

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

City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, City of Marceline, and City of New Madrid,)
Complainants,)
v.)
Union Electric Company d/b/a Ameren Missouri,)
Respondent)

Case No. EC-2026-0156

ORDER DENYING PRESERVATION ORDER AND DIRECTING AMEREN MISSOURI TAKE NO RETALIATORY ACTIONS

Issue Date: January 9, 2026

Effective Date: January 9, 2026

This order denies the motion of the City of Fulton, the Hannibal Board of Public Works, Kirkwood Electric, the City of Marceline, and the City of New Madrid (Complainants) to preserve evidence but grants Complainants' motion that Union Electric Company d/b/a Ameren Missouri take no retaliatory actions against Complainants.

On December 23, 2025, Complainants filed their *Verified Complaint and Motion for Expedited Treatment*. In addition to setting forth the complaint, Complainants ask the Commission to issue an order preserving evidence and directing Ameren Missouri to take no retaliatory actions against Complainants. The Commission directed an Ameren Missouri response and on January 5, 2026, Ameren Missouri stated that it had no objections to granting both of Complainants' requests.

However, even though Ameren Missouri does not object to a preservation order, that does not mean such an order should be granted. Complainants' request fails to state what evidence they fear will be destroyed or why such an order is necessary.

In determining the need for an order to preserve evidence, the Federal Court explains: "[W]here the need expressed by the moving party for a preservation order is based upon an indefinite or unspecified possibility of the loss or destruction of evidence, rather than a specific, significant, imminent threat of loss, a preservation order usually will not be justified."¹ [Emphasis added]

Complainants have not articulated any reason they believe evidence will be lost or destroyed. Therefore, the Commission will not enter an order granting the motion to preserve evidence at this time.

Complainants also seek an order to prevent Ameren Missouri from taking retaliatory actions against Complainants including the termination of service or agreements between Ameren Missouri and Complainants. The Commission will grant that motion.

THE COMMISSION ORDERS THAT:

1. Complainants' motion to preserve evidence is denied.
2. Ameren Missouri must not take any retaliatory measures, including but not limited to termination of service or of any current or pending agreement or ongoing negotiations with Complainants.

¹ *Capricorn Power Co. v. Siemens Westinghouse Power Corp.*, 220 F.R.D. 429, 435 (W.D. Pa. 2004).

3. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

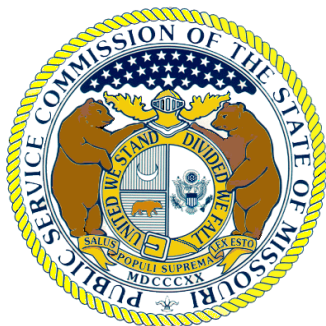
Dated at Jefferson City, Missouri,
on this 9th day of January, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of January 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 9, 2026

File/Case No. EC-2026-0156

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.