banks.

9 MR. BANKS: Next DR is Number 17, Your
10 Honor: Please admit the last payment made on
11 complainant's account that was not returned for
12 insufficient funds was on February 16th, 2022.

13 JUDGE CLARK: Mr. Felber, is that
14 correct?

15 MR. FELBER: It is not correct. They
16 received a payment for \$562.10 on June of last year
17 via my debit card.

18 JUDGE CLARK: And that was not returned
19 for insufficient funds?

20 MR. FELBER: Correct.

21 JUDGE CLARK: Mr. Banks, without
22 remembering the date you just asked about, was -- that
23 was February of 2023?

24 MR. BANKS: '22, Your Honor.

25 JUDGE CLARK: 2022. And the date you

1 just gave me was June of 2022; is that correct?

2 MR. FELBER: Yes.

3 JUDGE CLARK: So that answers that DR.

4 Is that to your satisfaction, Mr. Banks?

5 MR. BANKS: Yes, Your Honor.

6 JUDGE CLARK: Okay. Next DR.

7 MR. BANKS: DR Number 18, Your Honor:

8 Please provide all evidence that Ameren Missouri has
9 incorrectly calculated your electric bill.

10 JUDGE CLARK: Do you believe that Ameren
11 Missouri has incorrectly calculated your utility bill?

12 MR. FELBER: Yeah, they are. I
13 actually -- two of the copies were sent to the Staff
14 that showed that in winter months they billed me
15 summer usage and didn't -- in addition to the winter
16 usage, as well as vice-versa. In summer months, they
17 billed me winter usage.

18 JUDGE CLARK: Okay. You said those
19 documents were provided to Staff.

20 MR. FELBER: Correct, yes.

21 JUDGE CLARK: Can you provide those --
22 can you provide those same documents to Mr. Banks?

23 MR. FELBER: Yeah, I can.

24 JUDGE CLARK: Okay. Please do so. Next
25 data request.

1 MR. BANKS: Next data request, Your
2 Honor, is Data Request Number 21: Admit that on
3 May 18th, 2023, you tried to establish another payment
4 agreement, but did not pay the initial -- the
5 installment by the end of the day on May 18th, 2023.

6 JUDGE CLARK: Okay.

7 MR. FELBER: I would like clarification
8 of that. You're saying I tried to establish another
9 payment agreement on May 18th on top of the May 18th
10 agreement on that same day?

11 JUDGE CLARK: Are we talking about
12 multiple payment agreements or the one payment
13 agreement?

14 MR. BANKS: The one payment agreement,
15 Your Honor.

16 JUDGE CLARK: Okay. I think we're only
17 talking about the phone call on the 18th.

18 MR. FELBER: Okay. Well --

19 JUDGE CLARK: Did you attempt to set up a
20 payment agreement on that date?

21 MR. FELBER: There was a payment
22 agreement. My payment agreement was for May 22nd.
23 That was the payment agreement that came over to me
24 that was supplied to you. And the e-mail copy was
25 uploaded into EFIS as well too and you were supplied a

1 e-mail copy of the payment agreement. That was the
2 payment agreement I got.

3 JUDGE CLARK: Okay. To clarify
4 Mr. Banks' DR in this instance, on the 18th you placed
5 a call to Ameren Missouri, is that correct, to set up
6 a payment agreement?

7 MR. FELBER: Me? Yes, sir. Yes, Your
8 Honor.

9 JUDGE CLARK: And on that phone call, did
10 they tell you you had to pay by the end of the day?

11 MR. FELBER: No, they did not.

12 JUDGE CLARK: And did you make any
13 payments by the end of the day on the 18th?

14 MR. FELBER: I did not.

15 JUDGE CLARK: Okay. Mr. Banks, do you
16 need any further answer to that data request?

17 MR. BANKS: No, thank you, Your Honor.

18 JUDGE CLARK: Okay. Next data request.

19 MR. BANKS: The next Data Request Number
20 26, Your Honor: Inviting your attention to your
21 document entitled Response to Mr. Banks's comment
22 dated May 31st, 2023. Please provide all documents
23 that support your contention that, quotation marks,
24 "Respondents purposely stalled in the manner to
25 restore services," quotation mark.

1 MR. FELBER: Okay. You -- you want me to
2 provide you that? I can do that right now for you,
3 okay? First and foremost, let's go ahead and talk
4 about it, Mr. Banks. And I understand, you know, this
5 hearing is about you trying to get whatever data
6 requests --

7 JUDGE CLARK: This is not a conversation
8 between you and Mr. Banks again. This is a
9 conversation between you and me. So I'm going to
10 ask -- I -- I understand -- I'm just trying to be
11 judicially expeditious about this.

