

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Brett Felber and Lisa Lambert, Complainants, v. Union Electric Company d/b/a Ameren Missouri, Respondent.

FILED
April 20, 2026
Missouri Public
Service Commission

File No. EC-2026-0218

COMPLAINANTS' MOTION TO STRIKE DEFICIENT AFFIDAVIT

COME NOW Complainants, Brett Felber and Lisa Lambert, and respectfully move the Commission to strike the affidavit of Aubrey Krcmar submitted by Respondent Union Electric Company d/b/a Ameren Missouri ("Ameren"), and in support state as follows:

I. INTRODUCTION

Ameren relies upon an affidavit purportedly executed by Aubrey Krcmar to support factual assertions in its Response. However, the affidavit is facially deficient as a jurat and fails to comply with mandatory Missouri notarial requirements. As such, it lacks the foundational reliability required for evidentiary consideration and should be stricken.

II. DEFECTIVE JURAT – FAILURE TO ESTABLISH PERSONAL APPEARANCE

Missouri law requires that, for a jurat to be valid, the individual executing the affidavit must personally appear before the notary public, whether in person or via authorized audio-video communication.

RSMo § 486.665 provides that a notarial officer shall not perform a notarial act unless the individual personally appears before the notary at the time of the notarization.

Additionally, for remote notarizations, RSMo § 486.1103 requires that the notarial act be performed using communication technology that allows for simultaneous audio-visual interaction.

The affidavit submitted by Ameren contains no statement that Aubrey Krcmar personally appeared before the notary; the notarization was conducted via audio-video communication; or the affiant was present before the notary in any legally recognized manner.

III. FAILURE TO ESTABLISH EXECUTION IN THE NOTARY'S PRESENCE

A valid jurat further requires that the affiant sign the document in the presence of the notary as part of the oath or affirmation process. The affidavit does not explicitly state that the document was signed in the notary's presence or executed contemporaneously with the administration of the oath.

IV. CONTRAST WITH COMPLAINANTS' COMPLIANT JURAT

Complainant Felber's jurat affidavit expressly documents compliance with Missouri law by clearly indicating that the notarization was conducted using audio-video communication technology, consistent with RSMo § 486.1103.

V. LACK OF RELIABLE EVIDENTIARY FOUNDATION

Because the affidavit fails to establish a legally valid jurat, it cannot serve as competent evidence. Without a valid oath administered in compliance with Missouri law, the statements contained therein are unsworn and lack evidentiary weight.

VI. CONCLUSION

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Ameren's affidavit fails to satisfy the mandatory statutory requirements governing jurats in Missouri, including failure to establish personal appearance, failure to demonstrate compliance with remote notarization requirements, and failure to confirm execution in the presence of the notary.

WHEREFORE

Complainants respectfully request that the Commission strike the affidavit of Aubrey Krcmar in its entirety, disregard all statements contained therein for evidentiary purposes, and grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,

Brett Felber

Lisa Lambert

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 20, 2026.

Brett Felber