

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

In the Matter of the Application of Union Electric	)	
Company d/b/a Ameren Missouri for Permission and	)	
Approval and Certificates of Public Convenience and	)	
Necessity Authorizing it to Construct Renewable	)	File No.: EA-2026-0183
Generation Facilities and Battery Energy Storage	)	
Systems.	)	

**AMEREN MISSOURI'S OPPOSITION TO
THREE LATE-FILED INTERVENTION REQUESTS**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), and for is opposition to the three untimely *pro se* requests to intervene of Nicole Lynn Trout, Samantha Capstick, and Mary E. Geeding,¹ respectfully states as follows:

PROCEDURAL BACKGROUND

1. On May 22, 2026, Ameren Missouri filed an Application and supporting Direct Testimony requesting, in pertinent part, the Commission issue Certificates of Convenience and Necessity (“CCN”) for Ameren Missouri to “construct, install, own, operate, maintain, and otherwise control and manage” two new solar generation facilities, three new battery energy storage systems (“BESS”) – one of which was the Millcreek BESS Project, and a new switching station associated with the Millcreek BESS Project (collectively, the “Projects”).²

2. On May 28, 2026, the Commission timely issued its *Order Directing Notice, Setting Intervention Deadline, Directing Staff Recommendation, and Setting a Prehearing Conference* (“Notice and Intervention Deadline Order”). The Notice and Intervention Deadline Order *inter alia*: a) set the deadline for applications to intervene in the matter of June 12, 2026; b) directed the

¹ In File No. EA-2026-0183, Ms. Trout filed a pleading titled *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* on Sept. 30, 2026; Ms. Capstick filed a pleading titled *Application to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expected Treatment* on Sept. 30, 2026; and Ms. Geeding filed a pleading titled *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* on Oct. 2, 2026.

² File No. EA-2026-0183, Application pp. 1-3.

Commission's Data Center to provide a copy of the Notice and Intervention Deadline Order to the County Commissions of Audrain, Lincoln, St. Louis, and Stoddard Counties, Missouri, wherein the Projects are proposed to be located; and c) ordered the Commission's Public Policy and Outreach Department to make notice of the Notice and Intervention Deadline Order available to the media serving those counties.³

3. On May 29, 2026, the Commission issued a Press Release titled *PSC Sets Intervention Deadline for Ameren Missouri CCN Requests* for the above-captioned docket clearly identifying the intervention deadline of June 12, 2026.⁴

4. Renew Missouri Advocates d/b/a Renew Missouri ("Renew Missouri") timely submitted its *Application to Intervene* on June 12, 2026. No other party objected to Renew Missouri's intervention, and Renew Missouri's was granted intervention via *Order Granting Application to Intervene* effective July 1, 2026.

5. On July 14, 2026, the Commission issued its *Order Setting Local Public Hearings* in this matter, setting four local public hearings ("LPHs"), including an in-person local public hearing ("LPH") to be held in Eolia, Missouri on July 28, 2026 (near the Millcreek BESS Project site) and one virtual LPH on July 29, 2026.

6. On July 15, 2026, the Commission issued a Press Release titled *PSC Sets Local Public Hearing Schedule in Ameren CCN Request* for the above-captioned docket, which included information on the July 28, 2026 Eolia in-person LPH and the July 29, 2026 virtual LPH.⁵

³ File No. EA-2026-0183, *Order Directing Notice, Setting Intervention Deadline, Directing Staff Recommendation, and Setting a Prehearing Conference*, Ordering Paras. 3, 1 & 2, respectively.

⁴ Missouri Public Service Commission PR-26-74, available at: https://psc.mo.gov/Electric/PSC_Sets_Intervention_Deadline_in_Ameren_Missouri_CCN_Requests_-_pr-26-74.

⁵ Missouri Public Service Commission PR-27-06, available at: https://psc.mo.gov/Electric/PSC_Sets_Local_Public_Hearing_Schedule_in_Ameren_CCN_Request_-_pr-27-06.

