FILED
October 7, 2025
Data Center
Missouri Public
Service Commission

# 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**

## MOTION TO QUASH DEFECTIVE SUBPOENA AND MOTION TO STAY PENDING FULL COMMISSION REVIEW

Complainant **Brett Felber**, appearing *pro se*, respectfully moves this Commission to **Quash the Subpoena** purportedly issued by Ameren Missouri and/or the Missouri Public Service Commission (PSC) directed toward Complainant's personal and business financial institutions, and to issue a **Stay of Enforcement** pending review by the **Full Commission**, for the following reasons:

**I. BACKGROUND**

1. On information and belief, Ameren Missouri and/or the Secretary of the Commission, under direction or approval of Administrative Law Judge John Clark, have caused to issue or authorized a subpoena seeking Complainant's private **bank account records** from institutions located within the **State of California**.

2. Said subpoena is **defective from the date of issuance**, having been issued by an **administrative agency** without judicial authority, and seeks **non-party financial records** protected under both **Missouri** and **California** law.

3. The Missouri Public Service Commission (MOPSC) is a **regulatory agency**, not a **court of competent jurisdiction**, and therefore **lacks judicial power** necessary to issue or enforce subpoenas for confidential banking records.

**II. LEGAL ARGUMENT**

**A. The PSC is an Administrative Agency, Not a Court**

- **§ 386.130, RSMo** establishes the Missouri Public Service Commission as a "body corporate and an agency of the state."
- Under **Article V, § 1 of the Missouri Constitution**, the judicial power of the State is vested exclusively in the courts.
- The Commission's subpoena authority under **§ 386.410, RSMo** is procedural only; enforcement requires circuit court intervention under **§ 386.420, RSMo**, which states:

"In case of disobedience of any subpoena, the Commission may apply to the circuit court… and such court shall compel obedience by contempt proceedings."

Because no such court subpoena or signature exists, any subpoena issued directly by the PSC or its Secretary is **void ab initio**.

**B. Missouri Right to Financial Privacy Act (MRFPA) — §§ 408.675–408.687, RSMo**
- **§ 408.682.1:** "No financial record shall be released by a financial institution until the customer has been served with a copy of the subpoena and given an opportunity to challenge the subpoena."
- **§ 408.682.2:** "A subpoena must be authorized by a court of competent jurisdiction within the State of Missouri."

The PSC is not such a court, therefore any subpoena is defective and unenforceable.
**§ 408.680(5)** defines "supervisory agency" as one having jurisdiction over financial institutions. The PSC does not meet that definition.

**C. California Right to Financial Privacy Act (CRFPA) — Cal. Gov. Code §§ 7460–7473**
- **§ 7470(a):** "No state or local agency shall have access to, nor shall a financial institution disclose, any financial record without prior written consent of the customer or a subpoena or search warrant issued pursuant to the laws of this state."
- **§ 7470(b):** Only a California court or judicial officer can issue a valid subpoena for financial records held in California.

Because Complainant's financial records are maintained in California, no out-of-state administrative subpoena has legal force or effect.

**D. Institutional Policy and Non-Disclosure**
Both Discover Bank and Capital One Bank (USA), N.A. prohibit disclosure of customer data to third parties or attorneys without proper court authorization:
- **Discover Bank:** "For your protection, Discover Bank does not disclose or confirm any account information to anyone who is not listed on the account."
- **Capital One:** "Capital One cannot provide information about customer accounts to non-customers, including attorneys or third parties, unless accompanied by a valid subpoena or court order."

**E. Constitutional Protections**
- **Article I, § 15, Missouri Constitution:** Protects citizens from unreasonable searches and seizures.
- **Article I, § 8, Missouri Constitution:** Protects privacy and property rights.

Unauthorized administrative access to private banking records without judicial oversight violates due process and financial privacy rights.

**III. REQUESTED RELIEF**
Complainant respectfully requests that the Commission:

1. Quash all subpoenas issued or authorized by Ameren Missouri, the Secretary of the Commission, or ALJ John Clark seeking Complainant's banking records;
2. Stay all enforcement or discovery proceedings pending Full Commission review;
3. Recognize that the PSC lacks judicial authority to compel bank disclosures; and
4. Direct all parties to comply with §§ 408.675–408.687, RSMo and Cal. Gov. Code §§ 7460–7473.

**Respectfully submitted,**

**/s/ Brett Felber**
Complainant, Pro Se
[redacted]

**CERTIFICATE OF SERVICE**
I hereby certify that a true and correct copy of the foregoing was sent via electronic mail to all parties of record this 7th day of October, 2025.

**/s/ Brett Felber**
Complainant, Pro Se