

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

FILED
September 30, 2025
Data Center
Missouri Public
Service Commission

Case No. EC-2026-0004

Brett Felber, Complainant
v.
Ameren Missouri, Respondent

MEMORANDUM IN SUPPORT OF COMPLAINANT ' S MOTION TO QUASH
SUBPOENA, MOTION TO STAY, AND APPEAL BEFORE THE FULL COMMISSION

I. INTRODUCTION

Complainant, Brett Felber, respectfully submits this Memorandum in Support of his Motion to Quash Ameren Missouri ' s subpoena, Motion to Stay, and Appeal to the Full Commission. The subpoena at issue is unlawful because it seeks private banking records from a non-party financial institution located in San Diego, California, without complying with either California or Missouri statutes governing civil subpoenas directed to non-parties, particularly financial institutions.

II. FACTUAL BACKGROUND

- 1) The records sought by Respondent Ameren Missouri are in the custodial possession of Complainant ' s financial institution located in San Diego, California.
- 2) Ameren Missouri, through Commission process, has attempted to compel production of private banking records without first serving Complainant and without obtaining judicial approval from a court of competent jurisdiction in California.
- 3) The Missouri Public Service Commission and its presiding regulatory judge lack statutory authority to issue subpoenas directed outside Missouri state boundaries.

III. APPLICABLE LAW

A. Missouri Requirements

- Rule 57.09, Missouri Rules of Civil Procedure: A subpoena directed at a non-party must provide prior notice to all parties before service on the custodian.
- MRFP, RSMo § § 408.677 & 408.682:
 - § 408.677.1: 'No financial records shall be released until the customer has been served with a copy of the subpoena or summons and afforded the opportunity to challenge.'
 - § 408.682.1: Applies to 'any government authority or private party' seeking bank records.

B. California Requirements

- California Code of Civil Procedure § 1985.3: Requires at least 10 days ' prior notice to the consumer before financial records are produced.
- California Code of Civil Procedure § § 2020.410–2020.510: Governs subpoenas for business records of non-parties; requires service within California.
- California Right to Financial Privacy Act (CRFPA), Cal. Gov ' t Code § 7460 et seq.: § 7470 prohibits disclosure absent statutory compliance. § 7473 requires notice to the customer.

C. Limits on Missouri Commission Authority

Missouri agencies, including the Public Service Commission, lack extraterritorial subpoena authority. Any attempt to compel California records requires enforcement through a Missouri circuit court and recognition by California courts under the Uniform Interstate Depositions and Discovery Act (UIDDA).

IV. ARGUMENT

- 1) Failure to Comply with California Statutes: The subpoena violates Cal. Civ. Proc. Code § 1985.3 and the CRFPA.
- 2) Violation of MRFP: The subpoena fails under RSMo § § 408.677 & 408.682.
- 3) Lack of Jurisdiction & Authority: The Commission has no independent extraterritorial subpoena power.
- 4) Necessity of Judicial Interstate Process: Proper procedure would require Missouri circuit court approval and California judicial recognition under UIDDA, Cal. Civ. Proc. Code § 2029.100 et seq.

V. RELIEF REQUESTED

Complainant respectfully requests that the Full Commission:

1. Quash Ameren Missouri ' s defective subpoena.
2. Stay further attempts to enforce the subpoena.
3. Affirm that the Commission lacks extraterritorial subpoena power.
4. Order sanctions and costs for violations under the MRFP and CRFPA.
5. Direct that any future requests for banking records must comply with both Missouri and California law.

VI. CONCLUSION

For the foregoing reasons, Complainant Brett Felber respectfully requests that the Full Commission quash Ameren Missouri ' s subpoena, stay further proceedings, and uphold statutory protections afforded under both Missouri and California law.

Respectfully submitted,

Brett Felber
Complainant, Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Memorandum in Support of Complainant ' s Motion to Quash Subpoena, Motion to Stay, and Appeal Before the Full Commission was served via electronic mail and/or first-class mail, postage prepaid, this 30th day of September, 2025, upon the following:

- Ameren Missouri, Counsel
- Missouri Public Service Commission Staff Counsel
- Commission Secretary
- Hon. Judge John Clark, Regulatory Judge

Dated: September 30, 2025

Brett Felber, Complainant