

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

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

**MOTION TO QUASH, FOR PROTECTIVE ORDER,
AND MEMORANDUM IN SUPPORT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren”), [REDACTED]
[REDACTED], by and through the undersigned counsel, and for their
Motion to Quash Complainant’s subpoenas, for protective order, and memorandum in support,
state as follows:

INTRODUCTION AND BACKGROUND

On August 26, 2024, the Missouri Public Service Commission (“Commission”) issued
five subpoenas at the request of Complainant, Brett Felber (“Felber”), three of which are directed
to Ameren or related parties. Specifically, Felber issued one subpoena to [REDACTED]
[REDACTED]
[REDACTED] and one subpoena to “Ameren
Missouri” generally.¹ The subpoenas reiterate Felber’s highly inflammatory and unsupported
assertions from other filings in this matter – that Ameren and/or its employees and/or its counsel

¹ [REDACTED] was served on August 29, 2024 and at the time of this filing, the undersigned has no information that
[REDACTED] or Ameren has been served.

forged or falsified documents submitted to this Commission. In his subpoenas, Felber seeks “edited or altered documents” and “all personal and corporate owned computers, servers, attachment programs used to alter, edit, manipulate, counterfeit, forge all edited payment documents”

[REDACTED]

ARGUMENT

Commission Rule 20 CSR § 4240-2.100 governs subpoena requests and requires that a subpoena request “shall specify the particular document or record to be produced, and *shall state the reasons why the production is believed to be material and relevant.*” 20 CSR § 4240-2.100 (1) (emphasis added). The Missouri Supreme Court rules governing civil discovery are also instructive to the situation at hand. Rule 58.02(e)(1) requires that “[a] party or attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid

² [REDACTED]

imposing undue burden or expense on a non-party subject to the subpoena.” Rule 56.01(b) prohibits discovery that is unrelated to the underlying action and that is unduly burdensome. And Rule 56.01(c) expressly permits a protective order to protect a party or person “from annoyance, embarrassment, oppression, or undue burden or expense.” Subpoenas, document requests, and other discovery methods “were neither designed nor intended for untrammelled use of a factual dragnet or fishing expedition.” *Concerned Citizens for Crystal City v. City of Crystal City*, 334 S.W.3d 519, 523 (Mo. App. 2010) (internal citations omitted). A tribunal’s “duty and obligation” is to prevent discovery from turning into a “war of paper.” *Id.* at 524.

As outlined in Ameren’s Motion to Dismiss, Felber’s current complaint³ is an attempt to relitigate his prior disputes regarding various bills and disconnect notices. This complaint is not about whether an account user dashboard screenshot provided by Ameren to the Commission is “fraudulent.” Indeed, the Commission has already addressed Felber’s allegation regarding the purported “fraudulent” attachment—the Commission informed him that this allegation is not a basis to amend his Complaint and will be weighed with the evidence of the case. *See* August 23, 2024 Commission Order Denying Request to Amend, p. 2 (noting that “[a]ny dispute about the veracity of the facts contained in Staff’s Report will be determined after the Commission reviews all the evidence and after hearing, if any”). The Commission characterized Felber’s allegations as “collateral attacks on the Report and Order issued by the Commission.” *Id.*

Despite this ruling from the Commission, Felber now requests subpoenas to conduct harassing, burdensome, and irrelevant *duces tecum* depositions solely related to this purported “fraudulent” attachment. Felber does not and cannot articulate the reasons “why the production is believed to be material and relevant,” as required by 20 CSR § 4240-2.100. Because Felber’s

³ Felber has filed numerous prior complaints with the Commission, raising identical issues and seeking identical relief. Ameren filed a motion to dismiss this most recent complaint because it is barred by *res judicata*.

subpoenas do not seek relevant or material information, as required, and instead, only seek to further his “collateral attacks” regarding prior Commission filings, they should be quashed.

Felber’s subpoenas are also unduly burdensome and harassing on their face. In the subpoena to Ameren, for example, Felber requests that Ameren “bring all personal and corporate owned computers and servers” to the deposition so that Felber can purportedly inspect and search for “forged” or “altered” documents. In other words, Felber is seeking to conduct a forensic examination of *every single computer and server* in Ameren’s possession – both corporate owned and personal. Setting aside the fact that Felber’s forgery allegations are false and inflammatory—permitting Felber to perform a forensic examination of every single Ameren Missouri computer and server would violate countless federal and state laws, like those that protect personnel information, confidential account and financial data, federally-protected infrastructure information, and information protected by the attorney-client and work-product privilege, to name a few. Permitting him to conduct such a search would be the definition of an unduly burdensome, irrelevant fishing expedition. Felber’s subpoena requests are wildly burdensome and harassing and justify the imposition of a protective order, to prevent Felber from further circumventing prior Commission orders for the purpose of harassing Ameren and its affiliates.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION

For the reasons outlined above, Felber's subpoenas to [REDACTED], and Ameren Missouri should be quashed and Felber should be prohibited from issuing further subpoenas seeking improper, irrelevant, and immaterial information and using the Commission process to harass and unduly burden Ameren and its employees and counsel.

Respectfully submitted,

TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.

By: /s/ Mollie G. Mohan

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*Attorney for Union Electric Company d/b/a
Ameren Missouri,* [REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 4th day of September, 2024.

/s/ Mollie G. Mohan