

1 BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

2 ----- X

3 IN THE MATTER OF :

4 BRETT FELBER, : FILE NUMBER

5 Complainant, : EC-2023-0395

6 vs. :

7 UNION ELECTRIC COMPANY, :

8 d/b/a AMEREN MISSOURI, :

9 Respondent. :

10 ----- X

11

12 PROCEDURAL CONFERENCE HEARING VIA WEBEX

13 THURSDAY, JULY 6, 2023

14 1:28 PM to 2:18 PM CST

15

16 (Present: Regulatory Law Judge John Clark, Emily
17 Walthers, Jermaine Grubbs, Jeff Keevil, Sarah
18 Fontaine, Kayla Kliethermes, Brett Felber, Eric
19 Kendall Banks, Tyron Thomason, Aubrey Krcmar,
20 Contessa King, and Kim Bolin.)

21

22 Lexitas Job No.: 148866

23 Pages: 1 - 41

24 Reported by: Melody Stephenson, BBA,

25 FCRR, CRR, CRC, RPR, RSA, MO CCR 406, IA CSR 974

1 P R O C E E D I N G S

2 JUDGE JOHN CLARK: Let's go on the record.
3 We have a court reporter here, Melody Stephenson.
4 She is taking down everything said today that will
5 be in a transcript that will be posted to EFIS so
6 that everybody will have access to it.

7 My name is John Clark. I'm the regulatory
8 law judge overseeing this matter today. Today's
9 date is July 6, 2023, and the current time is
10 1:28 PM. I'm conducting this procedural
11 conference via Webex.

12 The Commission has set aside this time for
13 a procedural conference in the case captioned as
14 Brett Felber, Complainant, vs. Union Electric
15 Company, doing business as Ameren Missouri,
16 Respondent, and that is File Number EC-2023-0395.

17 I'm going to begin by asking the attorneys
18 for the parties and for the parties themselves to
19 enter their appearance for the record.

20 Mr. Felber, I'll start with you. You're
21 not represented; correct?

22 MR. FELBER: Correct.

23 JUDGE CLARK: You're representing
24 yourself?

25 MR. FELBER: Yes, sir.

1 JUDGE CLARK: Okay. And you are here. I
2 will note that for the record.

3 On behalf of Ameren Missouri?

4 MR. BANKS: Eric Kendall Banks, Banks Law
5 LLC, 1824 Chouteau Avenue, St. Louis, Missouri
6 63103, appearing on behalf of Ameren Missouri.

7 JUDGE CLARK: And I also see Jermaine
8 Grubbs. Is she also present on behalf of Ameren
9 Missouri today?

10 MS. GRUBBS: Yes, Your Honor. Jermaine
11 Grubbs, and my business address is 1901 Chouteau
12 Avenue in St. Louis, Missouri. The ZIP is 63103.

13 JUDGE CLARK: Thank you so much.

14 Is there anyone present from the Office of
15 the Public Counsel? I hear no one.

16 Are there any counsel for any parties that
17 I have missed?

18 MR. KEEVIL: Yeah, Judge. Staff of the
19 Commission. Appearing on behalf of the Staff,
20 Jeff Keevil. My address is 200 Madison Street, PO
21 Box 360, Jefferson City, Missouri 65102, phone
22 number is (573) 526-4887.

23 JUDGE CLARK: Thank you, Mr. Keevil. I'm
24 sorry. I had Staff written down, but, apparently,
25 I skipped right over that. All right. I've

1 called this procedural conference today because
2 there was a Complaint filed by Mr. Felber. Ameren
3 filed its Answer, I believe, last Monday. I could
4 be incorrect on that. I haven't got it right in
5 front of me.

6 And with those two things down, generally,
7 before we have an evidentiary hearing, the only
8 thing we wait on is a Staff report where the Staff
9 conducts an investigation and files a report.

10 And so I thought I would start by
11 asking -- I have that Staff report as being due
12 July 24th, 2023.

13 Mr. Keevil, is there any chance of
14 expediting that Staff report?

15 MR. KEEVIL: Not useful expedition, Judge.
16 There have been numerous data requests, primarily,
17 from Staff to Ameren. We have received all of
18 Ameren's responses as of a couple of days ago. So
19 that -- you know, that's not a problem.

20 But there's a lot of information that our
21 Consumer Experience Department personnel, who is
22 doing the review on this, has to go through.
23 You've seen the number of documents that
24 Mr. Felber has filed to give you some idea of the
25 amount of documentation out there.

1 There's hundreds of phone calls that
2 they're attempting to go through and numerous
3 other responses, and we've been planning on
4 July 24th. We don't think -- at this point, we
5 don't think we'll need the extension, but we were
6 planning on July 24th until, I guess, Friday when
7 you issued your first notice that you might bump
8 that up.

9 And, frankly, we don't see how we can
10 really do that, at least -- I mean, we might be
11 able to -- I think it's due on a Monday. We might
12 be able to bump it up to the preceding Friday,
13 but, I mean, that's not enough to help you,
14 really.

15 One thing too that I might mention at this
16 point, because it's, obviously, relevant, back on
17 June 5th, we sent five data requests to
18 Mr. Felber, none of which have been answered as of
19 today.