12 So do you believe Ameren's -- and -- and
13 Mr. Banks, you said stalled in disconnecting or --

14 MR. FELBER: Restoring.

15 MR. BANKS: Yeah. His exact words, Your
16 Honor, from his May 31st correspondence: Respondents
17 purposely stalled, s-t-a-l-l-e-d, in the manner to not
18 restore services.

19 MR. FELBER: You have.

20 JUDGE CLARK: Well, okay. So services
21 have not been restored yet, correct?

22 MR. FELBER: Correct. Services have not
23 been restored.

24 JUDGE CLARK: Okay. Why do you believe
25 they've stalled?

1 MR. FELBER: Well, number one, I mean,
2 every -- every time they list something, there's some
3 other action they have that they -- and they should
4 have been out on May 19th to go ahead and restore
5 services. Knowing that they have this agreement, they
6 don't have anything. They don't have anything.

7 It's -- so -- and I'm not trying to
8 overrule our boundary or anything of -- here. If I
9 took that piece of paper today and walked down and
10 said hey -- to my attorney -- or if I hire a legal
11 counsel outside of here, and I said, File a breach of
12 contract. File it in circuit court today that they
13 illegally disconnected service and I had a judge look
14 at it. You think a judge is going to sit there and
15 say, Well, where's your copy at?

16 They're going to say, Well, Your Honor,
17 you don't have it. Well, do you think they're going
18 to sit there and allow services to sit off still?

19 JUDGE CLARK: Okay. So your evidence --
20 so to clarify, your evidence that Ameren has stalled
21 in turning on your service is that you have a payment
22 agreement --

23 MR. FELBER: Yeah.

24 JUDGE CLARK: -- of -- with a -- with a
25 date of the 22nd --

1 MR. FELBER: Correct.

2 JUDGE CLARK: -- of which you believe
3 they were aware, correct?

4 MR. FELBER: Yes, Your Honor , they are.

5 JUDGE CLARK: Okay. Does that answer
6 that data request, Mr. Banks?

7 MR. BANKS: Yes, Your Honor. Thank you.

8 JUDGE CLARK: Okay. Next data request?

9 MR. BANKS: Next data request, Your
10 Honor, is Number 27: Invite your attention to your
11 e-mail to Banks dated June 7th, 2023. Please provide
12 all documents in your possession that supports your
13 claim, quotation marks, You and Ameren conduct did
14 this to yourselves -- to themselves. You turned a
15 civil matter into a criminal matter trying to
16 obtain/steal, wire transfer funds that you aren't --
17 that aren't obligated to Ameren and were never
18 granted, consented or approved by me makes that fraud.

19 JUDGE CLARK: Okay. I don't -- that may
20 be relevant to another case. I don't see how that's
21 relevant to this case.

22 MR. FELBER: You're right, Your Honor.

23 MR. BANKS: Thank you, Your Honor.

24 JUDGE CLARK: All right. Next data
25 request.

1 MR. BANKS: I am going through them,
2 because I'm not going to ask the Court to consider
3 some of these data requests in light of your last
4 ruling.

5 JUDGE CLARK: Okay. Take your time.
6 That's fine. And I haven't made a ruling yet. I just
7 asked -- or I said I didn't see how that's relevant.
8 You're free to counter-argue why it might be.

9 MR. BANKS: No, thank you, Your Honor.
10 The next data request, Your Honor, is Data Request
11 Number 31: Pursuant to your e-mail dated June 9th,
12 2023, copied below for convenience, please provide all
13 written evidence that support the following
14 accusations. Oh, and which one of you geniuses is
15 trying to make a property investment firm pay a
16 disputed balance? I got the letter from the
17 regulatory department.

18 One, this is illegal; two, my property
19 investment has an A-plus credit rating and, yet
20 Professor Engelbrecht accident or Hibernator
21 Priesmeyer tried to transfer a disputed balance in
22 someone else's name. That is illegal in the state of
23 Missouri. Which one of you want to own up to it?
24 Terry? Jermaine? Aubrey? Eric?

25 At this point you're conducting illegal

1 and criminal activity against me. I will be
2 submitting another complaint to the PA's office about
3 this in addition to what I've already sent. Enjoy,
4 because all you aren't going to stop until you are
5 prosecuted.

6 I'm tired of your company's bullshit.
7 Here we go. More incredible b-u-l-s-h (omitted).
8 Have fun with your b-u-l-s-h (omitted) because I'll be
9 the one laughing when Genius Quickby (phonetic) and
10 Inspector Grubbs are disbarred for engaging in
11 criminal activity.

