

Before the Missouri Public Service Commission
Case No. EC-2026-0004

Brett Felber (Complainant)

v.

Ameren Missouri (Respondent)

Supporting Memorandum of Law

I. Introduction

Complainant submits this memorandum in support of his motion to restore EFIS access and to compel disclosure of all filings. Denying a party access to documents filed in their own case — or hiding filings — undermines both statutory rules and constitutional due process. The Commission must ensure procedural fairness and compliance with Missouri law.

II. Legal Principles of Due Process & Access to Administrative Records

1. Due Process Requirement: Administrative proceedings that may affect rights, obligations, or status require basic fairness: notice, opportunity to be heard, and access to the evidence and filings. Denial of access deprives a party of the ability to respond, prepare, and protect their interests.

2. Presumption of Openness: There is a general presumption in Missouri law in favor of openness of governmental/administrative proceedings and agency records. Unless specifically provided otherwise by statute or rule, documents filed in a case are accessible to the parties in that case.

3. Statutory / Regulatory Mandates:

- 20 CSR 4240-2.090(1): "All pleadings, briefs, documents, and other papers filed with the commission in a case shall be open to public inspection, except as otherwise provided by law."

- 20 CSR 4240-2.120(12): All parties of record must be served with copies of filings.

4. Missouri Common Law & Statutes: Missouri law (including Sunshine Law, RSMo Chapter 610) provides that records of governmental agencies are presumed open, absent a statutory exception.

III. Case Law Illustrating These Principles

- *State ex rel. Arkansas Power & Light v. Missouri Public Service Commission*, 736 S.W.2d 457 (Mo. App. 1987): The PSC may not rely on or withhold evidence without disclosure; secret or unrevealed information cannot substitute for evidence in the record.

- *Pulitzer Publishing Co. v. Transit Casualty Co.*, 43 S.W.3d 293 (Mo. 2001): The Missouri Supreme Court recognized a common law right of access to records, grounded in public confidence and transparency. The presumption of openness may only be overcome by compelling reasons.

These cases illustrate that concealment of records or denial of access is inconsistent with Missouri law and fundamental fairness.

IV. Application to This Case

- Denying Complainant EFIS access is inconsistent with 20 CSR 4240-2.090 and 20 CSR 4240-2.120.
- Concealing filings violates the principles from *Arkansas Power & Light*, which prohibit reliance on undisclosed evidence.
- Due process requires that Complainant have equal access to the record to prepare responses and defend his case.

V. Relief Requested

Complainant respectfully requests:

1. Restoration of full EFIS access immediately.
2. Disclosure of all filings previously withheld.
3. An order affirming compliance with 20 CSR 4240-2.090 and 20 CSR 4240-2.120.
4. Any additional relief necessary to ensure fairness.

VI. Conclusion

The law is clear: parties in administrative proceedings are entitled to access to filings. Blocking EFIS access or hiding documents is not permitted under Missouri PSC rules, Missouri law, or constitutional due process. The motion should be granted.

Respectfully submitted,

Brett Felber

Complainant

September 23, 2025