

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 FOR FULL COMMISSION REVIEW AND
OBJECTION**

Filed by:

/s/ Brett Felber

Brett Felber

[REDACTED]

[REDACTED]

[REDACTED]

Email: [REDACTED]

I. INTRODUCTION AND BASIS FOR REVIEW

Complainant Brett Felber respectfully moves for Full Commission Review of the October 9, 2025 Order Denying Complainant's Due Process Motion to Restore Direct EFIS Access, issued by Senior Regulatory Law Judge [REDACTED] acting by delegation and certified by the Commission's Secretary. This Order is ultra vires, constitutionally defective, and procedurally void because it was entered without statutory authority, without notice or evidentiary hearing, and by an officer personally implicated in the challenged conduct. This Motion is brought pursuant to §§ 386.410 and 386.500, RSMo, 20 CSR 4240-2.130, and Article I, § 10 of the Missouri Constitution.

II. STATEMENT OF FACTS

Complainant's EFIS access was administratively restricted without prior notice, vote of the Full Commission, or evidentiary hearing.

The Regulatory Law Judge then imposed an unprecedented "pre-approval" requirement for pleadings, which is not authorized by any Missouri statute or PSC rule.

On October 9, 2025, the delegated Order denied Complainant's Motion for Constitutional and Statutory Relief, relying on conclusory assertions of "abuse" and "improper pleadings."

The Order provides no specific example, evidentiary citation, or legal authority justifying the deprivation and contains no findings of fact or conclusions of law.

III. OBJECTIONS AND LEGAL GROUNDS

A. The Order Exceeds Delegated Authority (Ultra Vires)

Under §§ 386.410 and 386.500, RSMo, only the Full Commission possesses adjudicatory authority to issue final orders affecting party rights. Delegation under § 386.240, RSMo is

limited to ministerial or preliminary functions and may not supplant the Commission's ultimate decision-making authority. Because the October 9 Order restricts a party's statutory participation, it is beyond the lawful authority of a delegated officer and void ab initio. See *State ex rel. Public Service Commission v. Padberg*, 328 S.W.3d 851 (Mo. App. W.D. 2010); *State ex rel. Union Electric Co. v. Public Service Commission*, 765 S.W.2d 618 (Mo. App. W.D. 1989).

B. Denial of Due Process and Equal Protection

The Missouri and U.S. Constitutions guarantee due process and equal protection to all litigants. Denying one party direct EFIS access while others retain it constitutes discriminatory administrative handling. Procedural due process requires notice and an opportunity to be heard prior to deprivation of a protected interest. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *State ex rel. Deffenbaugh Industries v. Public Service Commission*, 963 S.W.2d 286 (Mo. App. W.D. 1997); see also 20 CSR 4240-2.090(1) (guaranteeing parties a reasonable opportunity to file pleadings and be heard).

C. Absence of Findings of Fact and Record Support

Section 536.090, RSMo mandates that every administrative order include findings of fact and conclusions of law. The October 9 Order contains none and cites no specific record support; it is therefore procedurally invalid. See *State ex rel. Noranda Aluminum v. Public Service Commission*, 24 S.W.3d 243 (Mo. App. W.D. 2000).

D. Improper Pre-Approval Procedure Violates PSC Rules

Under 20 CSR 4240-2.080(1), pleadings are to be filed as submitted; if improper, the proper remedy is a motion to strike or protective order—not prior censorship. Commission practice recognizes EFIS as a neutral, ministerial filing system; filings cannot be screened for content

before entry. See, e.g., *In re Spire Missouri, Inc.*, File No. GR-2021-0271 (MO PSC 2021).

E. Bias and Conflict of Interest Require Disqualification

Because the Regulatory Law Judge ruled on allegations directed at his own conduct, the proceeding lacks the appearance of impartiality. Section 536.063, RSMo requires disqualification where impartiality is reasonably questioned. Constitutional due process prohibits adjudication by a biased decisionmaker. See *State ex rel. Harris v. Public Service Commission*, 367 S.W.2d 265 (Mo. 1963); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

IV. RELIEF REQUESTED

- Vacate and set aside the October 9, 2025 Order as ultra vires, unconstitutional, and procedurally invalid;
- Restore Complainant's full, unrestricted EFIS filing access;
- Direct that any future disputes over filings be resolved under 20 CSR 4240-2.080 by motion to strike, not pre-approval screening;
- Disqualify the Regulatory Law Judge from further proceedings under § 536.063, RSMo; and
- Grant such other and further relief as is just and proper.

Respectfully submitted,

/s/ Brett Felber

Brett Felber



[REDACTED]

[REDACTED]

Email: [REDACTED]

Complainant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Full Commission Review and Objection was served via EFIS and electronic mail to all parties of record on this 9th day of October, 2025.

/s/ Brett Felber

Brett Felber

[REDACTED]