

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

Brett Felber and Lisa Lambert,)	
Complainants,)	
v.)	
)	
Union Electric Company, d/b/a)	<u>File No. EC-2024-0372</u>
Ameren Missouri,)	
)	
Respondent.)	

**ORDER DENYING REQUEST TO AMEND COMPLAINT AND
DENYING MOTION TO STRIKE**

Issue Date: August 23, 2024

Effective Date: August 23, 2024

On June 21, 2024,¹ Brett Felber and Lisa Lambert (Complainants) filed a formal complaint pursuant to Commission Rule 20 CSR 4240-2.070 against Union Electric Company d/b/a Ameren Missouri. The complaint alleges Ameren Missouri failed to respond to a certified letter sent on May 22, 2024 contesting Complainants' deposit billing, that Ameren Missouri is harassing Complainants with a disconnection notice, double billing, and tampering with their own smart meter.

Mr. Felber has made several additional filings,² each of which appear to be attempting to amend the *Complaint* by injecting issues into this case that have already been determined by the Commission in another case.³

¹ All dates refer to 2024 unless otherwise indicated.

² On July 21, 2024, July 22, 2024, August 7, 2024 and August 8, 2024.

³ The *Report and Order* in File No. EC-2023-0395 was issued on November 29, 2023. Complainants filed a *Motion for Rehearing* on November 29, 2023 as well as other responses and comments, then filed a *Motion to Withdraw Application for Rehearing* on December 13, 2023. Complainants also filed separate and untimely *Motions for Rehearing* on March 8, 2024, March 9, 2024 and March 12, 2024, *Motions for Appeal* on February 21, 2024, and March 5, 2024 and a *Motion for Injunction* on March 10, 2024. The

Section 386.550, RSMo, states, “In all collateral actions or proceedings the orders and decisions of the commission which have become final shall be conclusive.”

In this case, the Complaint contains allegations that have not yet been litigated. However, Complainants’ allegations reflecting amendments to the Complaint contained in their filings on July 21, July 22, August 7 and August 8 have previously been determined and those allegations are barred as collateral attacks on the Report and Order issued by the Commission. So, the Commission will deny Mr. Felber’s requests to amend the *Complaint*.

Commission Rule 20 CSR 4240-2.070(15)(D) requires that Staff investigate and file a report detailing staff’s findings and recommendations within forty-five days of the complaint being filed. It also allows the regulatory law judge to extend the time for good cause shown. Commission Rule 20 CSR 4240-2.070(11) explains that the report of Staff’s findings is to determine the cause of the complaint.

Staff of the Commission (Staff) filed its *Report* on August 5, 2024, stating that data requests were sent to Ameren Missouri and the Complainants in order to investigate the *Complaint*. Staff’s Report notes Ameren Missouri provided responses, but Complainants had not responded as of the date of filing of *Staff’s Report*. On August 8, Mr. Felber filed a *Motion to Strike* the attachments to *Staff’s Report*, alleging that attachment A was incomplete and attachment B was fraudulent. Both attachments were received by Staff from Ameren Missouri in Data Requests to Ameren Missouri.

Any dispute about the veracity of the facts contained in Staff’s Report will be determined after the Commission reviews all evidence and after hearing, if any. The

Motion for Rehearing was denied on January 10, 2024 and the matter was closed on June 26, 2024.

Complainant has had the opportunity to respond to Staff's Report and submit arguments as to the potential completeness and reliability of the attachments. Those arguments do not suggest that the attachments are redundant, immaterial or irrelevant. Therefore, the Commission will deny Mr. Felber's *Motion to Strike*.

THE COMMISSION ORDERS THAT:

1. Mr. Felber's requests to amend the *Complaint* filed on July 21, 2024, July 22, 2024, August 7, 2024 and August 8, 2024 are denied.
2. Mr. Felber's *Motion to Strike* filed on August 8, 2024 is denied.
3. This order shall be effective on August 23, 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

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

Dated at Jefferson City, Missouri,
on this 23rd day of August, 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 23rd day of August 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 23, 2024

File/Case No. EC-2024-0372

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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.