

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

In the Matter of the Application of Brett )  
Felber for Change of Electric Supplier ) **File No. EO-2024-0244**

**MOTION TO DISMISS**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"), and for its *Motion to Dismiss* states to the Missouri Public Service Commission ("Commission") as follows:

1. On March 11, 2024, Mr. Felber filed an application for change of electric supplier from Ameren Missouri to Evergy Missouri West, Inc. d/b/a Evergy Missouri West.
2. On March 14, 2024, the Commission issued its *Order Directing Notice, Adding Parties, And Directing Responses to Application*, directing Ameren Missouri to file a response to the Application no later than March 28, 2024.
3. It appears that Mr. Felber is using the change of electric supplier process to pursue claims that were litigated and decided by the Commission in Case No. EC-2023-0395.
4. Further, as the Commission stated in Mr. Felber's prior change of supplier case, EO-2024-0163, Mr. Felber is requesting relief that the Commission cannot grant:

Electric utilities in Missouri take several forms as set out in the Missouri statutes. Each of these electric utility forms generally have a monopoly with regard to particular service areas within the state. An electric utility in Missouri is either a Commission-regulated investor-owned monopoly (such as Ameren Missouri, Every Missouri Metro, and Evergy Missouri West), a municipally-owned electric utility, or a rural electric cooperative. The Missouri Public Service Commission's powers to regulate investor-owned electric corporations with regard to rates and service and to regulate municipal and cooperative electric utilities with regard to territorial agreements are also limited to those set out by the statutes.

Mr. Felber requests that the Commission allow a change of supplier from Ameren Missouri to one of the Evergy utilities. Mr. Felber cites no law that would allow the Commission to take such action. Under Missouri law a Missouri investor-owned

electric utility may not provide service outside of its certificated service area. Ameren Missouri has a certificate of convenience and necessity to serve the area that includes Mr. Felber's address. Neither Evergy Missouri Metro nor Evergy Missouri West has a certificate to provide electric service to Mr. Felber's address. Further, contrary to Mr. Felber's arguments in his application and responses, the electric utilities in Missouri, including Ameren Missouri, are not deregulated such that any other electric service provider in the state can supply electricity [*sic*] his address. Thus, Mr. Felber has not asked for relief that the Commission can grant.

Under 20 CSR 4240-2.115, the Commission may dismiss for good cause, any case after ten days notice to all parties. Thus, the Commission will direct Mr. Felber to show cause why the Commission should not dismiss this application for failure to state a claim upon which relief may be granted.

*Order to Show Cause Why Application Should Not Be Dismissed*, File No. EO-2024-0163, pp. 1-2.

5. As the Commission pointed out in EO-2024-0163, Ameren Missouri has a certificate of convenience and necessity to serve the area where Mr. Felber resides, and Evergy Missouri West cannot provide service outside of its certificated service area.

6. As the application fails to state a claim upon which the Commission may grant relief, dismissal is proper under 20 CSR 4240-2.115.

**WHEREFORE**, Ameren Missouri submits this Motion to Dismiss and requests the Commission dismiss this case for failure to state a claim upon which relief may be granted.

Respectfully submitted,

**/s/ Jennifer L. Hernandez**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 28<sup>th</sup> day of March 2024.

**/s/ Jennifer L. Hernandez**  
Jennifer L. Hernandez