

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
October 1, 2025
Data Center
Missouri Public
Service Commission

Case No. EC-2026-0004

Brett Felber, Complainant

v.

Union Electric Company d/b/a Ameren Missouri, Respondent

MEMORANDUM AND MOTION FOR IMMEDIATE SUMMARY
DETERMINATION/JUDGMENT AGAINST AMEREN MISSOURI

I. INTRODUCTION

Complainant, Brett Felber, respectfully moves for immediate summary determination/judgment in his favor. There are no genuine issues of material fact. As reflected in the September 23, 2025 pre-hearing conference conducted via WebEx, Ameren Missouri's Corporate Counsel confirmed the very positions raised by Complainant. The undisputed record demonstrates Ameren: (1) cannot obtain a bank or treasury statement from its own financial institution; (2) does not retain records of outbound phone calls; and (3) does not retain records of outbound emails. Given these admissions and the governing statutes and rules, Respondent cannot meet its burden as a matter of law.

II. STATEMENT OF UNCONTROVERTED MATERIAL FACTS

A. On September 23, 2025, during the recorded WebEx pre-hearing, Ameren Missouri's Corporate Counsel acknowledged on the record that Ameren is unable to obtain a bank or treasury statement from its own financial institution.

B. In the same proceeding, Ameren acknowledged it does not retain records of outbound phone calls.

C. Ameren further acknowledged it does not retain records of outbound emails.

D. These facts are outcome-determinative because Ameren bears the burden to authenticate its claimed notices, contacts, and payments; yet it lacks the primary records to do so.

III. RED FLAGS ARISING FROM AMEREN'S ADMISSIONS

1. Absence of Primary Financial Records: No bank or treasury statements from Ameren's own bank; instead, Ameren relies on internally generated "returned payment notices."

2. No Verifiable Contact Logs: Without outbound call or email logs, Ameren

cannot prove compliance with notice duties prior to disconnection.

3. Timeline Instability: Dates and amounts shift across Ameren's filings; without source records, those dates are not reliable.

4. System Error Already Admitted: Ameren's system reflected a \$[REDACTED] reconnection fee rather than the full arrearage—casting doubt on the reliability of its systems.

5. Discovery Prejudice: Proceeding without primary records deprives Complainant of the ability to test authenticity and accuracy (due process).

IV. LAW AND ARGUMENT

A. Summary Determination Standard. Under the Commission's procedural rules governing summary determination, relief is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. See, e.g., 20 CSR 4240-2.*** (summary procedures) and analogous principles of Rule 74.04, Mo. R. Civ. P. Here, Ameren's on-the-record admissions eliminate any factual dispute.

B. Statutory Protections Ignored. The Missouri Right to Financial Privacy Act (MRFPA), RSMo §§ 408.677, 408.682, and the California Right to Financial Privacy Act (CRFPA), Cal. Fin. Code §§ 4050-4060, require customer notice and an opportunity to object before financial records may be disclosed. Ameren's defective subpoenas sought to bypass these protections. For non-party records in California, the Uniform Interstate Depositions and Discovery Act (UIDDA), RSMo §§ 492.443-492.500, requires domestication in California before enforcement. Ameren's inability to obtain its own bank's records, coupled with attempts to compel Complainant's bank records across state lines without full compliance, underscores the statutory violations.

C. Discovery Rules and Informal Complaint Protections. Missouri Rule 57.09 requires notice and an opportunity to object before non-party subpoenas issue. Further, 20 CSR 4240-2.070 affords a 30-day protection window during an informal complaint; disconnections on disputed amounts during that window are improper. Given Ameren's lack of outbound call/email logs, it cannot carry its burden to show required notices were sent and received.

D. Reliability and Authentication. Administrative proceedings demand reliable, probative evidence. Ameren relies on self-generated notices and shifting dates while lacking primary bank statements and communications logs. Without authentication from custodial recordkeepers, these exhibits are insufficient as a matter of law.

V. COMMISSION SHOULD REJECT DISTORTIONS OF LAW AND PROCEDURE

Rather than produce authentic records, Ameren seeks to distort the governing law—misreading or ignoring MRFPA, CRFPA, the civil rules of discovery, and UIDDA—and to apply inapposite statutes while sidestepping plain language. Pro se parties are entitled to the same protections as represented parties. The Commission should reject any attempt to exploit pro se status by withholding documents, serving defective subpoenas, or advancing unauthenticated exhibits.

VI. REQUESTED RELIEF

For the foregoing reasons, Complainant respectfully requests that the Commission:

1. Grant Immediate Summary Determination/Judgment in favor of Complainant on the claims at issue;
2. Strike Ameren's unauthenticated exhibits (including internally generated payment "return" notices) for lack of primary records and authenticity;
3. Hold that Ameren's subpoenas are defective for failure to comply with MRFPA, CRFPA, Rule 57.09, and UIDDA;
4. Order Ameren to produce any and all custodial bank statements (from Ameren's own financial institution) and verifiable outbound call/email logs, or, in the alternative, adverse inferences for spoliation/unavailability;
5. Affirm that no subpoena may be served or enforced while Complainant's appeal of his Motion to Quash is pending before the Full Commission; and
6. Grant such further relief as is just and proper.

Respectfully submitted,

Brett Felber, Complainant Pro Se

[REDACTED]

Dated: October 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Memorandum and Motion for Immediate Summary Determination/Judgment was served via EFIS and/or email upon all parties and Staff of record on October 1, 2025.