

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 23rd day of August, 2023.

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

ORDER GRANTING AMEREN MISSOURI’S MOTION TO COMPEL

Issue Date: August 23, 2023

Effective Date: August 23, 2023

This order grants Union Electric Company d/b/a Ameren Missouri motion to compel Complainant to answer outstanding four data requests. Parties appearing before the Commission use data requests to accomplish discovery in cases like this electric complaint.

On July 28, 2023, the Commission held a prehearing conference to address discovery issues. At that discovery conference Complainant stated that he would provide answers to four outstanding data requests from Ameren Missouri.

The Data Requests

- 1. Please provide all documents that support your contention that you applied for a medical hardship waiver prior to the time you were disconnected.**

This data request is relevant because it goes to whether an extension of time should have been granted before Complainant’s electric service was disconnected. It is

likely to lead to admissible evidence that Complainant either properly filed for a medical hardship or did not. Complainant stated that he believed he had documents and that he would provide them to opposing counsel.

2. Please admit that at all relevant times to this complaint you lived at the Dividend property.

This data request is relevant because where electric service was provided and whether Complainant was the customer are elements of this complaint. It is likely to lead to admissible evidence that Complainant was or was not a customer at the address where service was disconnected. Complainant stated that he did not live at his residence every day of the year and that he traveled for business and filed tax returns in other states. The Regulatory Law Judge directed complainant to provide Ameren Missouri a list of all the places he had resided from two-weeks prior to his complaint to the date of the prehearing conference. He was also directed to provide his primary address. Complainant indicated he would provide that information to Ameren Missouri.

3. Pursuant to your e-mail dated June 9th, 2023, copied below for convenience, please provide all written evidence that support the following accusations:

- a. **Oh, and which one of you geniuses is trying to make a property investment firm pay a disputed balance? I got the letter from the regulatory department. One, this is illegal; two, my property investment has an A-plus credit rating and, yet Professor Engelbrecht accident or Hibernator Priesmeyer tried to transfer a disputed balance in someone else's name. That is illegal in the state of Missouri. Which one of you want to own up to it? Terry? Jermaine? Aubrey? Eric? At this point you're conducting illegal Page and criminal activity against me. I will be submitting another complaint to the PA's office about this in addition to what I've already sent. Enjoy, because all you aren't going to stop until you are prosecuted. I'm tired of your company's bull(omitted). Here we go. More incredible b-u-l-s-h (omitted). Have fun with your b-u-l-s-h (omitted) because I'll be the one laughing when Genius Quickby (phonetic) and Inspector Grubbs are disbarred for engaging in criminal activity.¹**

¹ It is worth noting that Complainant was told it is inappropriate to disparage opposing counsel. That opposing counsel represents Ameren Missouri, but is not Ameren Missouri. Nonetheless Complainant has

The Regulatory Law Judge narrowed this request to Complainant's evidence that Ameren Missouri attempted to bill one of Complainant's business entities for his residential service. This data request is relevant because it goes to who was billed for electric service and is likely to lead to admissible evidence that Complainant was or was not properly billed. The Regulatory Law Judge directed Complainant to provide any written evidence that Ameren Missouri attempted to bill one of Complainant's companies. Complainant indicated that he would provide an agreement for Complainant's investment firm with an outstanding balance.

4. Please provide all evidence that supports your contention that you were hung up on, called a liar and yelled at by any employee of Ameren Missouri as alleged in your formal complaint.

Complainant indicated he had a witness that could corroborate his allegations. The Regulatory Law Judge directed Complainant to provide any evidence that he was called a liar or hung up on. This data request is relevant because it addresses the nature of customer service Complainant received and is likely to lead to admissible evidence concerning whether adequate customer service was provided.

In response to these four data requests Complainant provided two utility bills for his person at his address for November 4, 2022 and July 8, 2022, which Complainant says show Ameren miscalculated his usage. Complainant also provided an email to an Ameren Missouri employee concerning Ameren Missouri calls showing in Complainant's caller ID as "Boone County Government Cntr." Complainant included a written statement that he had lived in Texas, Wyoming, Kentucky, Tennessee, Kansas, and Vermont.

continued to make ad hominem arguments that inappropriately attack opposing counsel belittling their worthiness to practice law and inappropriately threatening disciplinary action.

