

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED
October 6, 2025
Data Center
Missouri Public
Service Commission

In the Matter of:

Brett Felber, Complainant

v.

Union Electric Company d/b/a Ameren Missouri and Missouri Public Service Commission Staff, Respondents.

Case No. EC-2026-0004

COMPLAINANT'S MOTION TO QUASH PRESIDING REGULATORY JUDGE'S RULINGS; MOTION FOR STAY; AND MOTION FOR FULL COMMISSION REVIEW

Complainant Brett Felber moves the Missouri Public Service Commission ("Commission") to (1) quash the presiding Regulatory (Administrative Law) Judge's interlocutory rulings identified below, (2) stay any enforcement of those rulings and any related subpoenas or discovery directives, and (3) accept this Motion for Full Commission Review because the issues raised are reserved to the Commission and beyond the presiding officer's delegated authority. **I. INTRODUCTION AND ISSUES PRESENTED**

This motion addresses rulings by the presiding officer that: (a) purport to decide matters directed to the Full Commission, and (b) permit or compel enforcement actions (including subpoenas) while Commission-level review is sought. Because Missouri law reserves review authority to the Commission, the rulings exceed delegated authority and should be quashed and stayed. **II. JURISDICTIONAL/LEGAL FRAMEWORK**

1. §386.490 RSMo – grants the Commission, not the ALJ, the authority to review, affirm, modify, or set aside orders under its jurisdiction.
2. §386.500 RSMo – allows aggrieved parties to apply for rehearing or Commission review, which must be ruled on by the Commission itself.
3. §386.510 RSMo – authorizes judicial review of Commission decisions, not rulings of a presiding officer.
4. 4 CSR 240-2.115(2) – a presiding officer may rule on procedural matters except where the Commission retains jurisdiction.
5. 4 CSR 240-2.150(1)-(3) – a party may appeal interlocutory rulings to the Commission, which stays the presiding officer's order.

6. Due Process: Mo. Const. art. I, §10; U.S. Const. amend. XIV. **III. ARGUMENT**

Once a motion seeks Commission-level review, jurisdiction over that issue lies with the Commission, not the presiding officer. Missouri's statutory scheme places ultimate decisional authority in the Commission (§§386.490–.510 RSMo). The Commission's rules reinforce this separation: presiding officers manage procedure and evidence; the Commission issues decisions and orders. Rulings by the presiding officer that adjudicate matters directed to the Commission therefore exceed delegated

authority and are void ab initio and should be quashed. A stay is necessary to protect due process and prevent irreparable harm while the Commission reviews the challenged rulings (§386.500.3 RSMo).

IV. REQUESTED RELIEF

Complainant respectfully requests that the Commission enter an order:

1. Quashing the presiding officer's interlocutory rulings, including but not limited to the **October 6, 2025 Order**, to the extent they adjudicate issues directed to the Commission;
2. Staying any enforcement of those rulings, including related subpoenas, discovery directives, or deadlines, pending Commission review under §386.500 RSMo;
3. Accepting and docketing this Motion as a Motion for Full Commission Review and setting a prompt briefing schedule;
4. Clarifying that, while Commission review is pending, the presiding officer shall not issue further rulings on the same Commission-directed issues; and
5. Granting such other and further relief as is just and proper.

V. CERTIFICATE OF SERVICE

I certify that on this 6th day of October, 2025, a true and correct copy of the foregoing was served via EFIS on all parties of record. Respectfully submitted,

Brett Felber

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]