BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED
October 10, 2025
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

COMPLAINANT'S MOTION TO INTERVENE (ON BEHALF OF JOINT ACCOUNT OWNER) AND MOTION TO QUASH SUBPOENA; REQUEST FOR FULL COMMISSION REVIEW; AND MOTION TO STAY

INTRODUCTION

Complainant Brett Felber, by and through Lisa Lambert, joint owner of the subject financial account, moves the Commission to (1) grant intervention, (2) quash the subpoena issued on September 19, 2025, (3) stay any enforcement thereof, and (4) submit this matter for Full Commission Review pursuant to governing Missouri statutes and Commission rules.

BACKGROUND FACTS

On September 19, 2025, the Missouri Public Service Commission ("Commission")—acting through its Secretary—signed subpoenas at the request of Ameren Missouri, a private corporation, directing a California financial institution to produce private bank records belonging to Complainant. The subpoena was not signed by a court judge, nor issued by any judicial authority empowered to compel production of private financial information. The account in question is jointly owned by Brett Felber and Lisa Lambert, and is governed by California law, under which strict financial-privacy and discovery requirements apply. Exhibit A demonstrates that the bank is located in California, confirming jurisdiction under the California Right to Financial Privacy Act (Gov. Code §§ 7460 et seq.).

ARGUMENT

Ameren Missouri, a private corporation, has no statutory authority to issue subpoenas. Under Missouri civil procedure and administrative law, subpoenas may issue only through authorized state officials or courts—never by private litigants. Mo. Sup. Ct. R. 57.09(a) provides that 'Subpoenas shall be issued by the officer before whom depositions are taken, or by the clerk of the court in which the action is pending.' Mo. Sup. Ct. R. 58.02 similarly requires that non-party production be compelled only by a properly issued subpoena under court authority. Ameren Missouri, as a private corporation, cannot self-issue or compel a subpoena for customer financial records.

The Missouri Public Service Commission lacks judicial authority and cannot compel production of private financial accounts. It is an administrative agency, not a judicial body. Its powers are limited to those expressly granted by statute and do not include judicial subpoena enforcement. § 386.410 RSMo allows the Commission to issue process but only through a circuit court for enforcement. § 386.420(3) RSMo specifies that if a witness refuses to comply, the Commission must apply to a circuit court for enforcement. § 536.077 RSMo provides that agency subpoenas may be enforced only by the circuit court having jurisdiction. § 386.510 RSMo limits judicial review of Commission orders to the Court of Appeals, reaffirming that the Commission is not a court. Therefore, a subpoena for private financial records must be signed by a court judge under §§ 386.410, 386.420, and 536.077 RSMo, and enforced only through a circuit court. Any Commission-signed subpoena without a court judge's signature is ultra vires, void, and unenforceable.

Because the financial institution is located in California, discovery must comply with Cal. Code Civ. Proc. § 2029.300, which requires submission of the foreign subpoena to a California Superior Court clerk, who then issues a California subpoena. Without judicial domestication and a California court judge's signature, the Missouri subpoena is void and unenforceable.

The subpoena also violates both Missouri and California financial-privacy statutes. Under § 408.683 RSMo, the Missouri Right to Financial Privacy Act requires that customers be served with a copy of any subpoena on or before service on the bank. The California Right to Financial Privacy Act (Gov. Code §§ 7474–7476) mandates notice to each customer and a 10-day opportunity to move to quash before disclosure. Neither Brett Felber nor Lisa Lambert received notice, rendering the subpoena defective under both statutes.

REQUEST FOR RELIEF

Complainant respectfully requests that the Commission: (1) Grant intervention to Lisa Lambert as joint account owner; (2) Quash the September 19, 2025 subpoena as defective and void; (3) Stay any enforcement or production pending Full Commission Review; (4) Recognize that the Commission lacks judicial power to compel financial-record production and that any valid subpoena must be signed by a court judge under §§ 386.410, 386.420, and 536.077 RSMo; and (5) Grant such other relief as is just and proper.

CERTIFICATE OF SERVICE

I, Lisa Lambert, certify that on this 10 day of December 2025, a true and correct copy of the foregoing Motion to Intervene and Motion to Quash Subpoena was served via EFIS electronic filing and/or first-class mail upon Ameren Missouri's Counsel and Missouri Public Service Commission Staff.

/s/ Lisa Lambert
Lisa Lambert
[redacted]
Phone: [redacted]
Email: [redacted]
Alternate Email: [redacted]

10-DAY DEMAND AND NOTICE TO CEASE AND DESIST

(Under California Financial Privacy and Civil Enforcement Statutes)

Complainant and joint account holder Lisa Lambert, under the authority of California Government Code §§ 7474–7476, California Civil Code §§ 3294 and 3333, and California Code of Civil Procedure §§ 526 and 527, hereby serves upon Ameren Missouri, the Missouri Public Service Commission, and any of their agents or attorneys, this formal Ten-Day Demand and Cease-and-Desist Notice:

1. Notice of Violation of California Financial Privacy Law
The financial institution identified in the September 19, 2025 subpoena is located in California and is subject to the California Right to Financial Privacy Act (CRFPA). Under Gov. Code § 7474, no state or private entity may access or compel production of a California customer's bank records without: (a) a subpoena signed by a court judge of competent jurisdiction, (b) prior written notice to each customer or joint account holder, and (c) a ten-day opportunity to move to quash under Gov. Code § 7476.

2. Demand to Cease and Desist
Within ten (10) calendar days of service of this Motion and Notice, Ameren Missouri, the Missouri Public Service Commission, and any of their counsel or agents shall immediately cease and desist from seeking, requesting, or compelling production of any financial or banking records belonging to Brett Felber or Lisa Lambert; and shall retract any outstanding or previously issued subpoenas directed toward California-based financial institutions absent a court-signed subpoena issued under UIDDA and California law (Cal. Code Civ. Proc. § 2029.300).

3. Consequences for Continued Non-Compliance
Failure to comply with this Ten-Day Demand shall result in filing of a petition for injunctive relief under Cal. Code Civ. Proc. § 526 in the Superior Court of San Diego County; request for statutory penalties and attorney's fees under Gov. Code § 7485 for violations of the CRFPA; and referral to the California Attorney General's Privacy Enforcement Section.

4. Reservation of Rights
This Ten-Day Demand and Cease-and-Desist Notice shall be deemed formal notice under California law, preserving all rights and remedies under state and federal privacy statutes, including the California Constitution, Article I, § 1, and the Financial Privacy Act.

/s/ Lisa Lambert
Lisa Lambert
[redacted]
Phone: [redacted]
Email: [redacted]
Alternate Email: [redacted]