BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Case No. EC-2026-0349

COMPLAINANTS' PREHEARING STATEMENT AND EVIDENTIARY SUBMISSION

I. INTRODUCTION & REGULATORY MANDATE

Complainants John Dady and Debora Hoyle submit this Prehearing Statement pursuant to Commission rules and established administrative procedures in Case No. EC-2026-0349 against Ameren Missouri. Complainants have compiled detailed account records and chronological billing screenshots, which will be made available directly to the Administrative Law Judge and for the evidentiary record upon direction or at the prehearing conference.

Under Missouri law and the binding rules promulgated by this Commission, electric utilities operating within the State of Missouri have an absolute statutory and regulatory duty to bill customers strictly upon accurate, verifiable, and actual energy consumption. Specifically:

20 CSR 4240-13.020 mandates that utility billing must be computed accurately based on actual metered usage and verifiable data standards.

20 CSR 4240-13.025 governs billing error dispute resolutions, placing the evidentiary burden on the utility to prove the accuracy and integrity of its billing records when challenged by a customer.

Equitable Tolling & Estoppel Exceptions: While standard administrative rules contain lookback guidelines for billing adjustments (e.g., 5-year limitations), established legal and administrative doctrines of equitable tolling and equitable estoppel toll all procedural limitations where a utility engages in active concealment, fraudulent deflection, or bad-faith failure to investigate systemic defects, entitling the ratepayer to full retroactive accounting to account inception.

As demonstrated below, Ameren Missouri has entirely failed to meet this standard. The utility is not providing an accurate assessment or calculation of actual kilowatt-hours consumed. Instead, Ameren relies upon opaque, reverse-engineered disaggregation algorithms that manufacture false accounting balances, violating state regulations and defrauding ratepayers.

II. THE FORCED-SUM ILLUSION & ALGORITHMIC FRAUD

Ameren attempts to defend its billing anomalies by pointing to portal itemization breakdowns where individual appliance categories (Always On, Cooling/Heating, Refrigeration, Laundry, Cooking, Entertainment, Lighting, and Other Appliances) sum up to the exact total kilowatt-hours billed on the meter.

However, this forced mathematical equivalence is the definitive proof of systemic error and algorithmic fabrication:

The Forced Sub-Sum Equivalence: Ameren's disaggregation software is programmed to force estimated sub-categories to sum precisely to the monthly metered total.

The Mathematical Necessity of the Dumping Ground: Because the sub-totals must equal the meter reading, any upstream error, back-end billing multiplier defect, or underground service lateral leakage that artificially inflates the main meter reading forces the algorithm to find a "home" for the phantom power.

The Two-Way Seasonal Shell Game & Universal Category Dumping: The disaggregation model exhibits a complete, synchronized two-way seasonal swing across all non-cooling categories. When peak cooling season begins, every single secondary category—Cooking, Laundry, Refrigeration, Lighting, and Entertainment—plunges and drops dramatically to near-zero levels to artificially accommodate the massive kilowatt-hours assigned to central air conditioning. Conversely, as soon as peak cooling season ends and cooling demand drops to zero, the algorithm cannot hide excess kilowatt-hours in central air anymore. Instead of dropping, every single one of those secondary categories swells and climbs simultaneously alongside "Other Appliances," rising in tandem as the algorithm dumps phantom power across the board. For example, "Other Appliances" spikes by up to 1,684

kWh in the winter months, while secondary loads like lighting, entertainment, laundry, cooking, and refrigeration multiply compared to summer months.

Winter Pool Pump Ghost Allocations & Summer Omissions: Further demonstrating the arbitrary nature of the disaggregation model, Ameren's portal sporadically assigns kilowatt hours to the pool pump during winter billing cycles when the pool is completely non-operational and winterized—mirroring other anomalous phantom allocations, such as the single instance where the portal bizarrely assigned over 1,400 kWh specifically for heating despite the home being 100% heated by natural gas. Conversely, while the pool pump is actively operating in the summer, there are times when it is simply not itemized under the portal categories (or only sporadically captured), proving that the software randomly allocates phantom power across fictitious categories without any baseline calibration or empirical connection to actual appliance operation.

Human behavior, occupancy, and appliance inventory do not collapse to near-zero in July only to consume significantly more electricity across every single appliance category in January. This dramatic two-way seasonal oscillation—plunging in summer and surging in winter across all non-cooling categories—provides definitive proof that Ameren's portal itemization is a reverse-engineered guessing game used to force-fit a fake balance sheet.

