

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Brett Felber, )  
 )  
 Complainant, )  
 )  
 v. ) **File No. EC-2024-0217**  
 )  
 Union Electric Company d/b/a Ameren Missouri, )  
 )  
 Respondent. )

**STAFF'S REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Report* respectfully states:

1. On January 25, 2024, Brett Felber (“Complainant”), filed a formal complaint with the Missouri Public Service Commission (“Commission”) against the Union Electric Company d/b/a Ameren Missouri (“Ameren” or “Respondent”) asserting, in part, that the Respondent violated its tariffs, and extorted the Complainant.<sup>1</sup> The Commission ordered Staff to file its report regarding the complaint no later than March 11, 2024.<sup>2</sup>

2. The *Report* is being filed as confidential in its entirety pursuant to 20 CSR 4240-2.070(11).<sup>3</sup>

3. This complaint contains the following allegations:
- i. Ameren extorted Complainant into paying their demands for fear of disconnection of services,
  - ii. Ameren illegally charged a deposit to Complainant’s account and failed to inform him of said deposit when setting up his account,
  - iii. Ameren made a false claim about Complainant which resulted in him having to pay an additional \*\* [REDACTED] \*\* inspection fee,
  - iv. Ameren changed Complainant’s billing date from the 24<sup>th</sup> to the 15<sup>th</sup> of the month,

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<sup>1</sup> The Complainant also filed its *Denial of Mediation, Motion for Default Judgment*, and another *Motion for Default Judgment & Quash*, along with *Additional Comments* from February 15, 2024 through February 29, 2024.  
<sup>2</sup> *Order Giving Notice of Complaint, Directing an Answer, and Directing a Staff Investigation* issued on January 25, 2024.  
<sup>3</sup> The investigative report shall not be made public unless released in accordance with section 386.480, 392.210(2), or 393.140(3), RSMo, or during the course of the hearing involving the complaint.

- v. The billing period service dates end and begin on his billing statements on the same date and, finally,
- vi. Complainant was unable to utilize a Cold Weather Rule (CWR) payment plan agreement.

4. In cases where “a complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions,” the Commission has determined that “the burden of proof at hearing rests with complainant.”<sup>4</sup>

5. Based on Staff’s investigation, Staff concludes that it found no clear violations of applicable statutes, Commission rules or regulations, or Commission-approved tariffs by Respondent that support the Complainant’s allegations. However, during its investigation, Staff found that the Complainant received a notification which did not include all information required under 20 CSR 4240-13.035(1)(C)2., subsections D. and E.<sup>5</sup> Staff initially discovered this violation during Staff’s investigation of File No. EC-2024-0108.<sup>6</sup> Staff understands that Ameren is aware of that violation and the Company stated it is revising its process.

6. Staff notes that much of the relief requested by Complainant is not within the authority of the Commission to grant (for one example, monetary damages).<sup>7</sup>

7. Attached hereto as *Appendix A* and incorporated by reference herein is *Staff’s Report*, in which Staff provides a more comprehensive account of Staff’s investigation.

**WHEREFORE**, Staff respectfully requests the Commission accepts this *Report*, and grant such relief as just under the circumstances.

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<sup>4</sup> *State ex rel. GS Technologies Operating Co. v. Public Service Commission*, 116 S.W.3d 680, 693 (Mo. App., W.D. 2003) (quoting *Margulis v. Union Elec. Co.*, 30 Mo.P.S.C. (N.S.) 517, 523 (1991)). *AG Processing, Inc. v. KCP&L Greater Missouri Operations Co.*, 385 S.W.3d 511, Mo. App., W.D. 2012).

<sup>5</sup> The Respondent did not provide Spanish statements advising ratepayers about translators and their right to contact the Public Service Commission if issues with the utility are not resolved.

<sup>6</sup> File No. EC-2024-0108, *Nancy Hurt, Complainant, v. Union Electric Company, d/b/a Ameren Missouri, Respondent*.

<sup>7</sup> *American Petroleum Exchange v. Public Service Commission*, 172 S.W.2d 952, 955 (Mo. 1943).

Respectfully submitted,

**/s/ Eric Vandergriff**

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Missouri Public Service Commission

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 11<sup>th</sup> day of March, 2024.