7. As scheduled, the Eolia in-person LPH was held on July 28, 2026,⁶ and the virtual LPH was held on July 29, 2026.⁷

8. On August 7, 2026, the Commission issued an *Order Setting Additional Local Public Hearing* to take place in Moscow Mills, Missouri (in the county in which the Millcreek BESS Project is sited) on August 26, 2026. On August 7, 2026 the Commission also issued a Press Release titled *PSC Announces Local Public Hearing in Ameren CCN Request* for the Moscow Mills LPH.⁸

9. Based primarily on questions and comments raised during the July 28, 2026 Eolia LPH, the July 29, 2026 virtual LPH, and subsequent communications received through multiple channels, Ameren Missouri recognized that additional information about the Millcreek BESS Project may be beneficial for the Commission, the parties, local officials, emergency responders, and members of the public in advance of the August 26, 2026 LPH. Therefore, on August 21, 2026, Ameren Missouri filed a *Notice of Public Filing of Environmental Studies for the Millcreek BESS Project and Information Regarding Battery Energy Storage System Fire Safety in Advance of Additional Local Public Hearing Scheduled for August 26, 2026*, which sought to provide further public information on Environmental Studies completed for the Millcreek BESS Project and BESS fire safety.⁹

10. On July 30, 2026, the Commission issued a Notice of Extra Record Communication explaining as follows:

On July 29, 2026, the Commission received emails concerning this case from interested citizens, which were presumably made as a result of the local public hearings conducted on that same date. The emails generally expressed opposition

⁶ File No. EA-2026-0183, Transcript Volume 1 of July 28, 2026 LPH, EFIS Item No. 36.

⁷ File No. EA-2026-0183, Transcript Volume 3 of July 29, 2026 LPH, EFIS Item No. 42.

⁸ Missouri Public Service Commission PR-27-13, available at:

https://psc.mo.gov/Electric/PSC_Announces_Local_Public_Hearing_in_Ameren_CCN_Request_-_pr-27-13.

⁹ Notably, the Staff's Rebuttal Report in this case raised no material issues related to environmental concerns relating to any of the Projects, including the Millcreek BESS Project, and with respect to BESS safety, states that "Staff concludes that the proposed BESS facilities will be safe... [recommending certain conditions]." Those conditions are in substance reflected in the Non-Unanimous Stipulation and Agreement filed in this docket.

to the pending application and, in one instance, requested additional information regarding the application and the Commission's processes. **The emails, and their accompanying attachments, where applicable, have been placed in the Comments section of the official case file where they can be reviewed by the Staff of the Commission and the Office of the Public Counsel.**

The emails appear to be extra record communications regarding the currently pending case, as defined by Commission Rules 20 CSR 4240-4.015(7) and 4.030. This notice is given pursuant to Commission Rule 20 CSR 4240-4.030(2). **The Staff of the Commission and the Office of the Public Counsel may investigate the extra record communications in said emails and may proceed as they see fit.**¹⁰

11. The additional Moscow Mills in-person LPH was held on August 26, 2026.¹¹

12. On September 16, 2026, the Commission issued another *Notice of Extra Record*

Communication explaining in pertinent part:

Throughout the course of this case, the members of the Commission have received multiple emails from interested citizens, generally expressing opposition to the pending application. The emails, and any accompanying attachments, have been placed in the Comments section of the official case file, where they may be reviewed by the parties to this case.

...

Because these emails have been continually received by the members of the Commission during the course of the case, if further similar emails are received in the future, the Commission will not file additional notices pursuant to Commission Rule 20 CSR 4240 4.030(2). Instead, the parties are placed on notice that any future similar emails received by the Commission while the case is pending will be treated in the same fashion – by placing the emails in the Comments section of the official case file. Therefore, the parties are advised that they should regularly review the Comments section of this case file.

13. As of October 2, 2026, approximately 308 public comments have been submitted in the docket.

- a. In Ms. Trout's request to intervene, Ms. Trout states: "Movant has filed comments with this Commission."¹²

¹⁰ File No. EA-2026-0183, *Notice of Extra Record Communication* issued July 30, 2026, p. 1.

¹¹ File No. EA-2026-0183, Transcript Volume 5 of August 26, 2026 LPH, EFIS Item No. 54. Based on Transcript Volume 5, Mary Geeding provided testimony in two points of the LPH transcribed, p. 25, l. 24 – p. 27, l. 21 & p. 41, l. 12 – p. 42, l. 17.

