

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

Brett Felber, Complainant
v.
Union Electric Company d/b/a Ameren Missouri, Respondent

Case No. EC-2026-0004

COMPLAINANT'S MOTION TO QUASH SUBPOENA

Date: September 30, 2025

Comes now Complainant Brett Felber, and respectfully moves the Commission to quash the subpoena duces tecum issued on September 19, 2025, directed toward Complainant's financial institution, on the grounds that the subpoena is invalid, procedurally defective, and contrary to controlling Missouri law.

GROUND'S FOR MOTION

1. Violation of the Missouri Right to Financial Privacy Act (MRFPA). Sections 408.675, 408.677, and 408.682 RSMo require prior notice to the customer before any bank may release financial records pursuant to a subpoena.
2. Failure to Comply with Missouri Rule of Civil Procedure 57.09. Rule 57.09(b) requires prior notice to all parties before serving a subpoena on a non-party.
3. Overreach of Commission Authority. Ameren Missouri has no independent subpoena power. The Commission exceeded its authority under § 386.390 RSMo by issuing the subpoena without enforcing statutory safeguards.

RELIEF REQUESTED

Complainant respectfully requests that this Commission:

1. Quash the September 19, 2025 subpoena directed to Complainant's financial institution;
2. Prohibit Ameren Missouri from pursuing bank records absent compliance with MRFPA and Rule 57.09;
3. Grant such other relief as the Commission deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Quash was served this 30th day of September 2025 upon all parties of record via electronic mail and U.S. Mail:

- MO PSC Staff Counsel Department, [REDACTED]
- Office of the Public Counsel, [REDACTED]
- Ameren Missouri, [REDACTED]; [REDACTED]

Respectfully submitted,

/s/ Brett Felber
Complainant

[REDACTED]

[REDACTED]

[REDACTED]

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MEMORANDUM IN SUPPORT OF MOTION TO QUASH SUBPOENA

Date: September 30, 2025

This memorandum supports Complainant's Motion to Quash Subpoena issued September 19, 2025, directed to Complainant's bank. The subpoena is unlawful because it violates statutory safeguards enacted to protect customer financial privacy and fails to comply with civil discovery rules.

I. The Subpoena Violates the Missouri Right to Financial Privacy Act.

Section 408.677.1 RSMo provides: "No financial records shall be released by a financial institution until the customer has been served with a copy of the subpoena and given ten days to challenge it." The Commission ignored this requirement by permitting Ameren to obtain records directly without prior notice. Section 408.682 RSMo further imposes statutory penalties of \$1,000 per violation plus attorney's fees.

II. The Subpoena Fails to Comply with Missouri Rule of Civil Procedure 57.09.

Rule 57.09 requires notice to all parties before serving a subpoena on a non-party. The Commission's order makes no finding that notice was given prior to serving Complainant's bank, violating the Rule and depriving Complainant of the right to object.

III. The Commission Exceeded Its Authority.

Under § 386.390 RSMo, Commission subpoenas must be issued "in the same manner and with the same effect as a subpoena issued from a court of record." Courts must comply with both Rule 57.09 and the MRFPA. By disregarding these safeguards, the Commission granted Ameren more power than Missouri courts themselves possess.

CONCLUSION

The September 19, 2025 subpoena is unlawful, procedurally defective, and contrary to Missouri law. Complainant respectfully requests that the Commission quash the subpoena and enforce the statutory protections guaranteed under MRFPA and Rule 57.09.

Respectfully submitted,

/s/ Brett Felber
Complainant

[REDACTED]



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SUPPLEMENTAL MEMORANDUM: WHY THE COMMISSION IS WRONG

Date: September 30, 2025

This supplemental memorandum is submitted to further demonstrate why the Commission's September 30, 2025 Order denying Complainant's Motion to Quash was erroneous, and to cite additional statutory authority regarding non-party subpoenas.

I. The Commission Misinterprets the Missouri Right to Financial Privacy Act (MRFPA).

Section 408.677.1 RSMo states: *"No financial records shall be released by a financial institution until the customer has been served with a copy of the subpoena and has had ten days to challenge it."* This provision applies regardless of whether the subpoena is sought by a government agency or a private party. The Commission's interpretation denies customers their statutory right to notice.

II. Failure to Follow Rule 57.09 Regarding Non-Party Subpoenas.

Missouri Rule of Civil Procedure 57.09(b) requires prior notice to all parties before serving a subpoena on a non-party. This safeguard was ignored, depriving Complainant of an opportunity to quash the subpoena before his bank was served.

III. The Commission Exceeded Its Authority Under § 386.390 RSMo.

Commission subpoenas must be issued with the same force as a subpoena from a court of record. Courts cannot bypass MRFPFA or Rule 57.09; neither can the Commission. To do so unlawfully delegates subpoena power to Ameren Missouri.

IV. Capital One's Subpoena Compliance Requirements Confirm MRFPFA's Reach.

Capital One Bank's published subpoena compliance policies require: (1) proper service on both the customer and the bank, (2) proof of compliance with applicable financial privacy laws, and (3) customer notice before records are disclosed. These requirements mirror Missouri's MRFPFA and Rule 57.09, confirming that banks recognize and enforce these statutory obligations.

V. Conclusion

The Commission erred in denying the Motion to Quash because it ignored MRFPFA (§ 408.677 RSMo), failed to enforce Rule 57.09, and exceeded its authority under § 386.390 RSMo. Industry standards, including Capital One's compliance rules, confirm that customer notice is mandatory before any bank records can be released. The subpoena should therefore be

quashed in its entirety.