20 And in one of the filings he made as of
21 June -- I believe, it was June 25th or June 26th.
22 It was a -- it held a notice to -- what was it?
23 It was item number 76. One thing called the
24 letters in the Commission of -- he, basically --
25 as I understood it -- I wanted to ask him or have

1 you ask him. As I understood this letter, he's
2 going through several different reasons here for
3 his current position and third of the position
4 says, "Third, the Commission sent me a request for
5 data requests to send information within 20 days.
6 I believe what is on file with the Commission as
7 of now is a compelling amount of evidence that
8 shows Ameren is wrong."

9 And he goes on and then he says, "If I
10 send any evidence to the Commission Staff, it will
11 take the ongoing Complaint process that is ongoing
12 with the Chief Disciplinary Counsel and the
13 Attorney General's Office."

14 And, basically, the way I understood this
15 letter or this portion of the letter was that he
16 doesn't intend to respond to the five-day requests
17 that were submitted on June 5th. And that,
18 obviously, is going to be a problem too in terms
19 of doing the Staff investigation if we're not
20 getting responses from the Complainant.

21 So all that said, like I said, I don't
22 think we'll need to move the date up from
23 July 24th but, really, frankly need to keep it
24 where it is currently on July 24th.

25 JUDGE CLARK: I'll accept that. Thank

1 you. All right. So assuming that it's going to
2 be the 24th for the Staff report.

3 And, Mr. Keevil, I'm just going to let you
4 know right now, unless there's really a compelling
5 reason to do so, I'm going to be reluctant to
6 grant any continuance on a Staff report.

7 Obviously, if there's a change in
8 circumstances, I'll reconsider that, but,
9 otherwise, I'm going to be reluctant to as I want
10 to give Mr. Felber his hearing as quickly as
11 possible.

12 MR. FELBER: Thank you.

13 MR. KEEVIL: Yeah. And, like I said,
14 Judge, I do not anticipate requesting an extension
15 at least not at this time.

16 JUDGE CLARK: But I'll address the DRs in
17 just a minute with Mr. Felber and then talk about
18 potential remedies to that situation. So let's go
19 on to the next -- I have a number of bullet points
20 here I wanted to address.

21 Given that it is -- given that I won't
22 have a Staff report until July 24th and I'm not
23 going to do an evidentiary hearing prior to a
24 Staff report, in my mind that I have a hearing
25 already scheduled for the 24th and 25th or 25th

1 and 26th. I don't remember which. I think we're
2 looking at August as possibly the earliest date
3 that we can have a hearing.

4 Mr. Felber, what's your availability for
5 an August hearing?

6 MR. FELBER: I'm -- I'm available. So any
7 date, Your Honor, that works best for you guys
8 works best for me.

9 JUDGE CLARK: Thank you.

10 Staff, do you have any conflicts with an
11 August hearing?

12 MR. KEEVIL: Judge, I personally will make
13 any date noticed work, except -- no. Wait.
14 You're -- I'm thinking July. Any date noticed
15 right now, I can make work; however, I do need to
16 confer with my witnesses who are doing the actual
17 investigation and filing the report. So
18 Ms. Fontaine I noticed was on earlier.

19 Sarah, do you have any conflicts in
20 August for the hearing?

21 MS. FONTAINE: I may have -- August 16th
22 or the 18th may be a little difficult for me, but,
23 otherwise, should be available.

24 JUDGE CLARK: Ms. Fontaine, would you
25 identify yourself for the record, your name and

1 position?

2 MS. FONTAINE: Sure. It's Sarah Fontaine,
3 and I am a research data analyst with the Customer
4 Experience Department with Staff.

5 JUDGE CLARK: Thank you. Currently, the
6 commissioners will be out of town from the 6th
7 through the 9th of August for -- is that correct?
8 Yeah. The 6th to 9th of August for the MARC
9 conference, which I believe is now state
10 conference.

11 And then it looks like there is a hearing
12 scheduled to go -- one, two, three, four, five,
13 six -- from the 10th to the 17th. So I'm
14 thinking -- right now, I'm thinking of a hearing
15 date of the 21st.

16 MR. BANKS: Your Honor, if I may, Ameren
17 Missouri requested a hearing date in early
18 September. A lot of the data requests, which
19 we're planning on sending Mr. Felber, will be
20 contingent upon the report that's going to be
21 filed by Staff.

22 Time is not of the essence. Mr. Felber
23 has represented that he doesn't even live in
24 St. Louis anymore. He lives in Kansas.

25 MR. FELBER: Doesn't matter.

1 MR. BANKS: And his most recent report
2 that he filed, his Motion for Temporary
3 Restraining Order, he said that the electricity to
4 his premises, which is being supplied by a
5 generator. So while we realize it's good to get
6 things resolved as expeditiously as possible, time
7 is not of the essence in this matter.

8 MR. FELBER: Time is of --

9 JUDGE CLARK: I think Mr. Felber would
10 disagree with you.

11 MR. FELBER: Time of essence is a matter.
12 Sorry, Your Honor.

13 JUDGE CLARK: When I'm talking, nobody
14 else should be talking.

15 MR. FELBER: Okay.

16 JUDGE CLARK: And, Mr. Felber, I'm going
17 to give you an opportunity to speak.

18 MR. FELBER: Time of the essence is the
19 matter. It doesn't matter where everybody lives
20 is first and foremost. The property is owned by
21 my parents. So, yes, electric can -- should be
22 allowed to be able to be on in the property.