III. THE NUMBERS SPEAK FOR THEMSELVES

An audit of the multi-year chronological billing screenshots compiled by Complainants—which will be provided directly to the Administrative Law Judge and for the evidentiary record upon direction or at the prehearing conference—demonstrates that the billed totals and category breakdowns completely contradict physical reality:

Impossible Baseline Demands: Monthly kilowatt-hour consumption totals reflect extreme baseline demands that directly conflict with the actual electrical footprint of a 5-bedroom, 3-bathroom ranch home operating with 100% natural gas heating and natural gas water heating.

Systemic Inflation via Category Dumping: As described in Section II, the disaggregation algorithm forcibly shifts phantom power into arbitrary buckets, resulting in winter spikes of up to 1,684 kWh in "Other Appliances" and quadruple-counting secondary loads like lighting and entertainment.

Complementary Residual Household Deficit & Hot Tub Impossibility: Further reinforcing this mathematical impossibility, when Ameren's disaggregation model combines an inflated "Always On" baseline (often 250 to 350+ kWh) with the massive kilowatt-hours it forcibly assigns to central air conditioning during cooling months, it leaves an impossibly small residual balance—frequently under 500 to 600 kWh, and sometimes as low as 300 to 450 kWh per month (10 to 15 kWh per day)—to power the entire rest of a 5-bedroom, 3-bathroom home (occupied strictly by senior citizens—historically just two adults, and living as a single-occupant household since April 1, 2026), including refrigeration, laundry, cooking, entertainment, lighting, and the indoor SaluSpa hot tub. This residual data directly refutes Ameren's claim that the hot tub alone consumes ~30% of total household power, as subtracting cooling and Always On leaves nowhere near enough kilowatt-hours to support such an allocation while powering basic household functions. Expecting a low-occupancy senior home to operate on this residual allocation violates basic electrical engineering principles, serving as additional quantitative proof that Ameren's automated disaggregation model collapses under basic mathematical scrutiny.

Model Home Metering Configuration Defect: Furthermore, the subject residence served as the original model home for the Glen Meadows subdivision in Troy, Missouri. As a former model home, it is entirely plausible that the property's metering infrastructure or back-end billing configuration was originally assigned a permanent multiplier (such as 1.5 or 2.0) or commercial-grade meter provisioning that was never corrected by the utility, providing a structural root cause for the chronic baseline inflation.

Fabricated Heating & Pool Pump Charges on Inactive Loads: On at least one recorded occasion, Ameren's disaggregation portal billed Complainants over 1,400 kilowatt-hours specifically for "heating"—despite the home being 100% heated by natural gas. Similarly, the portal sporadically assigns kilowatt hours to the pool pump in the winter when the pool is completely non-operational and winterized, while during summer months when it is actively running, it is frequently not itemized under portal categories or only sporadically captured. These glaring anomalies serve as additional compelling evidence proving that Ameren's disaggregation software and automated portal calculations are entirely fictitious, manufacturing arbitrary numbers out of thin air simply to force-fit whatever inflated total the main meter registers.

Occupancy Context & Rational Consumption Pattern: The subject residence is occupied strictly by senior citizens (aged 65 and 66)—historically a light two-adult household, and operating as a single-occupant household since April 1, 2026—with decades of adult life experience. As rational, experienced adults, had Complainants been aware of any domestic appliance or behavior causing this excessive kilowatt-hour consumption, they

would have addressed and resolved it immediately. The persistence of these extreme billed totals—despite rigorous monitoring and lifestyle adjustments—proves that the excessive usage was entirely beyond Complainants' knowledge and physical control, reinforcing that the anomaly stems from utility-side errors rather than customer behavior.

IV. CHRONOLOGICAL MONTH-BY-MONTH PORTAL DISAGGREGATION & STATEMENT TABLES

The following empirical evidence—extracted directly from Ameren's mobile portal disaggregation figures and billing statements—exposes the mathematical impossibility of the disaggregation model and the persistence of billing defects across meter hardware swaps. This data is formatted in clear, itemized vertical columns per billing cycle for full readability and mobile compatibility. CRITICAL NOTICE OF REPRESENTATIVE SCOPE (ANTI-WAIVER SAFEGUARD): The billing cycles, portal breakdowns, and statement records detailed below are provided strictly as representative examples and an illustrative sample subset of the ongoing billing defects. They DO NOT constitute the entirety or totality of the disputed billings, nor do they limit, restrict, or waive Complainants' claims in any manner. Complainants explicitly contest ALL billings across the entire history of the account and demand a full forensic accounting, complete discovery, and full retroactive financial restitution from account inception.

