

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 7th day of December, 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 STRIKE

Issue Date: December 7, 2023 Effective Date: December 7, 2023

On November 14, 2023, Union Electric Company d/b/a Ameren Missouri filed a motion asking the Commission to strike the *Settlement Agreement and Release of All Claims* and also portions of *Complainant’s Motion for Restoration of Utility Services* filed on November 13, 2023, under EFIS Item No. 210.

In support of its motion, Ameren Missouri states that Mr. Felber contacted Ameren Missouri’s call center to establish a Cold Weather Rule payment agreement. Ameren Missouri’s Regulatory Liaison, Aubrey Krcmar, emailed Mr. Felber about establishing a payment agreement. Mr. Felber responded that Ameren Missouri should draft an agreement. An agreement was subsequently drafted and sent to Mr. Felber.

On November 13, 2023, Mr. Felber attached the *Settlement Agreement and Release of All Claims* to his Complainant’s *Motion for Restoration of Utility Services*. Mr. Felber then proceeded to present argument in his motion based upon the factual content

of the settlement agreement. Ameren Missouri asks the Commission to strike its settlement offer and paragraphs referencing the settlement offer contained in Mr. Felber's November 13, 2023, *Complainant's Motion for Restoration of Utility Services*.

Mr. Felber filed a motion in opposition to Ameren Missouri's request, but did not state a legal reason why the material should not be stricken from the record.

Commission Rule 20 CSR. 4240-2.090(7) which concerns settlement offers and pre-hearings before the Commission, states:

Facts disclosed in the course of a pre-hearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence.

The Commission will order Ameren Missouri's Settlement Offer, contained under EFIS Item no. 210, stricken from the record along with paragraphs 11-17 of Mr. Felber's November 13, 2023, *Complainant's Motion for Restoration of Utility Services*.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's motion to strike is granted.
2. The Data Center shall strike EFIS item number 210, Ameren Missouri's *Settlement Agreement and Release of All Claims* from the record by removing it from EFIS. The Data Center shall strike paragraphs 11-17 of Mr. Felber's November 13, 2023, *Complainant's Motion for Restoration of Utility Services* by redacting those paragraphs from his motion.
3. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

Clark, Senior Regulatory Law Judge