

**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,)	<u>Case No. EC-2026-0156</u>
)	
v.)	
)	
Union Electric Company d/b/a Ameren Missouri,)	
Respondent)	

**ORDER LIMITING COMPLAINT TO ISSUES WITHIN THE
COMMISSION’S AUTHORITY TO DETERMINE AND LIMITING
DISCOVERY**

Issue Date: April 7, 2026

Effective Date: April 7, 2026

Background

On December 23, 2025, the City of Fulton, the Hannibal Board of Public Works, Kirkwood Electric, the City of Marceline, and the City of New Madrid (collectively “Complainants”), filed a complaint with the Commission against Union Electric Company d/b/a Ameren Missouri. Complainants’ formal complaint asks the Commission to:

1. issue its Order by January 5, 2026 prohibiting Ameren Missouri from taking any retaliatory measure, including but not limited to termination of service or of any current or pending agreement or ongoing negotiations with Complainants; and
2. set an abbreviated intervention period; and
3. require Ameren Missouri to preserve all evidence related to this matter; and
4. review Complainants’ and Ameren Missouri’s expedited filings and the Staff of the Commission’s expedited investigation and recommendations; and
5. issue its Order by June 30, 2026 finding Ameren Missouri to have violated its tariff by supplying service to customers without having obtained all

necessary permits from the governmental and regulatory authorities having jurisdiction; and

6. find Ameren Missouri to have violated the Commission's May 21, 1971 Order by failing to comply with applicable air quality control standards of the State of Missouri and/or the Government of the United States; and
7. find Ameren Missouri's retirement of Rush Island on October 15, 2024 to have caused the MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons in the PRA for the 2024/2025 Planning Year; and
8. find Ameren Missouri's retirement of Rush Island on October 15, 2024 to have aggrieved Missouri Public Power by causing the damages sustained by the City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, the City of Marceline and the City of New Madrid; and
9. order such other relief to Complainants that the Commission deems just and necessary.

On March 12, 2026, Complainants filed *Complainant's Motion for Determination on the Pleadings or, in the Alternative, Summary Determination, Statements of Undisputed Material Facts and Memorandum in Support*. Pursuant to Commission Rule 20 CSR 4240-2.117(1)(C), Ameren Missouri must file a response within 30 days. Therefore, Ameren Missouri is required to file a response no later than April 13, 2026.

On March 27, 2026, Complainants filed a motion to stay discovery. Complainants state that Ameren Missouri served several data requests upon Complainants. Complainants assert that Ameren Missouri must show good cause for the data requests and may only conduct discovery as is necessary to respond to the summary determination motion.

The Commission set time for Ameren Missouri to respond to Complainants' motion, allow Complainants to reply to Ameren Missouri's response, and for a discovery conference. Ameren Missouri filed a response in opposition to Complainants' motion to

stay discovery and a motion to compel its requested discovery. Complainants filed a reply in support of their summary determination motion.

The Commission held a discovery conference on April 3, 2026, where the Regulatory Law Judge heard arguments and asked questions about the discovery issue.

Relevant Law

Section 386.390, RSMo, sets forth the Commission's authority to determine complaints against publicly regulated utilities. In relevant part the statute provides that a complaint may be made by any corporation or person, or any body politic or municipal corporation, setting forth in writing any act or thing done or omitted to be done by any corporation, person or public utility 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.

Commission Rule 20 CSR 4240-2.117(1)(A), provides that any party may request summary determination by motion, with or without supporting affidavits, seeking disposition of all or part of a case.

That same rule at (1)(A), provides that the Commission may continue a motion for summary determination to allow a party to conduct discovery necessary to respond to the summary determination motion for good cause shown.

Commission Rule 20 CSR 4240-2.090, provides that parties may obtain discovery by the same means and under the same conditions as in civil actions in the circuit court.

Missouri Court Rule 56.01 provides that discovery may be limited to any matter, not privileged, that is relevant to the subject matter involved in the pending action.

Decision

Ameren Missouri has not requested that the Commission grant it additional time to respond to Complainants' summary determination motion, so it is currently under no requirement to show good cause for the data requests. However, at the April 3, 2026, discovery conference Ameren Missouri argued that Complainants' formal complaint and summary determination motion asked the Commission to determine causation, which Ameren Missouri states is beyond what is permitted under the governing statute. Complainants argue that their summary determination motion does not request a causation determination. The Commission will not address the disagreement as to whether the summary determination motion asks the Commission to determine causation at this time.

The Commission is a body of limited jurisdiction and has only such powers as are expressly conferred upon it by the statutes and powers reasonably incidental thereto.¹ The Commission cannot declare or enforce principles of law or equity.²

Complaints before the Commission are binary. The Commission may determine whether a public utility has violated any provision of law subject to the Commission's authority, any Commission rule, any utility tariff, or any Commission order or decision.³ The question before the Commission in any complaint case is whether the public utility has committed a violation. The Commission does not need to determine causation because causation is not relevant to a determination of whether a violation has occurred.

¹ *State ex rel. & to Use of Kansas City Power & Light Co. v. Buzard*, 350 Mo. 763, 766, 168 S.W.2d 1044, 1046 (1943).

² *State ex rel. Cass County v. Pub. Serv. Comm'n*, 259 S.W.3d 544, 547 (Mo. App. 2008).

³ Section 386.390.1, RSMo.

Therefore, the Commission will deny Complainants' motion to stay discovery and Ameren Missouri's motion to compel discovery. The Commission will limit the subject matter in this case to those issues that are clearly within its statutory authority to determine. Those issues are as follows:

1. Did Ameren Missouri violate its tariff by supplying service to customers without having obtained all necessary permits from the governmental and regulatory authorities having jurisdiction?
2. Did Ameren Missouri violate the Commission's May 21, 1971 Order by failing to comply with applicable air quality control standards of the State of Missouri and/or the Government of the United States?

As these two issues are the only issues clearly within the Commission's authority to determine in a complaint case, the Commission will limit discovery to those two issues. Causation is not an issue in this complaint and therefore, both the formal complaint and by extension the summary determination motion are limited to those two issues. Accordingly, Ameren Missouri must respond to *Complainant's Motion for Determination on the Pleadings or, in the Alternative, Summary Determination, Statements of Undisputed Material Facts and Memorandum in Support*.

THE COMMISSION ORDERS THAT:

1. Complainants' motion to stay discovery is denied.
2. Ameren Missouri's motion to compel discovery is denied.
3. Complainants' formal complaint and summary determination motion are limited to determination of the two issues set forth in the body of this order.

4. Discovery is limited to discovery relevant to the determination of the two issues set forth in the body of this order.

5. 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.

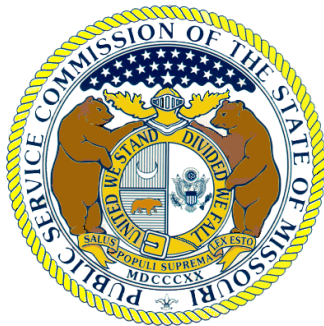
Dated at Jefferson City, Missouri,
on this 7th day of April, 2026.

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 7th day of April 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 7, 2026

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).¹

Sincerely,



**Nancy Dippell
Secretary**

¹

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