23 For him to say it's not time of the
24 essence, he's enjoyed being able to harass me for
25 the last month and a half, sent people out to

1 damage my property. He sent another
2 representative that bolted before I called the
3 cops on him this morning, and my neighbors were
4 about ready to call the cops on him because it was
5 mere harassment.

6 The services were already off, so there
7 was no reason for them to be here. They can check
8 the meter. The only reason that Ameren should
9 even be here is if they're going to go ahead and
10 restore services.

11 This guy has a Complaint in with the
12 Attorney General's Office that he has not
13 responded to. Neither has Ms. Engelbrecht. She's
14 part of the Complaint. They're upset because I
15 filed the Complaint with the AG's office.

16 Next week, I'm sitting down with the
17 Dallas County Sheriffs Department to go ahead and
18 talk about the credit card fraud. And I'm going
19 to plan to present that to Dallas County on him,
20 because at this point, it's criminalizing to me.
21 It's criminalizing. It doesn't matter wherever I
22 live.

23 The fact is they're doing criminalized
24 acts every day on this, and he's gotten away with
25 it at the expense. I'm tired of the harassment

1 and I'm sorry if I'm upset and I'm sorry if I
2 haven't sent those requests off; however, I do
3 have ongoing investigations with other parties
4 that Mr. Banks has not responded to, which he
5 fails to clarify and articulate with.

6 Yes, he hasn't responded to those and
7 everything. I've given him a chance to go ahead.
8 I haven't had him served on the one lawsuit
9 because I've tried to give him a chance to go
10 ahead and rectify matters.

11 Instead of rectifying matters, he's gone
12 ahead and he's done more harassment by sending a
13 technician out by saying, "Oh, well, we need to
14 check the meter." You know the meter's off.

15 So there's no reason for you to send a
16 representative out here to harass me in person. I
17 can be back freely. I have businesses in multiple
18 states. There's no law that says I can't have a
19 business here and I can't go back and forth
20 between properties.

21 And I would believe that him trying to
22 push it off is just another extreme scapegoat of
23 trying to get away with more corrupt acts and
24 further acts of everything.

25 Maybe he should respond to the AG's report

1 and the Chief Disciplinary Counsel's report before
2 making his bold assertions. If anybody's made
3 anything illegal, it's been him. He's made false
4 accusations all the way across the board.

5 QUESTIONING OF MR. FELBER

6 BY JUDGE CLARK:

7 Q Okay. Mr. Felber, there was a lot to
8 digest there, but I'm going to go through it kind
9 of sequentially as much as I can. First off, I'm
10 going to note -- I'm going to take it,
11 essentially, you object to a hearing date in
12 September is what I'm going to take from that.

13 A Yes.

14 Q Number 2, I'm not going to address
15 proceedings in any other court or any other
16 jurisdiction or any disciplinary counsel stuff.
17 That's not -- that's not my jurisdiction. So
18 whether or not he's responded to stuff in other
19 courts or other jurisdictions has nothing to do
20 with here.

21 Finally, Mr. Banks and Ms. Grubbs are
22 counsel. They are not Ameren Missouri. I don't
23 believe they are sending anybody out. I believe
24 the company may be doing that, but I do not
25 believe that Mr. Banks or Ms. Grubbs are. They

1 are merely attorneys for the company, one of them
2 in an outside hired capacity. So he has even less
3 ability to relay to Ameren what they should do or
4 what they -- they will do.

5 In regard to an evidentiary hearing date,
6 I will -- it is very apparent to me that --
7 Mr. Felber, that you and Ameren's counsel are not
8 getting along. Do you have any problems
9 communicating with Staff counsel?

10 A Me?

11 Q Yes.

12 A What, your guy's Staff counsel? I've had
13 no problems. I've even tried to -- I've tried to
14 set up an arrangement with them. I've been told
15 no and --

16 Q Okay. You're -- you're going the
17 direction -- I just want to address one thing at a
18 time, and I know you want to jump ahead. But if
19 you have no problems talking with Staff, I would
20 like Staff to work as an intermediary in this
21 capacity. And I'm -- I'm going to explain it. I
22 don't know if it's been explained before.

23 Staff is a party in front of me. I do not
24 communicate with Staff in any manner other than
25 how I would communicate with any other party.

1 That means if I email Staff, I include all parties
2 on that email. But, generally, my communications
3 with Staff, like my communications with other
4 parties, are through orders and notices that I
5 issue.

6 So Staff is a party, like any other party
7 in this. They just have a slightly different
8 interest than the other parties. In that regard,
9 I would like to have a hearing on August 21st, if
10 at all possible, and it may not be.

11 But, Staff, I would like you to see if you
12 can come up with a procedural schedule by
13 communicating with Mr. Felber and Ameren Missouri
14 and see if you can work out a procedural schedule
15 that is mutually agreeable to -- to everyone
16 without having to have Ameren and Mr. Felber
17 interact with each other. Would that be possible?

