

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED  
October 9, 2025  
Data Center  
Missouri Public  
Service Commission

**In the Matter of:**

**Brett Felber, Complainant**

v.

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

Case No. **EC-2026-0004**

**MOTION FOR FULL COMMISSION REVIEW AND LEGAL  
REBUTTAL OF MISAPPLIED STATUTES AND SUBPOENA  
AUTHORITY**

TO THE HONORABLE FULL COMMISSIONERS:

Kayla Hahn, Chair

Maida J. Coleman, Commissioner

Glen Kolkmeier, Commissioner

John Mitchell, Commissioner

**I. INTRODUCTION**

Complainant, Brett Felber, respectfully submits this Motion for Full Commission Review and Legal Rebuttal of Misapplied Statutes and Subpoena Authority, pursuant to the Missouri Public Service Commission's Rules and applicable state and federal privacy laws. This motion seeks review of the actions and determinations made by Senior Regulatory Law Judge John Clark in connection with the September 23, 2025 prehearing proceeding, wherein both Ameren Missouri and the Regulatory Judge misconstrued statutory authority governing subpoenas, financial privacy protections, and administrative due process.

**II. PROCEDURAL BACKGROUND**

1. This matter arises under Case No. EC-2026-0004, in which the Complainant alleged improper conduct by Ameren Missouri regarding billing, disconnection, and procedural irregularities.
2. During the September 23, 2025 prehearing conference, the Regulatory Judge permitted Ameren Missouri to rely on a Commission-signed subpoena duces tecum directed at Complainant's personal financial institutions for private bank records.
3. Said subpoena was issued without prior or contemporaneous service on the Complainant, contrary to Missouri statutory requirements and constitutional due process.

4. The transcript further reflects that the Regulatory Judge and Ameren Missouri counsel incorrectly asserted that the Commission possesses judicial subpoena authority equivalent to a court of record, and that such process could compel the production of private financial data from non-party banks located outside the State of Missouri.

### **III. LEGAL REBUTTAL AND ARGUMENT**

A. The Missouri Public Service Commission Is an Administrative Agency, Not a Court.

Under Chapter 386, RSMo, the Missouri Public Service Commission (“PSC”) functions as a quasi-administrative agency, not a judicial tribunal. While §386.410 allows issuance of process “in the same manner as provided by law for civil cases,” such authority is strictly procedural within the scope of regulatory proceedings. The PSC lacks jurisdiction to compel production of third-party financial records belonging to private citizens, particularly where those records are maintained by out-of-state banks.

B. The Subpoena Violates the Missouri Right to Financial Privacy Act (MRFPA).

RSMo §408.683(1) provides: “A copy of the subpoena or court order shall be served upon the customer on or before the date it is served upon the financial institution.” The subpoena issued at Ameren’s request was directed to Complainant’s financial institutions without such service. This omission renders the subpoena void ab initio and constitutes a clear statutory violation of the MRFPFA. Furthermore, the PSC’s administrative subpoena is not a “court order” within the meaning of §408.683, as the Commission is an agency, not a judicial entity.

C. Extraterritorial Effect and Conflict with the California Right to Financial Privacy Act (CRFPA).

Complainant’s accounts originate from California institutions subject to the California Right to Financial Privacy Act (Gov. Code §7460 et seq.), which prohibits any state or local agency—foreign or domestic—from obtaining financial records absent a California court-issued subpoena or warrant. The Missouri PSC has no jurisdiction or enforcement authority in California or New York, and thus any subpoena directed to a California-based or national financial institution is unenforceable and legally defective.

D. Misapplication of 20 CSR 4240-2.090 and 20 CSR 4240-2.100.

The Regulatory Judge cited 20 CSR 4240-2.090(6) to justify ruling substantively on discovery and subpoena issues at a prehearing conference. However, that rule authorizes procedural rulings only—it does not empower an Administrative Law Judge to adjudicate constitutional or statutory financial privacy claims. Additionally, under 20 CSR 4240-2.100(1), parties must attempt to resolve discovery disputes informally before seeking a motion to compel or subpoena. Ameren’s premature subpoena filing without such efforts violated Commission

procedure.

**E. Due Process and Constitutional Violations.**

The issuance of a subpoena for private financial records without notice, hearing, or judicial oversight violates both Article I, §15 of the Missouri Constitution and the Fourth Amendment to the United States Constitution. Administrative convenience cannot override constitutional protections.

**F. Improper Handling of Confidential Designations.**

Judge Clark's protective order required nondisclosure agreements (NDAs) from all parties prior to accessing confidential materials. Allowing Ameren counsel to initially decline to sign such an NDA directly contradicts the Commission's own protective order and undermines Rule 20 CSR 4240-2.135.

**IV. REQUESTED RELIEF**

Complainant respectfully moves that the Full Commission:

1. Quash the subpoena duces tecum directed at Complainant's financial institutions as void and unenforceable under §408.683, RSMo and the California Right to Financial Privacy Act;
2. Stay all discovery and enforcement proceedings pending compliance with the statutory and constitutional requirements governing judicial subpoenas;
3. Reaffirm that the Missouri Public Service Commission is an administrative agency without judicial subpoena authority, and that any future subpoena for financial records must be obtained through a court of competent jurisdiction;
4. Grant such other and further relief as the Full Commission deems just and proper.

**V. CONCLUSION**

It is apparent from the record that both Ameren Missouri and the presiding Regulatory Judge misconstrued the applicable statutes, overstepped administrative boundaries, and violated clear statutory and constitutional safeguards protecting consumer financial privacy. Complainant respectfully requests that the Full Commission review this matter in its entirety, correct these misapplications of law, and preserve the integrity of the Commission's proceedings.

Respectfully submitted,

/s/ Brett Felber

Brett Felber, Complainant

[REDACTED]  
[REDACTED]

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Full Commission Review and Legal Rebuttal of Misapplied Statutes and Subpoena Authority has been served this 9th day of October, 2025, upon:

[REDACTED]  
[REDACTED]  
[REDACTED]

via EFIS electronic filing and email per Commission procedures.