

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

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

**RESPONSE TO COMPLAINANT'S MOTION  
FOR SUMMARY DETERMINATION JUDGMENT**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"), by and through the undersigned counsel, and for its *Response to Complainant's Motion For Summary Determination Judgment* respectfully states to the Missouri Public Service Commission ("Commission") as follows:

1. On April 7, 2024, Complainant filed *Complainant's Motion for Summary Determination Judgment* ("Complainant's Motion").

2. Rule 20 CSR 4240-2.117(1)(B) provides:

Motions for summary determination shall state with particularity in separately numbered paragraphs each material fact as to which the movant claims there is no genuine issue, with specific references to the pleadings, testimony, discovery, or affidavits that demonstrate the lack of a genuine issue as to such facts. Each motion for summary determination shall have attached thereto a separate legal memorandum explaining why summary determination should be granted and testimony, discovery or affidavits not previously filed that are relied on in the motion. The movant shall serve the motion for summary determination upon all other parties not later than the date upon which the motion is filed with the commission.

3. Complainant's Motion is procedurally deficient and it must fail. It contains unsupported allegations with no references to testimony, discovery or affidavits required by the Rule. Complainant's Motion also fails to provide a separate legal memorandum.

4. Further, Ameren Missouri's *Motion to Dismiss Amended Complaint* remains pending and the Commission has issued an *Order Directing Complainant to Show Cause Why Complaint Should Not be Dismissed*.

5. The Complainant's attempt to relitigate issues from EC-2023-0395 in this matter is improper and barred by *res judicata*. Therefore, the Commission should deny the Complainant's Motion and dismiss the *Amended Complaint*.

**WHEREFORE**, Ameren Missouri requests the Commission deny the Complainant's Motion and dismiss the *Amended Complaint*.

Respectfully submitted,

**/s/Jennifer L. Hernandez**

Jennifer L. Hernandez, MO Bar #59814

Corporate Counsel

1901 Chouteau Avenue, MC 1310

P.O. Box 66149

St. Louis, MO 63166-6149

(314) 978-8418 (Telephone)

(314) 554-4014 (Facsimile)

[AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)

**ATTORNEY FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 7<sup>th</sup> day of May 2024.

**/s/Jennifer L. Hernandez**

Jennifer L. Hernandez