

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

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

**ORDER DIRECTING COMPLAINANT TO SHOW CAUSE
WHY COMPLAINT SHOULD NOT BE DISMISSED**

Issue Date: April 25, 2024

Effective Date: April 25, 2024

On January 25, 2024,¹ Brett Felber filed a Formal Complaint against Union Electric Company d/b/a Ameren Missouri (Ameren Missouri). Then on March 9, Mr. Felber filed a Motion to Amend Complaint to “include new recently given data.” After briefly dismissing the complaint voluntarily on March 19, Mr. Felber filed a Motion to Reopen the Case on March 25. On April 22, Ameren Missouri timely filed a Motion to Dismiss Mr. Felber’s Amended Complaint based on the doctrine of *res judicata*.²

The phrase *res judicata* means “a matter judged.” Missouri courts typically prohibit relitigating matters.³ This includes additional evidence used to support a claim.⁴ Through claim preclusion, a motion to dismiss based on *res judicata* is a motion to dismiss for failure to state a claim on which relief may be granted. Per Commission Rule 20 CSR 4240-2.070(7), “The commission...on the motion of a party, may after notice dismiss a complaint

¹ All dates refer to 2024 unless otherwise indicated.

² Ameren claims that many of the allegations of the Amended Complaint were previously litigated in File No. EC-2023-0395.

³ *Chesterfield Village, Inc. v. City of Chesterfield*, 64 S.W.3d 315, 318 (Mo. 2002).

⁴ *Chesterfield Village*, 64 S.W.3d at 320.

for failure to state a claim on which relief may be granted...or may strike irrelevant allegations” The Commission will order Mr. Felber to file a pleading showing cause as to why his complaint should not be dismissed.

THE COMMISSION ORDERS THAT:

1. Complainant Brett Felber shall file a pleading no later than June 14, 2024, showing cause why his complaint against Ameren Missouri should not be dismissed for failure to state a claim on which relief may be granted.
2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Riley G. Fewell, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 25th 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 25th day of April 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 25, 2024

File/Case No. EC-2024-0217

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Brett Felber

Brett Felber
2865 Dividend Park
Florissant, MO 63031
brett@hypercoremobileconsultantsllc.co.uk

MO PSC Staff

Eric Vandergriff
200 Madison Street
Jefferson City, MO 65101
eric.vandergriff@psc.mo.gov

Union Electric Company

Jennifer Hernandez
1901 Chouteau Avenue
Saint Louis, MO 63103
jhernandez2@ameren.com

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.