Complainant also indicated that he would not disclose specific addresses for the protection and safety of his landlords, unless Ameren Missouri signed a nondisclosure agreement and agreed to provide biometric data. Complainant provided a list of expenses incurred due to disconnection of his electric service.

On August 11, 2023, Ameren Missouri filed a motion to compel Complainant to answer outstanding data requests and to sanction Complainant for disregard of the Commission's discovery rules.

Applicable Law

Commission Rule 20 CSR 4240-2.090(1) states that discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Missouri Rule of Civil Procedure 56.01(b) states that parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. Parties may inquire into any matter that is reasonably calculated to lead to admissible evidence.²

Complaints before the Commission are governed by Section 386.390, RSMo. The Commission's statutory jurisdiction is to determine whether Ameren Missouri has violated any provision of law subject to the Commission's authority, any rule promulgated by the Commission, any utility tariff, or any order or decision of the Commission.

The main subject matter of this complaint is whether Ameren Missouri committed a violation in disconnecting Complainant's electric service or in its customer service

² *State ex. rel. Martel v. Gallagher*, 797 S.W.2d 730 (Mo. App. E.D. 1990).

interactions with him. The Regulatory Law Judge previously directed Complainant to answer these data requests because they are reasonable, relevant, and likely to lead to admissible evidence necessary to the Commission determining this complaint.

Discussion

The same day Ameren Missouri filed its motion to compel, Complainant filed his Notice of Lawsuit Filed Outside of PSC that notice from Complainant states in part: “I have no interest in this matter being decided by the PSC. Opposing counsel has made too many errors and omissions, along with Ameren representatives that warrant this matter to be brought to litigation within St. Louis County Circuit Civil Courts.” This statement echoes previous Complainant statements about having his matter determined elsewhere. However, Complainant has not dismissed his complaint and has continued to make numerous filings in this complaint. Complainant uses each filing as an opportunity to argue what he believes are the only points at issue in this complaint.

Complainant filed a response to Ameren Missouri’s motion to compel claiming that his residential information is confidential, but pointing to no privilege or law supporting his contention. Complainant states that it would be hypocritical of the Commission to grant Ameren Missouri’s motion to compel when Complainant has unanswered data request. But at the prehearing conference Complainant only asserted that one request was unanswered. When asked whether he had any other outstanding data requests for the Commission to address, Complainant stated “that’s it.”

The Commission finds that Ameren Missouri’s motion to compel should be granted. Ameren Missouri’s data requests are relevant and likely to lead to admissible evidence. Complainant will not be allowed to participate in proceedings only when it suits

him. Over objections from Ameren Missouri, the Commission set an evidentiary hearing on this complaint for late August, so that Complainant's complaint could be resolved quickly because he is currently without electric service. To that end, the Commission set August 15, 2023, as the deadline to issue discovery requests and August 21, 2023, as the deadline for any responses to outstanding discovery request. It is now beyond the deadline to answer outstanding discovery requests.

The Commission will order Complainant to answer the four outstanding data requests no later than August 25, 2023, or the Commission will have to cancel the August 30, 2023, evidentiary hearing date and reschedule it to a future date after Complainant has answered outstanding data requests.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's motion to compel is granted. Complainant must answer Ameren Missouri's data requests enumerated in the body of this order no later than August 25, 2023.

2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

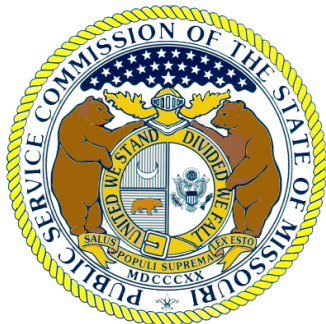
Clark, Senior Regulatory Judge

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 23rd day of August, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 23, 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.