

COMPLAINANTS' MOTION TO STRIKE AND CHALLENGE RELIABILITY OF RESPONDENT'S
EVIDENCE

FILED
April 20, 2026
Missouri Public
Service Commission

COME NOW Complainants and move the Commission to strike or, in the alternative, accord no evidentiary weight to portions of Ameren Missouri's Response, and state as follows:

I. BASIS FOR MOTION

Ameren's Response relies on:

- Unverified "screen recordings"
- Post hoc "emulations" of account activity
- Internal reviews lacking independent authentication

These materials are not properly authenticated and do not constitute reliable evidence of what was actually displayed to the customer at the relevant time.

II. LACK OF AUTHENTICATION

Ameren has failed to provide:

- A custodian of records affidavit
- Testimony establishing how the systems function
- Evidence that the records are complete and unaltered

The affidavit provided is insufficient to authenticate technical system data.

III. RECONSTRUCTED EVIDENCE IS INHERENTLY UNRELIABLE

Ameren's reliance on "emulation" demonstrates that:

- The evidence is recreated after the fact
- It is not a direct capture of historical system output
- It may not reflect what the user actually saw

Reconstructed data should not be treated as definitive proof.

IV. INTERNAL INCONSISTENCIES

Ameren states it cannot observe third-party Speedpay activity, yet relies on a later emulation of that system to assert what was displayed.

This contradiction renders the evidence unreliable.

V. PREJUDICIAL DELAY

Ameren delayed approximately nine (9) days before producing its Response and supporting materials.

This delay:

- Undermines confidence in data integrity
- Creates opportunity for reconstruction or alteration
- Prejudices Complainants' ability to evaluate contemporaneous records

VI. UNSUPPORTED ACCUSATIONS AGAINST COMPLAINANTS

Ameren alleges Complainants altered documents without providing:

- Forensic proof
- Technical analysis
- Expert testimony

Such allegations are speculative and prejudicial.

VII. REQUEST FOR RELIEF

WHEREFORE, Complainants respectfully request that the Commission:

1. Strike Ameren's unsupported allegations of document alteration;
2. Exclude or give no weight to reconstructed "emulation" evidence;
3. Require production of original, time-stamped system records and metadata;
4. Grant such further relief as is just and proper.

Respectfully submitted,

Brett Felber & Lisa Lambert

Complainants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all parties of record on this April 18, 2026, in accordance with the Missouri Public Service Commission rules.

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