18 MR. KEEVIL: Well, I can -- we can -- we
19 can try.

20 JUDGE CLARK: Well, that's all I'm asking.

21 MR. KEEVIL: Since you went beyond the
22 hearing a little bit there and said "procedural
23 schedule," I would assume you're not looking for
24 pre-filed testimony being based on the somewhat
25 abbreviated time between your Staff report and

1 your -- your requested hearing or your purported
2 hearing date there. And I'm assuming -- well, I
3 guess I shouldn't assume beyond that. What --
4 what -- consumer complaints are a slightly
5 different type of proceeding, as you know, than
6 other proceedings here. And sometimes, they're
7 handled less formally than other proceedings with
8 a less drawn out -- or I shouldn't say drawn out,
9 that assumes fact, but fewer -- fewer procedural
10 steps along the way in the -- in the procedural
11 schedule. What are you envisioning being in a
12 procedure --

13 JUDGE CLARK: I've got somebody whose
14 microphone is on, and I've got audio coming
15 through that shouldn't otherwise be coming on.

16 Mr. Keevil --

17 MR. KEEVIL: Yes. Thank you, Judge.

18 JUDGE CLARK: -- you are usually good at
19 getting ahead of me and anticipating what I'm
20 going to go on to next. And as usual, you managed
21 to do that. In regards to a procedural schedule,
22 I'm going to ask a few questions.

23 Mr. Felber, would it be your preference to
24 conduct an evidentiary hearing in person, or would
25 it be your preference to conduct an evidentiary

1 hearing via Webex?

2 MR. FELBER: Webex is fine.

3 JUDGE CLARK: Okay. That does make it a
4 little bit easier to facilitate everybody since
5 everybody doesn't have to show up to the same
6 location at the same time.

7 Mr. Keevil, the Commission can dispense
8 with pre-filed testimony when it wants to for
9 certain cases. I think this is an appropriate
10 case to dispense with pre-filed testimony. So I'm
11 not going to be ordering pre-filed testimony as
12 part of any -- as a part of any procedural
13 schedule; however, I do understand that Ameren has
14 discovery that they want to continue to conduct.

15 Maybe it would be possible -- and I'm just
16 going to put this out here -- that -- that there's
17 a time between the 21st of August and
18 September that would be agreeable to the parties.
19 Maybe the last week of August would work.

20 FURTHER QUESTIONING OF MR. FELBER
21 QUESTIONS BY JUDGE CLARK:

22 Q But, certainly, a lot of this is dependent
23 upon you, Mr. Felber. You're going to be
24 receiving data requests. It appears that you've
25 received data requests from Staff, and at least

1 it's Staff's understanding right now that you do
2 not intend to respond to those data requests. Is
3 that correct?

4 A For further clarification, I do want to
5 respond to it. My biggest thing, as far as off of
6 it is like I said earlier. With outside parties,
7 I don't want it to taint anything that
8 jeopardizes. So my question is if I send it in to
9 Staff, the meeting -- like, if I send it in, the
10 audio, pictures and everything, that doesn't go to
11 him immediately; correct? Because that would then
12 taint anything that I have ongoing with other
13 parties. I just want to make sure --

14 Q You mean in other cases or in other
15 jurisdictions; correct?

16 A Correct. Yes. So for, like, an example,
17 a couple of them, I have made other outside
18 jurisdictions aware of it, and that is stuff -- I
19 just want to make sure that Ameren doesn't get a
20 copy of it immediately, because at this point,
21 they've had their chance, and they've blown it
22 all. I want to make sure --

23 Q Well, I can't guarantee that. The other
24 party has a right to discovery, and every party
25 has a right to kind of see what everybody is doing

1 in regard to that so the parties get a chance to
2 issue data requests to each other.

3 A Okay.

4 Q And if you choose not to answer those data
5 requests, then Staff, if it's Staff's data
6 request, or Ameren, if it's Ameren's data request,
7 can request an immediate phone conference with me
8 to explain their position as to why those data
9 requests should be answered. And if I agree, that
10 is one step in the process that would allow them
11 or permit them to file a Motion to Compel --

12 A Okay.

13 Q -- you to answer discovery requests. And
14 based upon that motion, I would -- I would do an
15 order and put it before the Commission for the
16 Commission to determine. But you can't -- you
17 can't play hide the ball is what I'm getting to
18 with an evidentiary hearing. You can't keep
19 something behind your back and bring it to a
20 evidentiary hearing and go, aha. That's not --

21 A -- how it works.

22 Q That may happen on TV, but that's not real
23 life.

24 A If the Staff is willing to give me ten
25 days to go ahead and get it into them, I will

1 certify it to them. I have over 100 phone calls
2 between -- on all the data requests, there's a lot
3 of information. So I have it on a hard drive that
4 I'll send -- as long as they're willing to give me
5 ten more days, that would be no later than the
6 16th of July, I'll have that sent in to them.

7 JUDGE CLARK: Staff, that seems
8 reasonable. Is that agreeable? I will tell you
9 if you get it to them on the 16th, they may not
10 make that 24th date for their report.

11 MR. KEEVIL: That's what I was going to
12 say, Judge. That allows eight days to review
13 whatever Mr. Felber sends, plus prepare the report
14 and file it. So I don't -- I don't know that -- I
15 mean, I can't --

16 JUDGE CLARK: Actually, Mr. Keevil, that
17 would give you five days, because if it were filed
18 on the 16th, which is a Sunday, and if the
19 report's due on Monday the 24th, it really only
20 gives you those five working days of the 17th,
21 18th, 19th, 20th, and 21st.

