

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

ORDER TO SHOW CAUSE WHY APPLICATION SHOULD NOT BE DISMISSED AND RELIEVING STAFF OF THE OBLIGATION TO FILE A RECOMMENDATION

Issue Date: April 22, 2024

Effective Date: April 22, 2024

On March 11, 2024,¹ Brett Felber filed an application with the Commission requesting a change of electric supplier from Union Electric Company d/b/a Ameren Missouri Liberty to Evergy Missouri West, Inc. d/b/a Evergy Missouri West.²

On March 28, Evergy Missouri West filed its *Response to Application for Change of Electrical Supplier* in which it stated that Mr. Felber's property is not located in its service territory and that Evergy Missouri West does not provide service on the eastern side of Missouri.

On March 28, Ameren Missouri filed a *Motion to Dismiss*. The motion states that Ameren Missouri has a certificate of convenience and necessity to serve the area of Mr. Felber's residence and Evergy Missouri West cannot provide service outside of its certificated area. Thus, Ameren Missouri argues that Mr. Felber requests relief which cannot be granted by the Commission.

The Staff of the Commission (Staff) filed a *Motion to Dismiss* on April 1, in which it states that Mr. Felber seeks relief that the Commission cannot grant.

¹ Unless otherwise noted, all date references are to the year 2024.

² Mr. Felber's application listed the requested electric supplier as "Evergy Missouri." In response to a Notice of Deficiency issued by the Commission, Mr. Felber filed a document on March 13 clarifying that Evergy Missouri West was the requested electric supplier.

Previously, on November 8, 2023, Mr. Felber filed an application for a change of electric service provider in File No. EO-2024-0163. In that case, on November 14, 2023, the Commission ordered Mr. Felber to show cause why his application should not be dismissed for failure to state a claim upon which relief could be granted. The Commission stated the following:

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 his address. Thus, Mr. Felber has not asked for relief that the Commission can grant.

Although Mr. Felber filed a response to the November 14th order, he did not address the issue of the failure to state a claim upon which relief could be granted. On December 15, 2023, Mr. Felber filed a motion to dismiss his case, which was granted by the Commission on March 6.

As noted above, on March 11, Mr. Felber refiled his application requesting a change of electric supplier. The application requests the same relief involving the same electric suppliers as File No. EO-2024-0163.

Under 20 CSR 4240-2.116, the Commission may dismiss for good cause, any case after ten days' notice to all parties. As was the case in File No. EO-2024-0163, the Commission will direct Mr. Felber to show cause why the Commission should not dismiss his application for failure to state a claim upon which relief may be granted.

On March 14, the Commission ordered Staff file a recommendation on Mr. Felber's application no later than April 26. The Commission will relieve Staff of the obligation to do so at this time.

THE COMMISSION ORDERS THAT:

1. Mr. Felber shall file a pleading no later than May 2, 2024, showing cause why his application should not be dismissed for failure to state a claim upon which relief may be granted.
2. Any party that wishes to respond may do so no later than May 2, 2024.
3. Staff is relieved of its obligation to file a recommendation on Mr. Felber's application, unless further ordered by the Commission.
4. This order is effective when issued.

BY THE COMMISSION



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

Nancy Dippell
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri
on this 22nd day of April, 2024.

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 22nd day of April 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 22, 2024

File/Case No. EO-2024-0244

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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**

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