

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 29<sup>th</sup> day of February, 2024.

Kelvin Dudley,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. EC-2024-0191</u></b>
	)	
Union Electric Company,	)	
d/b/a Ameren Missouri	)	
	)	
Respondent.	)	

**ORDER DISMISSING CASE**

Issue Date: February 29, 2024 Effective Date: March 30, 2024

On December 8, 2023, Kelvin Dudley (Complainant) filed a formal complaint pursuant to Commission Rule 20 CSR 4240-2.070 against Union Electric Company d/b/a Ameren Missouri. The complaint alleges Ameren Missouri has violated numerous federal and state laws by refusing to honor a negotiable instrument.

Ameren Missouri filed an *Answer and Affirmative Defenses* on January 10, 2024. Ameren Missouri stated that due to his payment history, Mr. Dudley was required to make all payments in cash, cashier’s check, credit card, or money order. Further, Ameren Missouri stated that the purported negotiable instrument appeared to be a fraudulent document indicating it was drawn upon the St. Louis Federal Reserve Bank. Ameren

Missouri further filed a *Motion to Dismiss* on January 26, 2024, stating that the complaint fails to assert any statute, rule, regulation, or tariff that the Commission could enforce.

On January 25, 2024, the Staff of the Commission (Staff) filed its *Staff Report*. Staff did not find that Ameren Missouri had violated any statute, rule, regulation, or tariff. Staff pointed out that The Office of the Inspector General of the United States Treasury has issued fraud alerts regarding the use of Federal Reserve locations for individual banking services.

On January 26, 2024, Ameren Missouri filed a *Motion to Dismiss for Failure to State a Claim on Which Relief Can Be Granted*.

The Commission issued an *Order to Show Cause* on February 8, 2024, instructing Complainant to state why the complaint should not be dismissed. Complainant responded on February 20, 2024, repeating that he is offering legal tender to Ameren Missouri, and citing several federal laws and court cases dealing with the federal Uniform Commercial Code.<sup>1</sup>

Commission Rule 20 CSR 4240-2.070(7) states that the Commission may after notice dismiss a complaint for failure to state a claim on which relief may be granted. Commission Rule 20 CSR 4240-2.116(4) states that the Commission may dismiss a case for good cause after a minimum of ten days' notice to all parties involved.

As Ameren Missouri states in its motion, “[t]he Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto.”<sup>2</sup> Further, Section 386.390.1, RSMo (Supp. 2023) provides

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<sup>1</sup> Included in Mr. Dudley’s response were several documents irrelevant to utility bill payment, such as a “Birth Announcement”, “Claim the Title”, and a “Declaration of Truth”.

<sup>2</sup> See, e.g., *State ex. rel. City of St. Louis v. Missouri Public Service Comm’n*, 73 S.W.2d 393, 399 (Mo. banc 1934); *State ex. rel. Kansas City Transit, Inc. v. Public Service Comm’n*, 406 S.W.2d 5, 8 (Mo.

that the Commission shall hear complaints regarding “a violation, of any provision of law, or of any rule or order or decision of the commission.”

In this case, the Complainant has not alleged that Ameren Missouri violated any law, rule, or order or decision of the Commission. Rather, the Complainant alleges only that Ameren Missouri violated several federal laws including the Uniform Commercial Code Article 3-311, 602, 603, Title 18 Section 1001 of the Uniform Value of Coins Act, and Check 21.<sup>3</sup> Complainant further alleges the Company is interfering with commerce and is in violation of the 73rd Congress, SESS. I. CHS. 46-48. June 5, 1933 by not accepting his “negotiable instrument” as payment on his account. The Complainant did not claim that Ameren Missouri violated any law in relation to the charges for his service or any violation of its rules of service as set out in its tariffs. Further, Staff investigated and found no violation of law, rule, or order or decision of the Commission enforceable by the Commission.

Complainant does not allege any facts upon which relief may be granted. The complaint alleges no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction. The Commission further finds that because the complaint alleges no claim for which relief may be granted and no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction, good cause exists to dismiss the complaint.

Under Commission Rule 20 CSR 4240-2.070(14), the regulatory law judge shall cause the parties to be notified that the dismissal of Mr. Dudley’s complaint will be final

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1966); *State ex rel GS Technologies Operating Co. v. PSC of Mo.*, 116 S.W.3d 680, 696 (Mo. App. 2003).  
<sup>3</sup> Check 21 is quoted from the Complaint, paragraph 7.

unless an application for rehearing is filed. The application for rehearing must be filed with the Commission within 30 days, which is March 30, 2024.<sup>4</sup>

If the Commission denies the application for rehearing, the parties then have 30 days after the denial is issued to file an appeal with the court of appeals.<sup>5</sup> If the Commission grants the application for rehearing, then the Commission will order appropriate actions at that time.

**THE COMMISSION ORDERS THAT:**

1. The complaint filed on December 8, 2023, is dismissed without prejudice.
2. If the Complainant wishes to request a rehearing by the Commission, such request must be filed before March 30, 2024.
3. This order shall be effective on March 30, 2024.



**BY THE COMMISSION**

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

Nancy Dippell  
Secretary

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

Pridgin, Deputy Chief Regulatory Law Judge

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<sup>4</sup> Section 386.515, RSMo, (Supp. 2023).

<sup>5</sup> Section 386.510, RSMo (2016).

**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 29<sup>th</sup> day of February 2024.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**February 29, 2024**

**File/Case No. EC-2024-0191**

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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**

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