BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

BRETT FELBER,
Complainant,

v.

AMEREN MISSOURI,
Respondent.

Case No. EC■2026■0004

LEGAL MEMORANDUM

Re: Validity of Subpoenas Issued by the Missouri Public Service Commission for Customer Financial Records

I. INTRODUCTION

This memorandum addresses the legal invalidity of subpoenas issued by the Missouri Public Service Commission ("PSC") or by Ameren Missouri seeking access to a customer's private banking or financial records without a court■signed subpoena. Such subpoenas are null, void, and unenforceable because the PSC is an administrative agency without judicial powers, and both the Missouri Right to Financial Privacy Act (MRFPA) and the California Right to Financial Privacy Act (CRFPA) prohibit disclosure of financial records absent judicial process and customer notice.

II. BACKGROUND

Ameren Missouri, through or in coordination with the PSC, attempted to obtain financial information of Complainant Mr. Brett Felber from private financial institutions. The subpoenas in question were not signed by a Missouri Circuit Court judge, were not served upon the account holder, and were directed toward California■based custodial institutions, falling under the jurisdiction of California's financial privacy protections. Such subpoenas are defective from inception, violating both Missouri and California statutes governing financial privacy and due process.

III. LEGAL ANALYSIS

A. The PSC Is an Administrative Agency, Not a Judicial Tribunal.

Under RSMo §386.390(1)–(3), the PSC may issue subpoenas only for administrative hearings, but only a circuit court may compel compliance: “If any person refuses to obey a subpoena, the Commission may apply to the circuit court… and the court shall have jurisdiction to compel obedience.” Thus, the PSC lacks authority to compel the production of private financial records without judicial endorsement.

Case Law:
State ex rel. Utility Consumers Council v. PSC, 585 S.W.2d 41, 47 (Mo. banc 1979) – held PSC proceedings are administrative, not judicial, and must comply with due process.
State ex rel. Mo. Water Co. v. PSC, 308 S.W.2d 704 (Mo. 1957) – PSC orders and process are subject to judicial oversight and cannot exceed statutory authority.

B. Missouri Right to Financial Privacy Act (MRFPA) – §§408.675–408.700, RSMo.
Under §408.682(1): “No financial institution shall provide to any government authority access to or copies of the financial records of any customer except pursuant to a lawful subpoena, summons, or court order, and only after the customer has been served with such subpoena or order.” Because the PSC is not a court, its subpoenas do not qualify as lawful subpoenas under the Act.
Case Law: State ex rel. Normandy Nat’l Bank v. Gaertner, 645 S.W.2d 944 (Mo. App. 1983) – disclosure of financial data requires strict compliance with the Act.

C. California Right to Financial Privacy Act (CRFPA) – Gov. Code §§7460–7473.
Where the financial institution resides in California, §7471(a) mandates a court■authorized subpoena and at least ten days’ notice to the customer. Missouri agencies have no extraterritorial power to compel compliance from California banks.

D. Bank Policies Reinforce Statutory Protections.
Discover Bank and Capital One Bank require valid court■signed subpoenas or orders before releasing financial records. They reject non■judicial requests, confirming PSC subpoenas are defective.

E. Constitutional Protections.
Unauthorized seizure of banking data violates the Fourteenth Amendment and Mo. Const. Art. I, §10.
Case Law:
Goldberg v. Kelly, 397 U.S. 254 (1970) – due process requires notice and hearing before deprivation.
Mathews v. Eldridge, 424 U.S. 319 (1976) – administrative actions must meet procedural due process safeguards.

IV. CONCLUSION

1. The PSC lacks judicial power to compel financial disclosures.
2. Any subpoena issued without a court’s signature violates both the MRFPA and CRFPA.
3. Such subpoenas are void ab initio and unenforceable.
4. Enforcement must be stayed pending judicial or Full Commission review.

V. AUTHORITIES CITED

RSMo §386.390(3) – PSC subpoenas require circuit court enforcement.
RSMo §408.682(1) – Disclosure requires a court■signed subpoena.
Cal. Gov. Code §7471 – Judicial subpoena and notice required.
State ex rel. Utility Consumers Council v. PSC, 585 S.W.2d 41 (Mo. banc 1979).
State ex rel. Normandy Nat'l Bank v. Gaertner, 645 S.W.2d 944 (Mo. App. 1983).
Goldberg v. Kelly, 397 U.S. 254 (1970).
Mathews v. Eldridge, 424 U.S. 319 (1976).

VI. PRAYER FOR RELIEF

Complainant respectfully requests that the Missouri Public Service Commission:

1. Quash any subpoenas directed to Complainant's financial institutions;
2. Stay enforcement of any such subpoenas pending Full Commission review; and
3. Affirm that only a court■signed subpoena may lawfully compel financial disclosure.

Respectfully submitted,

Brett Felber
Complainant
Tegridy Midwest Dairy & Produce Farms LLC
Data Recovery Service Consultants LLC
Hypercore Wireless Consultants Corporation

[redacted]

Dated: October 7, 2025