

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Aquilla Canada and Dranel Clark,)
Complainants,)
)
v.) Case No: EC-2026-0131
)
Union Electric Company, d/b/a)
Ameren Missouri,)
Respondent.)

ANSWER, AFFIRMATIVE DEFENSES AND MOTION TO DISMISS

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), and for its *Answer, Affirmative Defenses and Motion to Dismiss* states as follows:

Answer

1. Ameren Missouri is without sufficient information, knowledge or belief to answer whether the Complainants live at the address listed in Paragraph 1 and therefore denies the same.
2. Ameren Missouri admits that it provides electric service to the address listed in Paragraph 2 of Complaint.
3. Ameren Missouri admits its physical address is 1901 Chouteau Avenue, St. Louis, Missouri, 63103, as stated in Paragraph 3.
4. Ameren Missouri admits it is a public utility under the jurisdiction of the Missouri Public Service Commission as stated in Paragraph 4.
5. Ameren Missouri is without sufficient information, knowledge or belief as to how Complainants calculated the amount in dispute listed in Paragraph 5 and therefore denies the same.
6. Paragraph 6 contains requests for relief that do not require an answer. To the extent that an answer is required, Ameren Missouri denies the same.
7. Ameren Missouri denies the allegations contained in Paragraph 7.

8. Ameren Missouri is without sufficient information, knowledge or belief as to whether Complainants have filed a complaint with the Attorney General's Office or filed a demand letter as stated in Paragraph 8 and therefore denies the same. Ameren Missouri denies the remaining allegations contained in Paragraph 8.

Affirmative Defenses and Motion to Dismiss

9. Section 386.390 RSMo provides that a person may file a complaint against a utility, regulated by the Missouri Public Service Commission ("Commission") in violation, or claimed to be in violation, of any provision of law subject to the Commission's authority, of any rule promulgated by the Commission, of any utility tariff, or of any order or decision of the Commission. Complainants assert that Ameren Missouri has violated "section 504 of ADA guidelines" and "refusal of ADA GUIDELINES of title 2 & 3, and section 504," none of which are subject to the Commission's authority. The Commission is a regulatory body of limited jurisdiction having only such powers as are conferred by statute, and cannot require a refund, order damages or grant equitable relief. *See e.g., State ex. rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 695 (Mo. App. 2003); *American Petroleum Exchange v. Public Service Comm'n*, 172 S.W.2d 952, 956 (Mo. 1943). All of Complainant's claims for refund, damages or equitable relief are not within the Commission's jurisdiction.

10. Further, Complainants previously filed a complaint in Case No. EC-2024-0111. The allegations in this complaint concern evidence and findings from Complainants' prior complaint and Complainants do not include facts supporting that this is a new complaint. The Commission issued its *Report and Order* in EC-2024-0111 on August 7, 2024. The Complainants did not appeal the Commission's *Report and Order* in EC-2024-0111 and the *Report and Order* became final. Section 386.550 RSMo provides that in all collateral actions or proceedings

Commission orders that are final shall be conclusive. Complainants' reassertion of issues from the prior complaint is not permitted under Missouri law.

11. Additionally, Complainants' complaint is barred based on the doctrine of *res judicata*. Missouri courts typically prohibit relitigating matters. *Chesterfield Village, Inc. v. City of Chesterfield*, 64 S.W.3d 315, 318 (Mo. 2002). This includes additional evidence used to support a claim. *Id.* at 320.

12. A motion to dismiss based on *res judicata* is a motion to dismiss for failure to state a claim on which relief may be granted. Commission rule 20 CSR 4240-2.070(7) provides "The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted...or may strike irrelevant allegations."

13. As such, Ameren Missouri requests the Commission issue an order directing Complainants to show good cause as to why the complaint should not be dismissed.

WHEREFORE, the Company files its answer and respectfully requests the Commission dismiss the Complaint after notice and an opportunity for Complainants to show good cause.

Respectfully submitted,

/s/Jennifer L. Hernandez

Jennifer L. Hernandez, MO Bar #59814
Corporate Counsel
1901 Chouteau Avenue, MC 1310
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 978-8418 (Telephone)
(314) 554-4014 (Facsimile)
AmerenMOService@ameren.com

**ATTORNEY FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 30th day of December 2025.

/s/ Jennifer L. Hernandez