

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

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

STAFF’S MOTION FOR CLARIFICATION

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 March 9, 2024, Brett Felber (“Complainant”), filed an Amended Complaint (Amended Complaint)¹ with the Missouri Public Service Commission (“Commission”) against the Union Electric Company d/b/a Ameren Missouri (“Ameren” or “Respondent”), reasserting issues litigated against the same Respondent in File No. EC-2023-0395 (EC-2023-0395).² In response, the Commission ordered Staff to file its report regarding the amended complaint no later than April 23, 2024.³

2. Due to the number of cases Complainant has brought before the Commission, and the similarity of issues identified in the *Amended Complaint* with issues the Commission has previously ruled upon, Staff respectfully requests clarification from the Commission on the matters set forth below.

¹ *Motion to Amend Complaint* (Public and Confidential) filed on March 9, 2024.
² The Commission addressed the Complainant’s pending payment agreement allegations in its *Report and Order* filed in File No. EC-2023-0395 on November 29, 2023.
³ File No. EC-2023-0395’s *Order Giving Notice of Complaint, Directing an Answer, And Directing a Staff Investigation* issued on March 11, 2024.

3. This *Amended Complaint* regards an exhibit from EC-2023-0395 that the Complainant alleges, and has alleged in the past, is counterfeit. Complainant alleged in EC-2023-0395 that Ameren sent him a confirmation email on May 18, 2023 regarding a payment agreement, with a down payment of \$2,509.00 to be paid by May 22, 2023.⁴ In its *Answer and Affirmative Defenses* filed on June 26, 2023, Ameren stated that the down payment was due on May 18, 2023, not May 22, 2023.⁵

4. Following an evidentiary hearing in EC-2023-0395, the Commission determined, from the evidence before it, that the confirmation email sent by Ameren on May 18, 2023 did indicate that the down payment was also due May 18, 2023, not May 22, 2023 as argued by Complainant.⁶ The Commission determined this by reviewing records provided by both Ameren and the Complainant.⁷ For Staff to investigate the Complainant's *Amended Complaint* in this matter, Staff would have to reinvestigate EC-2023-0395.

5. This is not the first time the Complainant has sought the opportunity to reinvestigate allegations pertaining to the pending payment agreements described in EC-2023-0395. Within 24 hours of the conclusion of the last complaint's evidentiary hearing discussing the pending payment agreement in EC-2023-0395, the Complainant filed a new complaint assigned File No. EC-2024-0133 (EC-2024-0133).⁸

⁴ *Correspondence Regarding Payment Agreement*, EC-2203-0395 (Docket Item 50).

⁵ *Answer and Affirmative Defenses*, EC-2023-0395 (Docket Item 77).

⁶ *Report and Order*, EC-2023-0395, pg. 22, para. 53 (Docket Item 216).

⁷ *Id.*, pg. 20-22.

⁸ The Complainant filed its *Formal Complaint* regarding its payment agreement allegations on October 10, 2023.

The Commission closed EC-2024-0133 before ordering Staff to investigate the case because:

Complainant requests the Commission investigate Ameren Missouri's conduct and statements made in the evidentiary hearing in File No. EC-2023-0395. **Complainant's new complaint against Ameren Missouri alleges "no violation of any law subject to the commission's authority, of any rule promulgated by the commission, of any utility tariff, or of any order or decision of the commission" that is not already being addressed in File No. EC-2023-0395.** Those matters are most appropriately addressed within the bounds of that complaint. **The Commission will treat this new complaint as late filed objections to testimony and evidence in File No. EC-2023-0395.** The Commission makes determinations on evidentiary rulings, including the credibility of witness testimony or documents, the appropriate weight given to evidence, and objections. **The Commission will make those determinations in File No. EC-2023-0395.**

6. The Complainant has requested and been denied a rehearing of EC-2023-0395 multiple times. After the filing of the Commission's *Report and Order* on November 29, 2023, Complainant filed an *Application for Rehearing* along with an additional/supplemental request for rehearing that same day. The Complainant then filed a *Motion to Withdraw Application for Rehearing* on December 13, 2023. On January 10, 2024, the Commission issued its *Order Denying Applications for Rehearing* noting that the Complainant has the right to appeal; however, "Mr. Felber's applications for rehearing do not demonstrate sufficient reason to hear this matter".⁹ The Commission then closed the file on February 9, 2024.

7. The Complainant continued to file *Motions for Appeal and Rehearing* in EC-2023-0395 on February 21, 2024, March 5, 2024, March 8, 2024,

⁹ File No. EC-2023-0395, *Order Denying Applications for Rehearing* filed on January 10, 2024.

and March 9, 2024. The Commission responded to these motions by filing a *Notice Closing File* on March 4, 2024 and again on March 11, 2024. In the March 11, 2024, the *Notice Closing File* the Commission states:

On March 8, 2024, Brett Felber filed a motion for rehearing. He also filed a motion for rehearing on March 9, 2024. The Commission issued its Report and Order determining this complaint of [sic] November 29, 2023, with an effective date of December 29, 2023. That Report and Order states:

Any applications for rehearing must be filed prior to the date this order becomes effective. If the Commission denies an application for rehearing, the party filing the request for rehearing may appeal the Commission's decision as provided by Missouri statutes. Brett Felber filed an application for a rehearing on November 29, 2023.

The Commission denied that application. Complainant is out of time to file any further applications for rehearing in this complaint. The Report and Order is the Commission's final decision in this complaint. The Commission will not consider any motions requesting further proceedings, rehearings, or reconsiderations of the Commission's Report and Order in this complaint. The Commission does not need to take any further action and this file shall be closed.¹⁰

8. Despite the Commission's order closing EC-2023-0395 again, Complainant filed another Motion for Rehearing in that same docket on March 12, 2024, arguing that "...there is no Statute of Limitations doesn't [sic] apply to documents that are counterfeit and altered documents and counterfeit documents that were used in prouduction [sic] of committing fraud against a party and deceiving them out of additional money and money they shouldn't have lost."

9. The Complainant once again asked for the case to be reopened and for rehearing of the previous issues in his *Amended Complaint* in File No. EC-2024-0217

¹⁰ File No. EC-2023-0395, *Notice Closing File* filed March 11, 2024.

filed on March, 9, 2024:

“Not only do I want to amend my complaint for these expenses lost, but want the Commissioners and the Regulatory Judge to reopen [sic] and grant me a re-hearing in EC-2023-0395, as I’ve clearly shown proof of the errors, or fraudulent activity they allowed the ONLY utility [sic] company in my service area to deprive me of. What makes it criminal is when the Commissioners themselves infringed my rights in this matter.”

10. In this case, the Commission is ordering Staff to investigate the same allegations brought forward by the Complainant in EC-2024-0133 and EC-2023-0395.

11. The Commission’s *Order* seemingly requires Staff to investigate facts already litigated in another case. Therefore, Staff seeks clarification as to whether Staff should again investigate the Complainant’s pending payment agreement allegations in this case.

WHEREFORE, Staff respectfully requests the Commission issue an order clarifying the above issues.

Respectfully submitted,

/s/ Eric Vandergriff

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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 15th day of March, 2024.