12 JUDGE CLARK: Okay. Let's see if we can
13 narrow that data request just a little bit. So you
14 want any written evidence where he puts -- is what --
15 is what you're trying to get at, are you trying to get
16 written evidence that Ameren has attempted to bill one
17 of Mr. Felber's companies instead of Mr. Felber? Is
18 that what you're after?

19 MR. BANKS: Yes, Your Honor.

20 JUDGE CLARK: Okay. Do you have any
21 evidence that Ameren attempted to bill one of your
22 companies instead of you for utility services?

23 MR. FELBER: They didn't send me a full
24 bill, but they sent -- on the agreement that they sent
25 out for my investment firm that the bal- -- a balance

1 of 4,000-something had to be paid.

2 JUDGE CLARK: Okay. Can you provide that
3 document to Mr. Banks?

4 MR. FELBER: Sure can. Yes.

5 JUDGE CLARK: Okay. Please do. That
6 will answer that discovery request.

7 Next DR.

8 MR. BANKS: Next DR is DR Number 37, Your
9 Honor.

10 JUDGE CLARK: Okay.

11 MR. BANKS: Please provide all documents
12 in your possession that supports your contention that
13 Ameren Missouri owes you \$10,450 as expressed in your
14 formal complaint dated May 19th, 2023 and accepted for
15 filing with the Commission on May 23rd, 2023.

16 MR. FELBER: That's all been taken out
17 and --

18 JUDGE CLARK: Well --

19 MR. FELBER: Sorry.

20 JUDGE CLARK: Hold on. I want to think
21 about that for just a second. Because the relevance
22 of that is somewhat limited but -- Mr. Felber, can --
23 can you itemize why you think they owe you \$10,000?

24 MR. FELBER: Yeah. I -- some of it has
25 been brought up, unfortunately, in lawsuits as well

1 too, so --

2 JUDGE CLARK: I'm not interested in the
3 lawsuits. I'm just interested in can you itemize how
4 you came to that amount?

5 MR. FELBER: Yeah, I can itemize it
6 for --

7 JUDGE CLARK: Okay. Can you itemize that
8 and provide that to Mr. Banks?

9 MR. FELBER: Yep, I -- yep, that's fine.

10 JUDGE CLARK: Okay. Thank you. Next DR.

11 MR. BANKS: Next DR is Number 38, Your
12 Honor: Please provide all evidence that supports your
13 contention that you were hung up on, called a liar and
14 yelled at by any employee of Ameren Missouri as
15 alleged in your formal complaint.

16 JUDGE CLARK: Okay. Do you have any
17 evidence of that outside of your own personal
18 testimony, Mr. Felber?

19 MR. FELBER: What's -- what's the
20 question?

21 JUDGE CLARK: Do you have any -- do you
22 have any physical, written, recorded information that
23 shows you were mistreated or verbally called a liar or
24 hung up on?

25 MR. FELBER: Yeah, I -- I do. I actually

1 have -- I can -- the one person -- I have two people
2 that can explain it to you right now if you'll allow
3 them to go ahead and do that.

4 JUDGE CLARK: No, I'm not going to do
5 that. If you want to call them as witnesses at your
6 hearing, you may do so. However, you have to disclose
7 those witnesses to Mr. Banks.

8 MR. FELBER: One of the witnesses, he'll
9 have to -- one of the witnesses he'll also be talking
10 in front of me with because he's, by the State of
11 Missouri, considered physically autistic. But he
12 knows what happened, so he was there. But they've
13 seen it all. So yeah, I have no problem with that.

14 JUDGE CLARK: Well, we'll deal -- we're
15 not going to deal with this -- at this point I'm not
16 going to deal with competency to testify. That's not
17 an issue I'm going to deal with at this point.

18 MR. FELBER: Okay.

19 JUDGE CLARK: But you need to -- you need
20 to inform Mr. Banks just in writing and answer this DR
21 what evidence you have that you were called a liar or
22 hung up on. So you need to let him know either what
23 witness is going to support that or what other
24 evidence you have of that.

25 MR. FELBER: All right.

1 JUDGE CLARK: Whether it be your personal
2 testimony, a recording, or some kind of written
3 document.

4 MR. FELBER: Okay. Yes, Your Honor.

5 JUDGE CLARK: Moving on, next DR.

6 MR. BANKS: Finally, Your Honor, we would
7 ask that -- for DR Number 39: Please provide all
8 evidence that Ameren Missouri used, quotation marks,
9 "spoofing methods," quotation marks, to impersonate a
10 government agency when it communicated with you.

