

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
May, 2024.

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

ORDER DISMISSING APPLICATION

Issue Date: May 9, 2024

Effective Date: June 8, 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 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.

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.

The Staff of the Commission (Staff) filed a *Motion to Dismiss* on April 1. In its motion, Staff also argues that Mr. Felber seeks relief that the Commission cannot grant.

Previously, on November 8, 2023, Mr. Felber filed an application for a change of electric service provider from Ameren Missouri to Evergy, generally, 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. (Order to Show Cause). 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.

On March 11, Mr. Felber refiled his application requesting a change of electric supplier, resulting in the creation of the current case – File No. EO-2024-0244. The application requests the same relief involving the same electric suppliers as File No. EO-2024-0163.

As with the previous case, on April 22, the Commission directed Mr. Felber to file a pleading no later than May 2 showing cause why his application should not be dismissed

for failure to state a claim upon which relief could be granted. All other parties were also given until May 2 to file responses to the order.

On April 23 and April 29, Mr. Felber filed pleadings in response to the April 22nd Commission order. However, neither pleading makes a showing as to why his application should not be dismissed for failure to state a claim upon which relief could be granted by the Commission. No other parties filed responses.

Under Section 393.170.2, RSMo (Supp. 2023), “No [electrical corporation] shall exercise any right or privilege under any franchise hereafter granted . . . without first having obtained the permission and approval of the commission.” Under Section 393.170.3, RSMo (Supp.2023), the Commission has the power to grant such permission and approval upon a determination that the “exercise of the right, privilege or franchise is necessary or convenient for the public service.”

Evergy Missouri West cannot provide electric service in the area of Mr. Felber’s residence, as it has not been granted a certificate of convenience and necessity by the Commission to serve that area.

In File No. EO-2024-0163, the Commission noted in its Order to Show Cause that relief was not available under Missouri law to grant Mr. Felber’s request for a change of electric service provider from Ameren Missouri to Evergy Missouri West. Nevertheless, Mr. Felber is before the Commission again, making the same request, failing to state a claim upon which the Commission can grant relief.

Under 20 CSR 4240-2.115, the Commission may dismiss for good cause, any case after ten days’ notice to all parties.

The Commission finds good cause to dismiss Mr. Felber's request for a change of electric service provider for failure to state a claim upon which relief can be granted by the Commission.

THE COMMISSION ORDERS THAT:

1. For the reason stated above, the change of electric supplier application of Brett Felber is dismissed for failure to state a claim upon which relief may be granted.
2. This order shall become effective on June 8, 2024.
3. This file shall close on June 9, 2024.



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

Hahn, Ch., Coleman, Holsman,
and Kolkmeier, CC., concur.
Mitchell, C., abstains.

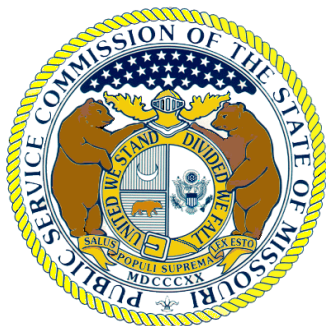
Seyer, Regulatory Law Judge

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 9th day of May 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 9, 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.