22 MR. KEEVIL: That's correct, Judge.
23 Thanks.

24 JUDGE CLARK: Okay. Well, if that's the
25 case -- if discovery -- if Staff receives

1 discovery late and needs to file a request for a
2 continuance or an extension to processing that
3 discovery, I will certainly give that appropriate
4 consideration at the time.

5 Mr. Felber, that would encourage you to,
6 if possible, get the DRs answered sooner than the
7 16th.

8 MR. FELBER: Yes, Your Honor.

9 JUDGE CLARK: Okay.

10 MR. KEEVIL: I would note, Judge, that
11 they're already 11 days overdue. So for whatever
12 that's worth.

13 JUDGE CLARK: Well, I notice that I do not
14 have a request for a phone conference or a motion
15 in front of me, so I'm going to assume that we
16 were hoping that a lot of this could be amicably
17 resolved at this procedural conference. And it
18 would be my preference that the parties, at least
19 as much as possible, get along.

20 Now, I want to move on, and I want to
21 talk, Mr. Felber, about some of your filings.

22 MR. FELBER: Yes, sir.

23 FURTHER QUESTIONING OF MR. FELBER

24 QUESTIONS BY JUDGE CLARK

25 Q Now, EFIS is the Electronic Filing

1 Information System for the Commission, as I'm sure
2 you are well aware of. Now, I certainly
3 understand your frustration and your distress at
4 having your power disconnected. Having been
5 without power for several days, much less over 30,
6 I can imagine that it is quite frustrating.

7 However, EFIS is not an internet forum.
8 It is not an opportunity to just fire off whatever
9 thoughts you have to the Commission. EFIS is
10 generally for pleadings and filings of that type.

11 You have submitted a tremendous amount of
12 what you call evidence, and I'm going to tell you
13 that you have submitted no evidence yet. Nothing
14 filed in EFIS is considered evidence, generally,
15 until such time as it is properly introduced and
16 submitted onto the hearing record at an
17 evidentiary hearing.

18 Now, I am not your attorney. I cannot
19 give you legal advice nor am I going to. I am
20 going to let you know that by filing all these
21 filings in EFIS, all you are doing is showing all
22 of your cards to all of the other parties.

23 Going on, I understand you're angry at
24 Ameren. I also understand that you are angry at
25 opposing counsel. But some of the comments you've

1 made in some of your filings I think come very,
2 very close, if not already, crossing a line in
3 regard to disparaging counsel.

4 As I've already said, Ms. Grubbs and
5 Mr. Banks are attorneys for Ameren. They're not
6 Ameren. And so saying such things as -- and I've
7 written down a few of them here -- calling them a
8 liar, get a refund on your law degree, or things
9 such as you sure play some stupid games, probably
10 not appropriate for filing in EFIS. So I would
11 like to ask you not to do that.

12 You certainly -- if you believe someone is
13 not being truthful with you, you can certainly
14 address that during the evidentiary hearing, and I
15 invite you to. Nobody is going to step on any of
16 your rights, certainly not me. As I've indicated,
17 I'm not going to have anything to do with
18 proceedings in other courts or other
19 jurisdictions. You are free to pursue those as
20 you wish.

21 I'm going to tell you -- and this is not
22 in reference to your case. This is for all cases
23 in EFIS. The confidentiality policy of filings is
24 changing. And what is changing about it is we are
25 no longer just blanket making filings

1 confidential.

2 And so what the data center is going to be
3 doing in your case and all other cases is when it
4 receives a confidential filing, it will go through
5 the filing and determine whether it's more
6 confidential than not. If it is not more
7 confidential than not, it will make redactions
8 appropriate to have a public version and a
9 confidential version in EFIS. So they will both
10 be there.

11 However, I will let you know, if you file
12 things as confidential, they will get filed as
13 confidential and remain confidential until such a
14 time as the data center has an opportunity to look
15 at them and make a determination as to what would
16 be confidential.

17 And an example of something that is
18 confidential, under the Commission's rules, it
19 would be customer-specific information. Of
20 course, if you put that in there, there's always a
21 chance that you may waive confidentiality as to
22 some of that, but we will address that certainly
23 at the hearing.

24 And that -- that policy change took place
25 with the change of the Commission's fiscal year

1 which occurred on July 1st.

2 A All right. And I'll apologize if anything
3 of that nature has gone out or anything or how
4 upset I've been. Reactions -- emotions are really
5 high on everything. And it's frustrating when you
6 try to work something out reasonably with one
7 party to another party, and it doesn't work out.
8 You know, because it's -- and, you know, as far as
9 on things, it's really how scattered it is.

10 So, for example, I submitted something for
11 a proposal, and nothing was there. They didn't
12 respond to it or anything of that nature. There's
13 nothing there. Amounts that have been discharged
14 in bankruptcy, still in there. I would think at
15 least their counsel -- and even I've talked to --
16 some Ameren representatives have been nice about
17 it, some have not.

18 They said, oh, well, it's on file. I
19 don't know why it hasn't been taken off. I don't
20 know this. It's going from there. Knowing that
21 they're counsel, they should be able to go in
22 there and say, hey, this is what he's disputing.
23 So let's take this off for right now. Let's do
24 that, try to work on that. Why is this off? And
25 instead of saying, oh, well, we're going to

1 continue billing you for it. And so going from
2 there.

3 Those are things that I'm talking about
4 that, really, they do. They upset you, as far as
5 that. Or, for example, the May 22nd notice that
6 was uploaded to EFIS, that showed the payment
7 agreement.