¹² File No. EA-2026-0183, Ms. Trout *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* submitted on Sept. 30, 2026 ("Ms. Trout's Intervention Request"), p. 2, II(5).

b. In Ms. Capstick's request to intervene, Ms. Capstick represents that "Applicant has submitted written comment to the Commission."¹³

c. In Ms. Geeding's request to intervene, Ms. Geeding states: "Movant submitted written public comment in this case on September 26 and September 29, 2026...."¹⁴

14. On September 21, 2026, Ameren Missouri moved to vacate the remainder of the procedural schedule explaining Ameren Missouri, Renew Missouri, and Commission Staff had reached an agreement in principle resolving all contested issues in this matter and noting that the Office of the Public Counsel ("OPC") had indicated it would not object to the agreement in principle reached among the other parties.¹⁵ Later that same day, the Commission issued its *Order Vacating Remainder of Procedural Schedule*.

15. On September 25, 2026, the Signatories submitted their Non-Unanimous Stipulation and Agreement resolving all contested issues, which included the following sentence: "While not joining the Agreement, counsel for the OPC has indicated it will not object to the Agreement."

16. The three untimely *pro se* requests to intervene of Nicole Lynn Trout, Samantha Capstick, and Mary E. Geeding to which this *Opposition* responds were filed on September 30, 2026 and October 2, 2026, which is well over three months after the intervention deadline set of June 12, 2026.¹⁶ Ms. Trout, Ms. Capstick, and Ms. Geeding are collectively hereinafter referred to as "Proposed Intervenors."

¹³ File No. EA-2026-0183, Ms. Capstick *Application to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment*, submitted on Sept. 30, 2026 (Ms. Capstick's Intervention Request"), at p. 1, III(6) and also p. 3, VI(22).

¹⁴ File No. EA-2026-0183, Ms. Geeding *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* submitted on Oct. 2, 2026 (Ms. Geeding's Intervention Request"), at p. 6, III(14).

¹⁵ File No. EA-2026-0183, Ameren Missouri's *Motion to Vacate Remainder of Procedural Schedule*, at para. 3.

¹⁶ Refer to footnote 1 above.

APPLICABLE LEGAL STANDARDS

17. The Commission has recently addressed the applicable legal standards when ruling on similar landowner requests to intervene in an Evergy CCN matter, File No. EA-2026-0343. After thoughtful consideration of 16 timely¹⁷ requests to intervene *pro se* and 14 untimely¹⁸ requests to intervene *pro se* from members of the general public near the proposed generation facility location in the Evergy CCN matter, the Commission denied the requests to intervene of those individuals for failure to meet the requirements of Commission Rule 20 CSR 4240-2.075(3).¹⁹

18. Per Commission Rule 20 CSR 4240-2.075(3), the Commission “may grant a motion to intervene ... if— (A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or (B) Granting the proposed intervention would serve the public interest.”

19. The Staff of the Commission (“Staff”) and the Office of the Public Counsel (“OPC”) are parties to this case.

20. Commission Rule 20 CSR 4240-2.040(2) explains that “[t]he public counsel represents the interests of the public before the commission,” which is consistent with subsection 386.710.1(2), RSMo., wherein OPC’s power to “represent and protect the interests of the public in any proceeding before ... the public service commission” is articulated.²⁰

21. Under Commission Rule 20 CSR 4240-2.075(1), an application to intervene is due within 30 days after the Commission’s notice order, unless ordered differently by the Commission.

¹⁷ "Timely" meaning they were submitted on or before the intervention deadline set by the Commission in File No. EA-2026-0343.

¹⁸ "Untimely" meaning they were submitted *after* the intervention deadline set by the Commission, but those were filed within two weeks of the intervention deadline. In contrast, Ms. Trout's, Ms. Capstick's, and Ms. Geeding's requests to intervene in the above-captioned matter were over three months past the intervention deadline.

¹⁹ File No. EA-2026-0343, In re Appl. by Evergy for CCN, *Order Regarding Intervention Requests and Order Regarding OPC's Motion for Supplemental Notice* eff. Sept. 29, 2026, pp. 2 – 4.

²⁰ 20 CSR 4240-2.040(2); §386.710.1(2), RSMo.

