

# BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

## In the Matter of:

Brett Felber, Complainant

v.

Ameren Missouri, Respondent

Case No. EC-2026-0004

FILED  
September 25, 2025  
Missouri Public  
Service Commission

## MEMORANDUM IN SUPPORT OF MOTION TO QUASH RESPONDENT'S SUBPOENA, MOTION FOR SANCTIONS, AND MOTION TO STRIKE RESPONDENT'S SUBPOENA AUTHORITY

### I. Introduction

Complainant Brett Felber respectfully submits this Memorandum in Support of his Motion to Quash Respondent Ameren Missouri's subpoena for financial records. Respondent's subpoena is unlawful because it fails to comply with the Missouri Right to Financial Privacy Act (MRFPA), §§ 408.675–408.700 RSMo, and because it constitutes an impermissible attempt at secret phishing for customer financial information without the mandatory notice, waiting period, or certification of compliance required by law.

### II. Surrounding Details of Respondent's Subpoena

On September 19, 2025, the Commission issued a subpoena at the request of Respondent Ameren Missouri. The subpoena was directed only to Complainant's financial institution, and not to Complainant himself. This action directly violated several provisions of the MRFPFA:

- § 408.683 RSMo – Customer must be served with subpoena and notice prior to service on bank. No such service occurred.
- § 408.685 RSMo – The statute requires that the customer be provided at least 10 days (if personally served) or 14 days (if mailed) to move to quash before the bank may release records. Complainant was denied this right.
- § 408.680.1 RSMo – Financial institutions are prohibited from releasing records unless the government authority certifies compliance with the MRFPFA. Respondent could not have lawfully certified compliance because notice was never given.

### III. Applicable Law

- § 408.680 RSMo – No disclosure of financial records unless the government authority certifies MRFPFA compliance.
- § 408.683 RSMo – Customer must be served with subpoena and notice prior to service on bank.
- § 408.685 RSMo – Customer entitled to waiting period to move to quash.
- § 408.695 RSMo – Provides penalties for violations, including statutory damages, actual damages, punitive damages, and attorney's fees.

- § 408.692 RSMo – Lists exemptions (none apply here).

#### **IV. Violations**

1. Failure to serve Complainant before serving the bank (§ 408.683).
2. Denial of Complainant's statutory right to move to quash (§ 408.685).
3. Improper certification of compliance to the bank (§ 408.680.1).
4. Secret phishing attempt for financial records without due process.

#### **V. Sanctions and Penalties**

Pursuant to § 408.695 RSMo, Complainant requests:

- Statutory Penalties: \$ [REDACTED]
- Actual Damages: \$ [REDACTED]
- Punitive Damages: \$ [REDACTED]
- Attorney's Fees and Costs: \$ [REDACTED]

Total Requested Sanctions: \$ [REDACTED]

Additionally, Complainant requests:

- Quashing of all subpoenas issued to financial institutions in this matter.
- Striking of Ameren Missouri's authority to issue subpoenas regarding Complainant's financial records.
- Referral of Respondent's conduct for further review.

#### **VI. Conclusion**

Respondent's subpoena of September 19, 2025 was issued in violation of multiple provisions of the MRFPA. The Commission must quash the subpoena, impose sanctions, and prohibit Ameren Missouri from further misuse of subpoena power.

Respectfully submitted,

Brett Felber

[REDACTED]  
[REDACTED]  
[REDACTED]

Dated: September 25, 2025

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Memorandum in Support of Motion to Quash, Motion for Sanctions, and Motion to Strike was served on September 25, 2025, via electronic mail and/or U.S. Mail, postage prepaid, upon the following parties:

- Counsel for Ameren Missouri
- Staff Counsel, Missouri Public Service Commission
- Regulatory Law Judge assigned to Case No. EC-2026-0004

Brett Felber