11 JUDGE CLARK: Now I'm going to assume
12 outside of your screenshots, Mr. Felber, that show, I
13 believe, the number with a Boone County thing, do you
14 have any further evidence of them spoofing you?

15 MR. FELBER: That one. I could go back
16 to April and Ms. Engelbrecht was provided a comment
17 about that in April

18 JUDGE CLARK: Okay. Would you provide
19 all screenshots that would demonstrate spoofing to
20 Mr. Banks?

21 MR. FELBER: Yeah.

22 JUDGE CLARK: E-mail those to him?

23 MR. FELBER: He should have copies of
24 the -- of the -- of the screenshots.

25 JUDGE CLARK: Are those -- are all those

1 screenshots in EFIS?

2 MR. FELBER: Correct. Yes. Yes, sir.
3 Yes, Your Honor.

4 JUDGE CLARK: Mr. Banks, shall I consider
5 that answered or would you like him to send those to
6 you?

7 MR. BANKS: I consider it answered, Your
8 Honor.

9 JUDGE CLARK: Thank you very much. Okay.
10 Do you have any further DRs you wanted to go over?

11 MR. BANKS: No, thank you, Your Honor.

12 JUDGE CLARK: Okay. Commission Staff, do
13 you have any outstanding DRs that you want me to
14 address?

15 MR. KEEVIL: No, Judge.

16 JUDGE CLARK: Okay. Is there anything
17 else that I need to address? So --

18 MR. FELBER: My -- sorry. I mean, my
19 only other thing is I asked for a motion for res- --

20 JUDGE CLARK: You did file a motion.
21 It's Complainant's Motion for Immediate Restoration.
22 And you had asked that I ruled on this by today,
23 correct?

24 MR. FELBER: Yes. I -- I -- the -- I --
25 I respect all decisions and everything that everybody

1 has given, but I -- this has been a suffering that
2 does not have to be as far as what it is. It really
3 doesn't.

4 It comes down to there's communication
5 breakdown between Ameren Missouri and I. I've willed
6 even in there to try to settle this with them. I've
7 willed to take it outside of Commission stuff and take
8 it away and go from there, just to get it done.

9 And still there's nothing here. They
10 want to -- I mean, I understand he's not obligated to
11 respond to it, but I've shown a lot of good faith on
12 this matter.

13 Now, I was given information yesterday --
14 I -- I think opposing counsel -- opposing counsel and
15 I, and I think you, Mr. Clark, need to have a meeting
16 outside of being here. Simply because I think him and
17 I -- between counsel and I, we're having -- and it's
18 not -- I think the discrepancy of everything is based
19 off of something that he thinks that I'm not.

20 JUDGE CLARK: Well, I certainly think
21 there's some animosity between the parties here and I
22 think it's expressed itself poorly. However, what
23 you've alleged in here is a violation of a Commission
24 rule.

25 MR. FELBER: It is, yes, Your Honor.

1 JUDGE CLARK: And that will be taken up
2 with the hearing. So I will take this motion with the
3 hearing. I'm not going to rule on it today because
4 this is, in fact, a violation. And that violation
5 requires evidence that would be presented at the
6 hearing. So I will take your motion with the hearing.
7 I will not be ordering Ameren to restore services
8 today.

9 MR. FELBER: All right.

10 JUDGE CLARK: Nor do I believe I would be
11 able to.

12 MR. KEEVIL: Judge, just to clarify, you
13 said "This is a violation." Did you mean an alleged
14 violation?

15 JUDGE CLARK: I did. I did not mean that
16 a violation had occurred. I meant an alleged
17 additional -- an additional violation.

18 MR. KEEVIL: Thank you. Just wanted to
19 clarify.

20 JUDGE CLARK: And I will address that at
21 the hearing because it is very, very closely related
22 to all of the other issues, as such to be part and
23 parcel.

24 I think -- I do not believe at this
25 point -- Ameren has no desire to mediate at this

1 point, do they?

2 MR. BANKS: No, thank you, Your Honor.

3 JUDGE CLARK: Okay. Mediation is a
4 voluntary process. Normally that is thrown out at the
5 beginning of a complaint. It would have been an
6 initial information you would have received. But it
7 has to be voluntary on both parts.

8 Ameren Missouri does not wish to mediate,
9 and I do not have meetings that are unofficial with
10 parties. So everything occurs on the record so that
11 everybody can see what has occurred.

12 MR. FELBER: Okay.

13 JUDGE CLARK: So we will not be having --
14 while it may be necessary to have another conference
15 before the hearing -- I'm hoping it will not be, but
16 it might be -- in theory, the next time we should all
17 come together should be for an evidentiary hearing on
18 the 30th of August.