8 They should -- you know, there's no phone
9 call. It's all been scattered and said, oh, well,
10 hey, Mr. Felber has something that says this date.
11 Who can he -- you know, there should be something
12 knowing that they're counsel, or they should be
13 sending somebody that is a representative and
14 saying, hey, this is this. This is that.

15 You know, what -- how does he have a copy
16 that says May 22nd? You know, right there shows a
17 conflict of this date that they're saying. Why do
18 these phone records show this? You know, things
19 of that nature. It's been back and forth with
20 that.

21 But instead, it's been, you know, that I
22 understand throwing everything out. I'm a person
23 that likes to get things done. Honestly, do I
24 think this situation should be as far as it is?
25 Absolutely not. I don't agree.

1 However, the way that it's been made has
2 been going that way. There's been no contact
3 between I and Mr. Banks, minus the emails. And I
4 have -- I have sent those emails. I apologize if
5 he feels in that way. However, some of the
6 expression -- some of the stuff that is made out
7 of it, when he tells me a jurisdiction -- for
8 example, for credit card fraud is the Public
9 Service Commission.

10 The proper jurisdiction for credit card
11 fraud isn't the Public Service Commission. It's
12 the Prosecuting Attorney's Office. So for him to
13 say that, it's kind of a deterrent. However, with
14 him knowing -- also, for example, he is a person.
15 He is counsel.

16 Knowing that Ameren has come out here,
17 caused a ruckus, he could at least go back and say
18 to Ameren, hey, why are you sending these people
19 out? You know, hey, Mr. Felber is doing this. He
20 can't have -- he doesn't have services. Why are
21 you sending somebody out to harass him?

22 At least counsel can say, hey, stop going
23 out there. Stop going out there. But there's
24 been -- and that's probably what upsets me the
25 most about it is their representatives, whoever

1 they -- whoever it is, and that's what it is.
2 There's been no way they haven't willed to work
3 with me. They haven't willed to work with me on
4 medical hardship. They haven't willed to work
5 with me on any of it.

6 Q Well, Mr. Felber, once a Complaint is
7 filed, the Commission performs several functions.
8 Some of those are quasi-judicial. This is
9 certainly one of those quasi-judicial functions.

10 So once you file a Complaint, you're in,
11 essentially, an adversarial system, and Ameren can
12 choose whether or not they want to negotiate with
13 you. They don't necessarily have to answer or
14 respond to your requests in that regard. They may
15 or they may not, and it's not my job to compel
16 them to do otherwise.

17 Now, you've filed a lot of stuff. I've
18 read everything that you have filed, including the
19 settlement agreement, which you are referencing,
20 which I believe indicated a first payment was due
21 on May 22nd.

22 So while that is not evidence, I certainly
23 have looked at all of it, and I have had some
24 questions. I do not think what you have said is
25 wholly unreasonable. And I was going to address

1 that in regards to your request for a restraining
2 order.

3 We are quasi-judicial, but we are not a
4 court. And I am unaware of any power we would
5 have to issue any sort of restraining order
6 against Ameren Missouri. And Ameren Missouri may
7 have legitimate reasons to go out to your property
8 to check to see if the meter's been tampered with
9 or not.

10 However, given how adversarial this
11 situation is currently, I would agree with you.
12 And I would say to Mr. Banks, it might be a good
13 idea to -- at least until this matter is
14 resolved -- maybe refrain from going out there,
15 unless the parties mutually agree to it. So you
16 might suggest that, Mr. Banks, to Ameren.

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

18 JUDGE CLARK: Thank you.

19 So the restraining order that you have
20 requested, I'm not going to rule on that. That's
21 outside OF the bounds of powers that the
22 Commission has. But I do want to get you your day
23 in front of the Commission as quickly as possible
24 so you have an opportunity to present evidence in
25 a form where it can be considered.

1 And I know, as I said before, I understand
2 your frustration and distress at this, but these
3 procedures that are laid out by the legislature
4 and in the Commission's rules are designed to
5 treat parties as fairly as possible to give all
6 sides an opportunity to be heard.

7 So, generally, a Complaint is filed. And
8 while you immediately start filing stuff in EFIS,
9 the Respondent does have 30 days to answer that
10 Complaint. And there's no requirement that they
11 answer it early, and they answered within the time
12 that was allotted to them.

13 Generally, I like to wait for a Staff
14 report before -- before setting an evidentiary
15 hearing. But given, Mr. Felber, that there has
16 been a fair degree of animosity involved in this,
17 I do want to try and get that resolved as quickly
18 as possible. So to expedite that process, if you
19 get data responses or data requests, the quicker
20 you can respond to those, the easier it will be to
21 set an evidentiary hearing.

22 I'm going to have Staff contact you. I'm
23 going to have Staff work with Ameren, Staff
24 counsel, and see if you guys can work out a
25 procedural schedule that is acceptable to

1 everybody to get this expedited to an evidentiary
2 hearing as quickly as possible.

3 MR. FELBER: Thank you, Your Honor.

4 MR. KEEVIL: Jeff Keevil here. Let me ask
5 on that, when are you looking for a schedule
6 proposal filing? And there's another
7 consideration. Mr. Felber has filed, as you
8 noted, several pleadings. I think he's gone
9 beyond his original Complaint at this point.