Ameren Mobile Portal Category-by-Category Disaggregation Breakdowns

Billing Cycle: Jan. 21 – Feb. 20, 2024 (Peak Winter)

Total Billed Consumption: 2,278 kWh

Cooling / HVAC: 0 kWh (0%)

Always On Baseline: 369 kWh (16.2%)

Other Appliances / Residual: 1,164 kWh (51.1%)

Refrigeration: 256 kWh

Laundry: 164 kWh

Cooking: 113 kWh

Entertainment: 111 kWh

Lighting: 101 kWh

Secondary Categories Subtotal: 745 kWh

Billing Cycle: Mar. 21 – Apr. 19, 2024 (Spring Shoulder)

Total Billed Consumption: 1,495 kWh

Cooling / HVAC: 170 kWh (11.4%)

Always On Baseline: 343 kWh (22.9%)

Other Appliances / Residual: 377 kWh (25.2%)

Refrigeration: 216 kWh

Laundry: 149 kWh

Cooking: 109 kWh

Entertainment: 91 kWh

Lighting: 40 kWh

Secondary Categories Subtotal: 605 kWh

Billing Cycle: May 21 – Jun. 19, 2026 (Summer)

Total Billed Consumption: 1,787 kWh

Cooling / HVAC: ~1,158 kWh (64.8%)

Always On Baseline: ~307 kWh (17.2%)

Other Appliances / Residual: ~15 kWh (0.9%)

Refrigeration: ~130 kWh

Laundry: ~84 kWh

Cooking: ~54 kWh

Entertainment: ~31 kWh

Lighting: ~8 kWh

Secondary Categories Subtotal: ~307 kWh (Total non-cooling/non-Always On = ~322 kWh or ~10.7 kWh/day)

Billing Cycle: Jun. 20 – Jul. 22, 2026 (Peak Summer)

Total Billed Consumption: 2,141 kWh

Cooling / HVAC: 1,485 kWh (69.4%)

Always On Baseline: 337 kWh (15.7%)

Other Appliances / Residual & Lighting: ~26 kWh

Refrigeration: 130 kWh

Laundry: 76 kWh

Cooking: 54 kWh

Entertainment: 33 kWh

Secondary Categories Subtotal: ~319 kWh (Total non-cooling/non-Always On = ~319 kWh or ~10.0 kWh/day)

Billing Cycle: Jul. – Aug. 2026 (2-Week Hot Tub Shutdown)

Total Billed Consumption: 1,636 kWh

Cooling / HVAC: 1,096 kWh (67.0%)

Always On Baseline: 299 kWh (18.3%)

Other Appliances / Residual: 17 kWh

Refrigeration: 109 kWh

Laundry: 62 kWh

Cooking: 41 kWh

Entertainment: 12 kWh

Secondary Categories Subtotal: 224 kWh (Total non-cooling/non-Always On = 241 kWh or ~8.0 kWh/day)

Billing Cycle: Aug. 21 – Sep. 19, 2026 (Late Summer)

Total Billed Consumption: 1,648 kWh

Cooling / HVAC: 1,071 kWh (65.0%)

Always On Baseline: 272 kWh (16.5%)

Other Appliances / Residual: 35 kWh

Refrigeration: 114 kWh

Laundry: 71 kWh

Cooking: 57 kWh

Entertainment: 21 kWh

Lighting: 7 kWh

Secondary Categories Subtotal: 270 kWh (Total non-cooling/non-Always On = 305 kWh or ~10.2 kWh/day)

Billing Cycle: Sep. 20 – Oct. 20, 2026 (Post-Summer Transition)

Total Billed Consumption: 1,200 kWh

Cooling / HVAC: 172 kWh (14.3%)

Always On Baseline: 328 kWh (27.3%)

Other Appliances / Residual: 275 kWh (22.9%)

Refrigeration: 136 kWh

Laundry: 107 kWh

Cooking: 94 kWh

Entertainment: 58 kWh

Lighting: 30 kWh

Secondary Categories Subtotal: 425 kWh

These exact figures prove the inverse two-way dumping-ground behavior: during the summer cooling season, Cooling + Always On consume 81.5% to 85.3% of total kWh, causing every single secondary category (Cooking, Laundry, Refrigeration, Lighting, and