19 But thank you, Mr. Keevil, for clarifying
20 for -- that for me. I'm sorry if I misspoke. Alleged
21 violation; not violation.

22 MR. FELBER: That's my biggest thing.
23 That was my biggest thing. I think there -- if -- I
24 got information yesterday -- and it's outside of
25 things, and I think Mr. Banks has taken it in the

1 wrong term of everything that is on the wrong part of
2 things outside of here and that's not what I'm about.

3 I come from a family that has interracial
4 and I get along with everybody. I'm very well
5 respected within the community. So the racism card,
6 don't pull it with me. I don't like it. I have lots
7 of friends and everything. I know you did --

8 JUDGE CLARK: All right. We're going far
9 and afield here of anything that I consider relevant
10 to this hearing.

11 MR. FELBER: Right. I understand. The
12 thing that makes it the way that it does as counsel,
13 is when I have a piece of paper that shows
14 something -- and I know this -- this hasn't been
15 settled by here, but when I have a piece of paper that
16 shows something -- that shows that Ameren was in the
17 wrong and you continue to do that -- keep it in the
18 wrong --

19 JUDGE CLARK: Okay. We're going to stop
20 that right now. We're not going on any further,
21 Mr. Felber. Thank you.

22 I have your motion here. It articulately
23 lays out what you believe the violation of Commission
24 rule is. It relates to that payment agreement. That
25 payment agreement directly relates to whether the

1 disconnection was proper in this case. That is the
2 issue for the hearing.

3 I cannot pre-decide a hearing for you
4 based on a motion. So that will be taken with the
5 hearing. And I'm trying to get you to your hearing as
6 quickly as is reasonably possibly to provide adequate
7 due process for all of the parties involved.

8 MR. FELBER: Okay.

9 JUDGE CLARK: Okay. Is there anything
10 else? Any other matters that need to be addressed by
11 the Commission at this time?

12 MR. BANKS: Not from Ameren Missouri,
13 Your Honor.

14 JUDGE CLARK: Thank you, Mr. Banks.
15 Anything from you, Mr. Felber?

16 MR. FELBER: Nothing else, Your Honor.

17 JUDGE CLARK: Anything from the
18 Commission Staff?

19 MR. KEEVIL: Not at this time, Your
20 Honor.

21 JUDGE CLARK: Okay. I am probably --
22 because the rest of my day is fairly busy, I'm not
23 going to get an opportunity to issue a procedural
24 schedule today. I will -- I will issue a procedural
25 schedule on Tuesday.

1 The one thing I might ask in regards to
2 this is in complaint cases, usually I make the filing
3 of briefs optional. Is there any party that would
4 like to file post-hearing briefs in this matter? And
5 you don't have to commit to it now, but if there is a
6 party who would like to now, it would help me in
7 regards to setting a -- a deadline for post-hearing
8 briefs.

9 MR. FELBER: I'm -- I'm flexible with
10 every -- with whatever.

11 JUDGE CLARK: Okay. Then we'll just play
12 it by ear. I won't put in a post-hearing brief
13 deadline at this point. And if at the hearing
14 anybody -- any party decides that they would like to
15 file post-hearing briefs, we can address it again at
16 that time.

17 So the procedural schedule will indicate
18 a -- will indicate a discovery deadline of I believe I
19 said the 15th to issue any discovery requests, the
20 21st to answer any discovery requests, and the 30th at
21 9:00 a.m. for a -- the evidentiary hearing to be
22 conducted via WebEx.

23 Is there anything else the Commission
24 needs to take up at this time? I believe everybody
25 said no. So hearing nothing else, I would like to

1 thank everybody for their time today and we will go
2 off the record and I will adjourn this hearing -- or
3 this pre-hearing conference.

4 (Whereupon, the proceedings were
5 concluded at 10:52 a.m.)

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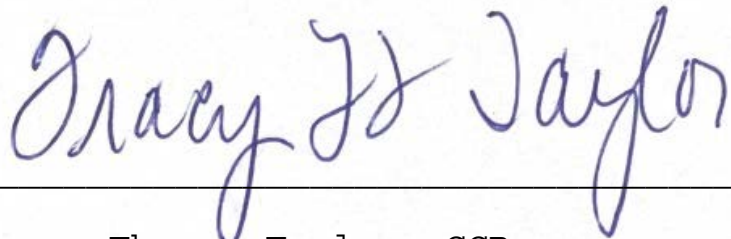
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the foregoing proceeding was duly taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Tracy Thorpe Taylor, CCR

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