22. An application to intervene filed after the intervention deadline ordered by the Commission may be granted only upon a showing of good cause.²¹

RESPONSE TO THE INTERVENTION REQUESTS

A. None of the Proposed Intervenors Have Shown Any Interest Not Represented by OPC.

23. None of the Proposed Intervenors' requests to intervene demonstrate how their concerns are different from the concerns of the general public of the Millcreek BESS Project area or other retail electric customers, and rather OPC represents them.²²

a. Ms. Trout's Intervention Request explains her interest as follows: "Movant is a Lincoln County homeowner residing approximately 5 miles from the proposed facility, is served by a volunteer fire district whose responders would be called to an incident there, and, as an Ameren Missouri customer, would help pay for the facility."²³ Her interests are no different from the concerns of the general public of that area or other retail electric customers.

b. Ms. Capstick's intervention request states in pertinent part:

32. Applicant is a retail electric customer [but] recognizes that this proceeding does not set rates, and that paragraph 5(f)(ii) of the Stipulation reserves questions of prudence, cost allocation, rate base treatment and recovery for later determination. Her interest is that the conditions agreed in this case will frame those later questions. ...

34. Applicant acknowledges that the interest described in paragraph 32 is shared with other residents of unincorporated Lincoln County. She raises it not to claim it is hers alone but because it bears on the public interest ground in Section VI.²⁴

²¹ 20 CSR 4240-2.075(10); File No. WO-2024-0195, In re Petition of Mo.-Am. Water Co. for Approval to Change a Water and Sewer Infrastructure Rate Adjustment, *Order Denying Late-Filed Application to Intervene*, p. 1 (Apr. 24, 2024) (The Commission denied intervention to an applicant who filed one day late because there was no good cause shown); File No. SA-2015-0065, In re App. of Mo. Am. Water Co. for a CCN, *Order Regarding Application to Intervene Out of Time*, pp. 3–4, (Dec. 17, 2014) (The Commission denied an application to intervene out of time where the applicant's interests did not differ from those of the general public).

²² 20 CSR 4240-2.040(2).

²³ Ms. Trout's Intervention Request, p. 2, II(6).

²⁴ Ms. Capstick's Intervention Request, p. 4, IX(32) & p. 5, IX(34).

Ms. Capstick's interests are no different from the concerns of the general public of that area or other retail electric customers.

- c. Ms. Geeding's Intervention Request confirms she is not a retail electric customer of Ameren Missouri with interest in the case as a "resident of the host community" for the Millcreek BESS Project.²⁵

24. Notably, all three of the Proposed Intervenors confirm they have contacted the OPC directly regarding questions or concerns.²⁶ That makes total sense **because the OPC represents them as a matter of law.**

- a. In OPC witness Dr. Geoff Marke's Rebuttal Testimony, Dr. Marke explains the themes he heard from the first three on-person LPHs and one virtual hearing held in the case and the comments submitted in the docket.²⁷
- b. In OPC witness Dr. Geoff Marke's Surrebuttal Testimony, Dr. Marke describes his attendance at the August 26, 2026 Moscow Mills LPH and the questions and concerns he heard at that LPH.²⁸

25. The Commission has similarly denied intervention of area residents, finding that an applicant "failed to demonstrate that his interests differ" from those of the other residents who "comprise the general public for this case," and that "Public Counsel represents the interest of the general public."²⁹

²⁵ Ms. Geeding's Intervention Request, p. 2, para. 3.

²⁶ Ms. Trout's Intervention Request, p. 2, II(5) ("Movant ...has contacted the Office of the Public Counsel in writing and by telephone to raise residents' questions about the Lincoln County facilities."); Ms. Capstick's Intervention Request, p. 1, II(6) ("She corresponded in writing with the Office of the Public Counsel on September 22, 2026 and on subsequent dates concerning matters in this record."); and Ms. Geeding's Intervention Request, p. 9, para. 25 (Noting she had "... corresponded with the Office of the Public Counsel.")

²⁷ File No. EA-2026-0183, Rebuttal Testimony of OPC witness Dr. Geoff Marke, Section VI.

²⁸ File No. EA-2026-0183, Surrebuttal Testimony of OPC witness Dr. Geoff Marke, pp. 9 – 11.

²⁹ File No. SA-2015-0065, In re Appl. of Mo.-Am. Water Co. for a CCN, *Order Regarding Application to Intervene Out of Time*, pp. 3–4 (Dec. 17, 2014).

