

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

Brett Felber,)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2026-0004</u>
)	
Union Electric Company d/b/a Ameren)	
Missouri,)	
)	
Respondent.)	

RESPONSE TO COMPLAINANT'S MOTION TO QUASH

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"), by and through the undersigned counsel, and respectfully states to the Missouri Public Service Commission ("Commission") as follows:

1. On September 19, 2025, Complainant filed a Motion to Quash Subpoena. Complainant misconstrues Section 408.675 to 408.700, RSMo., known as the Missouri Right to Financial Privacy Act, as well as the Federal Right to Financial Privacy Act, 12 U.S.C. Section 3401 et seq., to assert that Ameren Missouri has not met certain requirements for the issuance of a subpoena by the Commission. The Federal Right to Financial Privacy Act applies only to requests for records *made by* any agency or department of the United States or any officer, employee or agent thereof.¹ Similarly, the Missouri Right to Financial Privacy Act applies to *government access* to records, not when a non-government corporation, such as Ameren Missouri, seeks financial records.² The two statutes cited by Complainant apply in criminal and civil investigations when law enforcement or other government agencies seek subpoenas to obtain bank records and there is

¹ 12 U.S.C.A. Section 3401 (3); *See also Doe v. Board on Professional Responsibility of District of Columbia Court of Appeals*, 717 F.2d 1424 (D.C.Cir.1983).

² *See* Section 408.677, RSMo.

a need to balance the investigative needs of the government and privacy protections for individuals under the Fourth Amendment of the United States Constitution.

2. Further, "[r]ecords of a depositor's account maintained by a bank are business records of the bank, not of the bank depositor. The depositor has no claim to the records based on ownership or possession and he therefore has no expectation of privacy associated with the records which is protected under the Fourth Amendment."³

3. Complainant has no standing to challenge the subpoena issued to his bank because the records requested are business records of the bank. *See State v. Brown*, 689 S.W.2d 63, 67 (W.D. Mo. 1985)("Appellant would have no standing to challenge a subpoena to the bank for production of records of her account because the matters to be seized are the property or possessions of a third party.")

WHEREFORE, Ameren Missouri submits this response for the Commission's information and consideration and requests the Commission deny the Complainant's Motion to Quash Subpoena.

Respectfully submitted,

/s/Jennifer L. Hernandez

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³ *State v. Brown*, 689 S.W.2d 63, 67 (W.D. Mo. 1985), citing *United States v. Miller*, 425 U.S. 435, 440 (1976).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 25th day of September 2025.

/s/ Jennifer L. Hernandez