BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Complainant: Brett Felber
Respondent: Ameren Missouri

FILED
October 11, 2025
Missouri Public
Service Commission

Case No.: EC-2026-0004

MOTION FOR FULL COMMISSION REVIEW AND SUMMARY JUDGMENT

Addressee — Full Commission

Chairwoman Kayla Hahn
Commissioner Maida Coleman
Commissioner Glen Kolkmeyer
Commissioner John Mitchell

I. INTRODUCTION

Complainant respectfully requests Full Commission review and summary judgment pursuant to Missouri law. This motion addresses administrative subpoena limits involving financial records, interstate domestication requirements, and customer-notice obligations. Requested relief includes quashing any administrative subpoenas that purport to compel private banking records, vacating any related orders, and directing strict compliance with Missouri and California financial-privacy and interstate-discovery statutes.

II. AUTHORITY FOR FULL COMMISSION REVIEW

Full Commission review is authorized by:
- § 386.500, RSMo — applications for rehearing and review by the Full Commission.
- 20 CSR 4240-2.160 — procedure for review of rulings of a presiding officer or administrative law judge.
- § 536.090, RSMo — final decisions on the record; reviewable.

III. NEUTRAL STATEMENT OF BACKGROUND

On September 19, 2025, an administrative subpoena was issued at the request of a party, seeking banking or financial records. The document was not signed by a judicial officer. This motion seeks neutral review and clarification on the limits of administrative subpoena power; the applicability of financial-privacy statutes; interstate domestication; and mandatory customer-notice requirements prior to any bank production.

IV. APPLICABLE LAW

A. Missouri Statutes
- § 386.420, RSMo — Commission subpoena power within Commission jurisdiction.

- §§ 408.675–408.692, RSMo — Missouri Right to Financial Privacy Act (MRFPA).
- § 408.682, RSMo — customer notice and opportunity to challenge prior to disclosure.
- § 536.063, RSMo — due process in contested cases.
- § 536.090, RSMo — decisions on the record; reviewable.
- § 610.023, RSMo — Sunshine Law, public access (electronic filing access).

B. Missouri Rules of Civil Procedure

- Rule 57.03(c) — subpoena for production; judicial supervision for non-party bank records.
- Rule 57.09 — issuance and form of subpoenas; court oversight.

C. Federal and California Authorities

- 12 U.S.C. § 3401 et seq. — Right to Financial Privacy Act of 1978.
- 15 U.S.C. § 6801 et seq. — Gramm–Leach–Bliley Act.
- Cal. Gov. Code §§ 7460–7476 — California Right to Financial Privacy Act (CRFPA).
- Cal. Gov. Code § 7470 — disclosure only in accordance with CRFPA.
- Cal. Gov. Code § 7473 — advance written customer notice; right to move to quash.
- Cal. Gov. Code § 7474 — judicial subpoena/order issued by a California court; scope limits.
- Cal. Gov. Code § 7475 — civil remedies for violations.
- Cal. Code Civ. Proc. §§ 2029.100–2029.700 — UIDDA domestication of foreign subpoenas in California.

V. LEGAL ANALYSIS

1. Administrative vs. Judicial Subpoenas

The Commission's subpoena authority (§ 386.420, RSMo) does not displace the judicial safeguards required to compel non-party financial institutions. Banks may disclose customer records only by judicial subpoena or court order with proper notice, as required by the MRFPA (§§ 408.675–408.692, RSMo) and Missouri Rules (57.03, 57.09).

2. Customer Notice Before Service on a Bank

Section 408.682, RSMo requires written customer notice stating the nature of records sought, purpose, and the right to challenge; the customer must be afforded time to move to quash (ten days after service or fourteen days after mailing). A financial institution may not release records until the time to challenge has expired or a motion to quash is resolved (§ 408.687, RSMo). In California, the CRFPA requires a judicial subpoena or order issued by a California court (§ 7474) and advance notice to the customer with the right to move to quash (§ 7473).

3. Interstate Domestication (UIDDA)

For California-based records, any foreign subpoena must be domesticated under the UIDDA (Cal. CCP §§ 2029.100–2029.700). A foreign subpoena has no force in California until submitted to and issued by a California superior court (see § 2029.300(a), CCP).

4. EFIS Access and Procedural Fairness

Ensuring electronic filing access aligns with § 610.023, RSMo (public access) and § 536.063, RSMo (due process in contested cases). The Full Commission has authority to ensure fair participation by all parties.

VI. REQUESTED RELIEF

- Exercise Full Commission review under § 386.500, RSMo and 20 CSR 4240-2.160.
- Quash any administrative subpoena purporting to compel non-party banking records as inconsistent with §§ 408.675–408.692, RSMo; Rules 57.03 and 57.09; Cal. Gov. Code §§ 7460–7476; and Cal. CCP §§ 2029.100–2029.700.
- Vacate any orders entered in reliance on such subpoenas.
- Direct adherence to statutory customer-notice procedures prior to any attempted service on a financial institution, consistent with § 408.682, RSMo and Cal. Gov. Code § 7473.
- Ensure EFIS access remains available consistent with § 610.023, RSMo and § 536.063, RSMo.
- Grant such other relief as is just and proper.

Respectfully submitted,

/s/ Brett Felber
Brett Felber
[redacted]
Phone: [redacted]
Email: [redacted]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Full Commission Review and Summary Judgment was served upon all parties of record via the Commission's EFIS system on October 11, 2025.