

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
September 30, 2025
Data Center
Missouri Public
Service Commission

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

Case No. EC-2026-0004

COMPLAINANT ' S FORMAL MOTION TO QUASH SUBPOENA, APPEAL TO THE
FULL COMMISSION, AND MOTION TO STAY

INTRODUCTION

Complainant, Brett Felber, respectfully appeals the September 30, 2025 Order of the Honorable Senior Regulatory Law Judge John Clark, denying Complainant ' s Motion to Quash Ameren Missouri ' s subpoena for Complainant ' s banking records. Complainant further moves for a Stay of the subpoena pending review by the full Commission.

CLEAR ERRORS IN JUDGE CLARK ' S ORDER

1. Missouri Right to Financial Privacy Act (MRFPa)

§ 408.682.1, RSMo:

“ No financial institution, or officer, employee, or agent thereof, may provide to any government authority access to or copies of, or the information contained in, the financial records of any customer except in accordance with the requirements of sections 408.675 to 408.700. ”

2. California Consumer Financial Privacy Act (CRFPA)

Cal. Gov. Code § 7461:

“ No financial institution shall release to any state or local agency any financial records of any customer except in accordance with this chapter. ”

Cal. Gov. Code § 7470(a):

Requires notice to the customer at least 10 days prior to disclosure to allow a motion to quash.

3. Missouri Rule of Civil Procedure 57.09(b)

“ A party intending to serve a subpoena on a non-party shall serve a notice and a copy of the subpoena on all parties before the subpoena is served. ”

4. California Civil Discovery Rules

CCP § 1985.3(b):

“ Prior to the date for production, the consumer whose records are being sought shall be served with a copy of the subpoena... and has the right to bring a motion to quash or modify the subpoena. ”

CCP § 2020.410(c):

“ The subpoenaing party shall serve on the consumer... a notice of rights... before serving the subpoena on the non-party. ”

5. Capital One Subpoena & Discovery Policy

Capital One expressly requires valid service consistent with both MRFPA and CRFPA before disclosing financial records. Customers must be notified before any disclosure.

MOTION TO STAY

Pending review by the full Commission, Complainant requests that all enforcement of the subpoena be stayed. Allowing execution prior to review would irreparably violate statutory privacy rights.

AMEREN MISSOURI IS A PRIVATE ENTITY WITHOUT SUBPOENA AUTHORITY

Section 386.390.1, RSMo:

“ The commission, each commissioner, and any presiding officer designated by the commission shall have power to issue subpoenas... ”

This statute vests exclusive subpoena authority in the Missouri Public Service Commission and its officers. It does not extend subpoena power to regulated private corporations such as Ameren Missouri. Missouri Supreme Court Rule 57.09(a):

Only courts, clerks, or duly authorized officers may issue subpoenas in civil discovery. A corporation itself has no independent authority to issue subpoenas.

Therefore, Ameren Missouri, as a private entity, cannot issue its own subpoenas. Any subpoena must be issued through the PSC ' s statutory powers, which in turn triggers compliance with both the MRFPA and CRFPA.

RELIEF REQUESTED

Complainant respectfully requests that the full Commission: 1. Accept this Appeal of Judge Clark ' s September 30, 2025 Order. 2. Stay enforcement of the subpoena pending review. 3. Reverse the Order and grant Complainant ' s Motion to Quash. 4. Grant such other and further relief as is just and proper.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this ____ day of October, 2025, via electronic mail and/or U.S. Mail, postage prepaid, to all parties of record, including: - Nancy Dippell, Secretary, Missouri Public Service Commission - Staff Counsel, Missouri PSC - Office of Public Counsel - Jennifer Hernandez, Counsel for Ameren Missouri

Respectfully submitted,

Brett Felber
Complainant, Pro Se

[REDACTED]
[REDACTED]
[REDACTED]

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

EXHIBIT A

Order Denying Motion to Quash

Issued: September 30, 2025 | Effective: September 30, 2025

Filed in support of Complainant ' s Formal Motion to Quash Subpoena, Appeal to the Full
Commission, and Motion to Stay.

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

ORDER DENYING MOTION TO QUASH

Issue Date: September 30, 2025

Effective Date: September 30, 2025

On September 12, 2025, Union Electric Company d/b/a Ameren Missouri filed a request for a subpoena duces tecum for Complainant's bank records. Complainant subsequently filed a motion to quash the subpoena on September 15, 2025, prior to the subpoena being issued. That motion is denied as premature.

The Commission issued the subpoena and filed notice in this case on September 19, 2025. Complainant filed a timely motion to quash the subpoena that same day.

The Commission held a prehearing conference on September 26, 2025. At that conference Complainant argued his motion. Ameren Missouri filed a response to Complainant's motion to quash, and on September 26, 2025, Complainant filed an exhibit/memorandum in support of his motion.

Complainant relies on Sections 408.675, RSMo, through 408.700, RSMo, and the Federal Right to Financial Privacy Act, 12 U.S.C. Section 3401. Complainant's

reliance on Section 408, RSMo, and the Federal Right to Financial Privacy Act are erroneous. The references to the government obtaining bank records are inapplicable in this instance because Ameren Missouri is seeking the records, not the Commission.

Complainant further argues that subpoena is unnecessary and duplicative because Complainant will be submitting his banking records pursuant to a data request. Ameren Missouri states that it needs to subpoena Complainant's bank records to verify the information in any records Complainant submits.

Complainant placed his bank records at issue when he initiated this formal complaint and included screen shots of his bank account on his telephone in support of his position that he paid his utility bill.

The law Complainant cites does not apply in this instance and Complainant's bank records are relevant to the subject matter of this complaint. Therefore, the Commission will deny Complainant's *Motion to Quash Subpoena*.

THE COMMISSION ORDERS THAT:

1. Complainant's September 12, 2025, *Motion to Quash Subpoena* is denied as premature.
2. Complainant's September 19, 2025, Motion to Quash Subpoena is denied. Ameren Missouri may proceed to seek Complainant's bank records via subpoena.
3. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

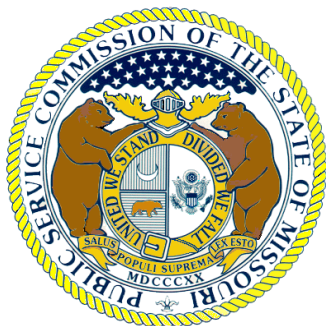
Dated at Jefferson City, Missouri,
on this 30th day of September, 2025.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 30th day of September 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 30, 2025

File/Case No. EC-2026-0004

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.