Entertainment) to plunge dramatically and starve the entire rest of the 5-bedroom, 3-bathroom home down to just 241–322 kWh/month (8.0 to 10.7 kWh/day). Conversely, as soon as cooling drops in fall/winter, Always On surges (+56 kWh in a single month) and every single secondary category swells and climbs simultaneously alongside Other Appliances (which explodes from 15–35 kWh up to 275–1,164 kWh). This dramatic two-way swing—plunging in summer to accommodate cooling demand and surging across all categories in winter—demonstrates how the disaggregation algorithm force-fits phantom power across the board. Furthermore, Ameren's portal billed ~4,810 kWh to Cooling across just four 2026 summer cycles (~4,982 kWh through Oct. 20, 2026)—more than double the ~2,200 kWh/year estimated in Ameren's own PAYS report (Exhibit C).

Consecutive Monthly Billing Statements Across Meter Hardware Replacement (Oct. 2025 – Jun. 2026)

Billing Cycle: Oct. 18 – Nov. 19, 2025

Meter No.: 71188948

Total Consumption: 1,018 kWh

On-Peak Breakdown: 532 kWh (52.3%)

Off-Peak Breakdown: 486 kWh

Register Reset / Notes: Previous reading reset to 0.0000

Billing Cycle: Nov. 19 – Dec. 19, 2025

Meter No.: 71188948

Total Consumption: 1,359 kWh

On-Peak Breakdown: 682 kWh (50.2%)

Off-Peak Breakdown: 677 kWh

Register Reset / Notes: Previous reading reset to 0.0000

Billing Cycle: Dec. 19, 2025 – Jan. 22, 2026

Meter No.: 71188948

Total Consumption: 2,025 kWh

On-Peak Breakdown: 1,022 kWh (50.5%)

Off-Peak Breakdown: 1,003 kWh

Register Reset / Notes: Previous reading reset to 0.0000; 100% gas heat

Billing Cycle: Jan. 22 – Feb. 20, 2026

Meter No.: 71188948

Total Consumption: 1,843 kWh

On-Peak Breakdown: 926 kWh (50.2%)

Off-Peak Breakdown: 917 kWh

Register Reset / Notes: Previous reading reset to 0.0000; 100% gas heat

Billing Cycle: Feb. 20 – Mar. 2, 2026 (Pre-Swap)

Meter No.: 71188948

Total Consumption: 432 kWh

On-Peak Breakdown: 196 kWh (45.4%)

Off-Peak Breakdown: 236 kWh

Register Reset / Notes: 43.2 kWh/day prior to meter replacement

Billing Cycle: Mar. 2 – Mar. 21, 2026 (Post-Swap)

Meter No.: 96044150

Total Consumption: 657 kWh

On-Peak Breakdown: 329 kWh (50.1%)

Off-Peak Breakdown: 328 kWh

Register Reset / Notes: 34.6 kWh/day; identical pattern on new meter

Billing Cycle: Mar. 21 – Apr. 21, 2026

Meter No.: 96044150

Total Consumption: 1,024 kWh

On-Peak Breakdown: 572 kWh (55.9%)

Off-Peak Breakdown: 452 kWh

Register Reset / Notes: Previous reading reset to 0.0000

Billing Cycle: Apr. 21 – May 20, 2026

Meter No.: 96044150

Total Consumption: 1,147 kWh

On-Peak Breakdown: 635 kWh (55.4%)

Off-Peak Breakdown: 512 kWh

Register Reset / Notes: Previous reading reset to 0.0000

Billing Cycle: May 20 – Jun. 19, 2026

Meter No.: 96044150

Total Consumption: 1,787 kWh

On-Peak Breakdown: 1,053 kWh (58.9%)

Off-Peak Breakdown: 734 kWh

Register Reset / Notes: Previous reading reset to 0.0000

Across both physical meters, the statements show monthly register resets to 0.0000 and an implausible 50.1% to 58.9% of all monthly electricity billed inside the narrow 3:00 PM – 7:00 PM weekday On-Peak window (which represents only 11.9% of total weekly hours), proving that the billing defect persists unchanged across meter hardware swaps.