10 In fact, I think Judge Hatcher, in the
11 first prehearing conference, asked Ameren to
12 respond to, like, two or three complaints. And
13 I'm a bit confused, when I look back through
14 there, as to exactly which Complaint we're
15 proceeding from.

16 JUDGE CLARK: I understand exactly what
17 you're saying. Given the number of pleadings, it
18 is difficult to tell where one begins and one
19 ends. I know that Judge Hatcher originally
20 thought there was sufficient time for answer --
21 Ameren to answer an amendment to the Complaint.
22 So rather than opening a separate Complaint, he
23 looped one into this.

24 I will look back. I believe there was
25 something out there that may have qualified as a

1 third Complaint. I will look at that. If that is
2 the case, I will probably break that out because
3 that will need its own separate case number.

4 MR. FELBER: Your Honor, I didn't amend
5 the Complaint. It was amended by --

6 JUDGE CLARK: -- Judge Hatcher.

7 MR. FELBER: Okay. Okay.

8 JUDGE CLARK: Judge Hatcher took your
9 additional allegations and thought that they would
10 be best lumped in given the timing of them. And
11 I'm not going to question that. I think that was
12 probably appropriate, and I do believe Ameren
13 addressed those.

14 Is that correct, Mr. Banks?

15 MR. BANKS: Yes, Your Honor.

16 JUDGE CLARK: Okay. So I believe there's
17 sufficient information, at least in regard to
18 those -- I will call them the combined
19 Complaint -- to go to hearing.

20 Staff, if you believe there is a third
21 Complaint that needs to be addressed, please bring
22 it to my attention, and I will break that out,
23 because given the amount of time that's passed,
24 that should be a separate Complaint. Okay?

25 MR. BANKS: Yes, Your Honor.

1 MR. KEEVIL: Okay. One other question.
2 I'm going back -- actually, I asked it a moment
3 ago. What timeline are you looking at for filing
4 of a proposed procedural schedule? I mean, you
5 don't really need a proposed procedural schedule
6 until the Staff report gets done.

7 JUDGE CLARK: That's true, but there's not
8 a lot -- because what happens -- and this is also
9 for Mr. Felber's knowledge too. When I get the
10 Staff report, usually, I allow some time for all
11 parties to file written responses to the Staff
12 report, if they wish to. They don't have to.

13 But if parties wish to file any responses
14 to the Staff or Board, I give them an opportunity
15 to. Also, you're welcome to address any of that
16 at the evidentiary hearing instead.

17 But you are correct, Mr. Keevil. I don't
18 see any point in having a procedural schedule
19 filed prior to a Staff report. So assuming that
20 the Staff report will get done on the 24th, I
21 would probably be looking at sometime within the
22 next two weeks beyond that, seeing a procedural
23 schedule, and that's -- that's -- that's allowing
24 for time for you to communicate with both the
25 parties and figure out their relative

1 availability. Does that answer that question? I
2 know it's not a precise answer, but it is the
3 answer you're getting.

4 MR. KEEVIL: Close enough. I heard two
5 weeks around -- give or take -- from the 24th.

6 JUDGE CLARK: Yeah. I'll take that.

7 And, Mr. Felber, you have ended almost all
8 of your pleadings with a request for Ameren to
9 turn on your power by the end of the day in most
10 cases. While those are asks in that you're asking
11 the Commission to make a ruling, or something in
12 regards to that, the Commission has spoken in
13 regard to that in an agenda order that was issued.

14 There's no requirement that I answer every
15 motion that is filed. So I will probably refrain
16 from answering those, absent new circumstances,
17 until such time as we have an evidentiary hearing.

18 MR. FELBER: All right.

19 JUDGE CLARK: Now, counsel implied this,
20 but I'm just going to ask. Are you currently --
21 or wait a second. Let me ask -- let me think
22 about this.

23 I apologize. That's my phone. I will
24 turn it off.

25 No, I'm not going to ask you where you

1 live, because at this point, it's none of my
2 business.

3 MR. FELBER: I -- my legal mailing address
4 is in Kansas City.

5 JUDGE CLARK: Okay. You don't need to
6 tell me that. As you indicated, you have a right
7 to live where you want to live. You have
8 indicated that it's your parents' house. So I'm
9 not going to get involved as to where you live.
10 That is not something that I believe that is
11 appropriate for me to delve into outside of an
12 evidentiary hearing. I've covered everything I
13 wanted to cover.

14 Mr. Felber, I'd appreciate it if you would
15 not -- if you would avoid in future pleadings,
16 conclusory statements, and pleadings that
17 disparage counsel unfairly.

18 MR. FELBER: Understandable. Yes, Your
19 Honor.

20 JUDGE CLARK: Thank you.

21 Now, having said all that, are there any
22 pending motions I need to address at this time?
23 And I will start with you, Mr. Felber.

24 MR. FELBER: I guess the only other thing
25 would be was my wife was qualified for services at

1 the premises. They approved her. They had it set
2 to be turned on. They did not send out a denial
3 letter or anything of that nature to her. They
4 didn't file the Commission rule. I think that was
5 something that was brought up with you.

6 Would counsel be willing to at least,
7 since we're having the problem that -- they never
8 sent a denial, stated the reason, never called.
9 Would counsel be willing to at least try to work
10 something out to where services get turned on
11 immediately before everything?

