

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
October 2, 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

MOTION TO QUASH AMEREN MISSOURI'S SUBPOENA, MOTION
TO STAY SUBPOENA ENFORCEMENT, MOTION TO QUASH JUDGE
CLARK'S ORDERS, AND REQUEST FOR FULL COMMISSION
REVIEW

Comes now Complainant, Brett Felber, pro se, and respectfully moves the Missouri Public Service Commission ("Commission") to: (1) Quash Ameren Missouri's subpoena for Complainant's private financial records; (2) Stay any enforcement or effect of said subpoena pending full Commission review; (3) Quash and vacate all orders issued by Senior Regulatory Law Judge John T. Clark; and (4) Grant full Commission review pursuant to §§ 386.500 - 386.510 RSMo.

I. BACKGROUND

On October 6, 2025, Judge Clark issued an "Order Granting Motion to Set Evidentiary Hearing and Denying Third Motion for Reconsideration of Motion to Quash." That order denied Complainant's request to quash Ameren Missouri's subpoena, denied a stay, and refused a full-Commission hearing. The order concluded that §408 RSMo, Rule 57.09, and the California Right to Financial Privacy Act were "inapplicable." Complainant contends those conclusions are contrary to controlling Missouri law and that Judge Clark exceeded his statutory authority under §386.240 RSMo.

II. MOTION TO QUASH AMEREN MISSOURI'S SUBPOENA

A. Missouri Right to Financial Privacy Act (§§408.675 - 408.700 RSMo)

Section 408.675.1 RSMo prohibits any state agency from obtaining or causing the production of customer financial records unless in strict compliance with the Act. Section 408.680.2 RSMo mandates advance written notice to the customer and a ten-day period to object before records are released. Failure to comply

renders the subpoena void and unenforceable. See *State ex rel. Director of Revenue v. Gabbert*, 925 S.W.2d 838 (Mo. banc 1996).

B. Missouri Civil Rule 57.09 and §536.073 RSMo

Under §536.073 RSMo and 20 CSR 4240-2.090(2), civil discovery rules apply in Commission proceedings. Rule 57.09(c)-(d) requires that a subpoenaing party serve copies on all parties before serving a non-party custodian. Ameren's failure to provide such notice invalidates the subpoena.

C. California Right to Financial Privacy Act (Cal. Gov. Code §§7460–7493)

If the financial institution's custodial offices are in California, or a joint account holder resides there, the CRFPA applies and requires ten-day notice under §7476 Gov. Code. Missouri has no authority to compel a California bank to violate its state privacy laws.

III. MOTION TO STAY SUBPOENA ENFORCEMENT

Under §386.510 RSMo, filing for rehearing or review stays the effect of any Commission order until a final determination. Any enforcement of Ameren's subpoena while review is pending violates §386.510 and deprives due process.

IV. MOTION TO QUASH JUDGE CLARK'S ORDERS

Delegation under §386.240 RSMo does not include authority to deny rehearing or issue final determinations. Only the Commission en banc may do so under §§386.500–386.510 RSMo. See *State ex rel. Utility Consumers Council v. PSC*, 585 S.W.2d 41 (Mo. banc 1979). Accordingly, all orders issued by Judge Clark, including the October 6, 2025 order, are void and must be quashed.

V. RELIEF REQUESTED

Complainant respectfully requests that the Commission:

1. Quash Ameren Missouri's subpoena for Complainant's financial records as unlawful under §§408.675–408.700 RSMo, Rule 57.09, §536.073 RSMo, and Cal. Gov. Code §§7460–7493.
2. Stay any enforcement or effect of such subpoena under §386.510 RSMo.
3. Quash all orders issued by Senior Regulatory Law Judge John T. Clark as ultra vires under §386.240 RSMo.
4. Grant full Commission review under §386.500 RSMo.
5. Grant such other relief as due process and equity require.

Respectfully submitted,

/s/ Brett Felber

Brett Felber, Complainant (pro se)

[REDACTED]

Certificate of Service

I certify that a true and correct copy of this Motion was served this 6th day of October 2025 by electronic mail to:

[REDACTED]