

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

Kelvin Dudley,)	
)	
Complainant,)	<u>File No. EC-2024-0191</u>
v.)	
)	
Union Electric Company,)	
d/b/a Ameren Missouri)	
)	
Respondent.)	

STAFF REPORT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Staff Report* respectfully states:

1. On December 8, 2023, Kelvin Dudley (“Complainant”) filed a formal complaint (“Complaint”) against Union Electric Company d/b/a Ameren Missouri (“Respondent”).

2. Complainant alleges that Respondent violated several federal Acts and Codes which include the Uniform Commercial Code Article 3-311, 602, 603, Title 18 Section 1001 of the Uniform Value of Coins Act, and Check 21. He also alleges the Company is interfering with commerce and is in violation of the 73rd Congress, SESS. I. CHS. 46-48. June 5, 1933 by not accepting his “negotiable instrument”¹ as payment on his account.² For relief, Complainant is requesting that the Commission “Stop all funding going to Ameren Missouri until this matter is resolved. I want this presentment settled every month with the proper endorsement and any securities tendered to me.”³

¹ *Formal Complaint*, pg. 9.

² *Id.*, pg. 2.

³ *Id.*

3. The Commission issued its *Notice of Complaint and Order Directing Answer* on December 11, 2023. The Commission ordered Respondent to file an Answer to the Complaint no later than January 10, 2024, and directed Staff to file a recommendation or alternative pleading no later than January 25, 2024.

4. Respondent filed its *Answer and Affirmative Defenses* on January 10, 2024. In its Answer, Respondent stated the following regarding Complainant's "negotiable instrument":

...the Company states that it was unable to accept the purported "negotiated instrument" for a number of reasons. First, as Ameren had previously informed Complainant, due to his account history, he was required to make all payments to the Company in cash, cashier's check, credit card, or money order. Second, the purported "negotiable instrument" submitted by Complainant appears to be a fraudulent document, as it was allegedly drawn on an account with the St. Louis Federal Reserve Bank (which does not service individuals).⁴

I. Staff Investigation

5. Having concluded its investigation, Staff offers its *Staff Report*, attached and incorporated hereto as Appendix A, which details its investigation and analysis. Following its investigation, Staff did not discover any violations of statutes, Commission rules or regulations, or Commission-approved tariffs by Respondent.

6. After reviewing Complainant's "negotiable instrument," Staff confirmed that it appears to be drawn on an account with the St. Louis Federal Reserve Bank. As correctly pointed out by Respondent, the St. Louis Federal Reserve Bank does not service individuals.⁵ The Office of the Inspector General for the United States Treasury

⁴ *Answer and Affirmative Defenses*, pg. 3, para. 11 and 12.

⁵ *Id.*; see also Federal Reserve FAQs: Does the Federal Reserve maintain accounts for individuals? Can individuals use such accounts to pay bills and get money? <https://www.federalreserve.gov/faqs.htm>.

has issued fraud alerts in the past regarding the use of United States Treasury or Federal Reserve locations for individual banking services.⁶

7. Commission Rule 20 CSR 4240-13.015(1)(V) states that “Payment means cash, draft of good and sufficient funds, or electronic transfer.” Based on the above definition, and the evidence discovered during Staff’s investigation, it does not appear that the “negotiable instrument” offered by the Complainant meets the definition of “payment” under the rule.

8. Since the St. Louis Federal Reserve Bank does not service individuals, it is not clear how this “negotiable instrument” would provide access to the funds needed by Complainant to pay his bill.⁷

II. Staff Recommendation

9. Commission Rule 20 CSR 4240-2.070(7) states:

The Commission, on its own motion or the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted...

10. Staff recommends that the Commission issue an order to Complainant to show cause why the Complaint should not now be immediately dismissed on the pleadings.

11. Though the Complainant identifies a host of federal acts, resolutions of the United States Congress, and sections of the Uniform Commercial Code as having been

⁶ Fraud Alerts, Office of the Inspector General, United States Department of the Treasury: <https://oig.treasury.gov/fraud-alerts>.

⁷ Complainant submitted a filing on January 12, 2024 titled *Communication Regarding Failure to Discharge Debt*. On pg. 3, para. 23, Complainant states the following: “This means there ‘IS NO MONEY.’ It further means that since there are [sic] no money American’s signatures are used as the credit to run this county. That in turn means that it is the American people whom are the Creditors not the Debtors, as the banks and utilities companies would like everyone to believe.”

violated by Respondent, Complainant does not identify any statutes, rules, regulations, or tariffs *which the Commission has the authority to apply*.

12. Complainant does not identify any relief which the Commission has the power to grant, nor any facts which trigger the application of any statutes, laws, or tariffs *which the Commission has the power to apply*.

13. Besides Commission Rule 20 CSR 4240-13.015(1)(V), Staff is unable to hypothesize, by reasonable inference or even by pure conjecture and speculation from the face of the Complaint, any set of facts which trigger the application of any statute, regulation or tariff within the Commission's jurisdiction, nor what relief could be hypothetically provided.

WHEREFORE, Staff hereby tenders its *Staff Report* for the Commission's information and consideration, and respectfully requests that the Commission issue an order to Complainant, directing him to show cause why the Complaint should not be dismissed for failure to state a claim on which relief may be granted.

Respectfully Submitted,

/s/ Paul T. Graham #30416

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CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all parties and/or counsel of record on this January 25, 2024, by electronic filing in EFIS, electronic mail, hand-delivery, or U.S. postage prepaid.

/s/ Paul T. Graham