12 JUDGE CLARK: Now, that is settlement
13 negotiations, and I'm neither allowed to be
14 present for settlement negotiations or to delve
15 into them. If Ameren wishes to contact you in
16 regard to that, they will. If that needs to be a
17 separate Complaint, then it may need to be a
18 separate Complaint.

19 MR. FELBER: Okay.

20 JUDGE CLARK: That sounds like a Complaint
21 that would be your wife's Complaint and not your
22 Complaint.

23 MR. FELBER: Correct. My biggest thing
24 was trying to reduce the amount, therefore, we
25 don't have so much stuff coming in and going from

1 there. The biggest thing, as far as on things is,
2 you know, again, the services, you know, there's a
3 date agreed, May 22nd. All that I -- I mean, the
4 motion would be was I guess for the health because
5 I do have an autistic son, and it's denying my son
6 his right to accessibility.

7 It's even in the Commission rules, you
8 know, if a household member is disabled or any of
9 that nature, they have programs to be able to do
10 that. And it shows it right on their website, and
11 they haven't been able or allowed me to utilize
12 that program. I would like to know who can
13 facilitate that to go ahead and be done.

14 JUDGE CLARK: And I can't answer that for
15 you. What I will say is that my reading of that
16 rule is that if they are aware of that in advance,
17 they need to allow an additional 21 days before
18 disconnecting service.

19 It doesn't appear that there's anything in
20 the record that they were aware of that prior to
21 your disconnection; however, again, we're getting
22 into evidentiary matters and, at this point, I'm
23 not going to address because there's no actual
24 evidence.

25 I know you've filed a lot of stuff, and

1 there's a lot of stuff that I have questions about
2 and I'm looking forward to hearing about at the
3 evidentiary hearing.

4 MR. FELBER: Right.

5 JUDGE CLARK: But in regards to that
6 Commission rule, I believe that Ameren is as
7 capable of interpreting that as I am. But I
8 believe that's the case that -- that if you inform
9 them prior to disconnection that you have a family
10 member with a qualifying medical condition -- and
11 I believe it says that you may be required to
12 provide proof thereof -- then they have to
13 postpone -- they have to postpone disconnection 21
14 days. But absent evidence being presented at a
15 hearing, I can't make any ruling in regard to
16 that.

17 MR. FELBER: Understandable.

18 JUDGE CLARK: Okay. Are there any other
19 pending motions, Mr. Felber?

20 MR. FELBER: Not that I'm aware of, no.

21 JUDGE CLARK: Okay. Staff, any pending
22 motions or other matters that need to be addressed
23 by the Commission at this time?

24 MR. KEEVIL: I don't think there's any
25 motions, Judge. I understood Mr. Felber to say he

1 will be providing responses to the outstanding
2 data requests we sent back in early June basically
3 as soon as he can and then understanding that we
4 need him to complete the report. So that's
5 really -- that's really all I had.

6 JUDGE CLARK: Okay. Thank you, Staff.

7 Any pending motions or matters that need
8 to be addressed by the Commission from Ameren
9 Missouri?

10 MR. BANKS: No. Thank you, Your Honor.

11 JUDGE CLARK: Okay. Well, I would like to
12 thank you all for appearing here today. I know
13 that I called this kind of impromptu, but, like I
14 said, given the nature of the way this case is
15 going, I would like to get it expedited as much as
16 possibly can.

17 So with that in mind, I'll thank you all
18 again for appearing here today. It might be
19 necessary for me to do a procedural or a
20 prehearing conference in the future, but I'm not
21 willing to contemplate that at this point, but I'm
22 aware that that may need to happen; so.

23 I'm just taking a second to think. No.
24 Nothing else. Okay. Then we will go off the
25 record.

1 (Off the record at 2:17 less than a
2 minute.)

3 JUDGE CLARK: We'll go back on the record.
4 I'll also say off the record, I indicated that if
5 there was a need for a discovery conference, I
6 would facilitate that.

7 Go ahead, Mr. Keevil.

8 MR. KEEVIL: Yeah, I was just going to say
9 you mentioned again, Judge, the Staff contacting
10 the other parties. I probably won't -- just for
11 the parties now, I probably won't be able to get
12 that today. It may be tomorrow before I'm able to
13 make the first effort towards contacting the
14 parties about that, but just so they know. I'm
15 not -- I've not forgotten about you if I don't get
16 in touch with them yet this afternoon.

17 JUDGE CLARK: Okay. Well, actually, you
18 said tomorrow. I mean, that was sooner than I
19 expected anyway. So that is a positive
20 development.

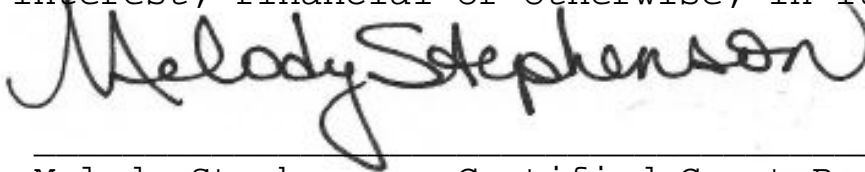
21 All right. Again, thank you all. I'll go
22 off the record again, and we will adjourn this
23 procedural conference.

24 (Procedural conference adjourned.)

25 * * * * *

1 CERTIFICATE OF SHORTHAND REPORTER

2 I, Melody Stephenson, the officer before
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