V. EQUITABLE TOLLING & ESTOPPEL: REFUTING THE 5-YEAR LOOKBACK LIMIT

Ameren has raised or may attempt to hide behind the Commission's standard 5-year billing adjustment lookback limitation to truncate Complainants' financial recovery. However,

well-established principles of equity, administrative law, and Missouri jurisprudence dictate that the administrative lookback period must extend to cover the full account history under the doctrines of equitable tolling and equitable estoppel:

Prolonged Deceptive Deflection and Gaslighting: Ameren systematically deflected Complainants' repeated inquiries by falsely attributing extreme consumption spikes to subjective customer behavior, domestic lifestyle choices, and phantom appliance usage. This prolonged pattern of misdirection prevented Complainants from discovering the structural nature of the billing defects earlier.

Persistent Refusal to Perform Critical Diagnostic Testing: Throughout the account history, Complainants persistently demanded basic, standard diagnostic evaluations of Ameren's utility-side infrastructure—specifically requesting a formal megger test (insulation resistance testing) on the underground service lateral line. Ameren repeatedly refused, stalled, and ignored these requests, willfully concealing potential underground service leakage and back-end multiplier defects.

Bad-Faith Stonewalling Estops Utility Defense: A regulated utility cannot actively mislead a ratepayer, refuse essential technical line testing, hide behind fabricated algorithmic portal numbers, and subsequently claim the protection of a procedural 5-year lookback cap. Because Ameren's bad-faith conduct directly caused the delay in formal proceedings, Ameren is equitably estopped from invoking any time-bar, entitling Complainants to a full retroactive audit and financial restitution back to account inception.

VI. THE PAYS AUDIT'S FATAL ADMISSION

Complainants' Exhibit C (the PAYS audit report relied upon by Ameren) contains a fatal admission that destroys its evidentiary value: zero electrical loads in the report were ever actually measured.

The audit relies entirely on unverified computer estimates and generic modeling assumptions rather than empirical, calibrated instrumentation. An unverified computer estimate cannot override physical reality or validate disputed billing under Missouri law.

VII. EMPIRICAL DISPROOF: THE HOT TUB AND APPLIANCE INVENTORY

Ameren's audit model attempts to attribute massive chunks of disputed energy consumption to a small, two-person inflatable SaluSpa hot tub (200–220 gallons) located indoors in an earth-covered, temperature-controlled basement room.

However, real-world physical facts completely obliterate Ameren's claims:

Zero Appreciable Decline When Offline: During billing periods when the hot tub was completely offline, drained, and cleaned—or entirely absent from the property (such as historical spikes exceeding 1,900 kWh in winter billing periods prior to its acquisition)—billed kilowatt-hour usage showed zero appreciable decline.

In fact, historical records demonstrate that kilowatt-hour billing actually increased during periods when major appliances or hot tubs were entirely non-existent on the premises.

This empirical evidence proves beyond any doubt that the hot tub is not driving the disputed consumption. Furthermore, Ameren's assertion that the hot tub consumes approximately 30% of total household electricity is mathematically impossible when evaluated against summer residual consumption data. After accounting for summer cooling and Always On baselines, the remaining kilowatt-hours assigned by Ameren's model are far too low to account for both general domestic appliances and a hot tub operating at 30% capacity, demonstrating that Ameren's explanatory models are entirely false.

VIII. CONCLUSION AND RELIEF SOUGHT

The evidentiary record in Case No. EC-2026-0349 establishes that:

Ameren is violating 20 CSR 4240-13.020 and 20 CSR 4240-13.025 by failing to provide accurate, verifiable billing based on actual consumption.

Ameren's disaggregation portal figures are mathematically forced guesses that collapse under basic chronological audit and physical scrutiny.

The PAYS audit is unmeasured and void of empirical validity.

Real-world appliance removal confirms zero correlation with billed spikes.

Complainants respectfully request that the Commission grant the following specific relief: order a complete forensic audit of Ameren's back-end billing multipliers spanning account inception; issue an order compelling Ameren to produce all raw data, back-end billing numbers, disaggregation software configurations, multipliers, and raw records directly into the formal proceeding for inspection and verification; order a comprehensive inspection of the underground service lateral and meter infrastructure; compel a formal megger test (insulation resistance testing) on the underground service line verified by independent, non-Ameren-associated witnesses; apply equitable tolling to bypass the standard 5-year lookback cap; and grant all appropriate financial relief and retroactive adjustments across the full account lifetime to correct these fraudulent billings.

Respectfully submitted,

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