26. In File No. EA-2024-0302, the Commission granted certain landowners' intervention into an Ameren Transmission Company of Illinois ("ATXI") transmission line CCN case because they were the owners of land the proposed transmission route would cross, and such intervention was granted "in a limited capacity to only the issue of routing concerns affecting their property."³⁰ No comparable issue exists here. Each of the proposed interveners in this case confirm they reside at least four miles from the Millcreek BESS Project site.

- a. Ms. Trout's intervention request explains: "Movant's residence is located approximately 5 miles (straight-line) from the Millcreek project site...."³¹
- b. Ms. Capstick's intervention request explains: "Applicant lives approximately fourteen miles from the proposed Millcreek site. She does not claim to be an adjoining or nearby landowner."³²
- c. Ms. Geeding's intervention request explains: "Movant's residence is approximately 4.0 miles from the proposed Millcreek Battery Energy Storage System site;" and "...she is not an adjoining landowner."³³

B. The Requested Interventions Would NOT Serve the Public Interest.

27. The public interest would not be served, but rather would affirmatively be harmed, by permitting the requested interventions.

28. The public interest is harmed when CCN proceedings become overly complex and subject to delays where the interests of the Proposed Intervenors are the same interests that Staff and OPC routinely litigate before the Commission.

³⁰ See File No. EA-2024-0302, In re Appl. of Ameren Trans. Co. of Ill. for a CCN, *Order Regarding Applications to Intervene and Directing Filing of Procedural Schedule*, pp. 3 - 4 (May 7, 2025); and *Order Regarding Applications to Intervene*, p. 3 (May 14, 2025).

³¹ Ms. Trout's Intervention Request, p. 2, II(2).

³² Ms. Capstick Intervention Request, p. 1, I(2).

³³ Ms. Geeding's Intervention Request, p. 2, II(5) & p. 2, I(3).

29. The Proposed Intervenors seek party status to object to the Non-Unanimous Stipulation and Agreement reached among the Signatories ("Stipulation"),³⁴ but also incorrectly assert that their interventions would not burden or delay the proceeding.³⁵ That claim is obviously untrue.

30. Objecting to the Stipulation would convert the Stipulation to merely a position of the signatory parties and all issues would remain for determination after hearing pursuant to Commission Rule 20 CSR 4240-2.115(2)(D).

31. The evidentiary hearing previously scheduled for September 29 through October 1 was vacated along with the remainder of the previous procedural schedule.³⁶

32. Such a delay and prolonging of this case by granting the untimely intervention requests would prejudice the Company, ignore Commission Rules, impede efficient resolution of regulatory proceedings, and could trigger another batch or other batches of untimely and duplicative interventions to which the Company would likely have to respond.

33. Permitting the requested interventions would give the Commission no information it could otherwise receive through the five LPHs, written comments submitted, or representation by OPC.

- a. Again, the Proposed Intervenors had opportunities to submit public comments in this case and availed themselves of those opportunities.³⁷ The Commission conducted five public hearings in total, including two in-person LPHs held in the

³⁴ Ms. Trout's Intervention Request, p. 4, III(C)18; Ms. Capstick's Intervention Request., pp. 2 – 3; Ms. Geeding's Intervention Request, p. 13.

³⁵ Ms. Trout's Intervention Request, p. 5, V(24) ("So limited [to the Millcreek BESS Project], Movant's participation will not prejudice any party and will not burden or delay this proceeding."); Ms. Capstick's Intervention Request, p. 5, XI(38)3 (seeks a Commission order "directing that Applicant be served with the Non-Unanimous Stipulation and Agreement, and, pursuant to 20 CSR 4240-2.050(3)(A) or, if the period has expired, 20 CSR 4240-2.050(3)(B), enlarging the period in which Applicant may file any objection under 20 CSR 4240-2.115(2)(B) to seven days from the date of the order granting intervention"); and Ms. Geeding's Intervention Request, p. 14, para. 39 ("...a prompt ruling advances rather than delays disposition of the case.")

³⁶ File No. EA-2026-0183, *Order Vacating Remainder of Procedural Schedule* issued Sept. 21, 2026.

³⁷ See paras. 13(a), (b), and (c) hereinabove.

Project area and one additional virtual LPH.³⁸ This schedule made participation accessible and provided the public multiple opportunities to offer feedback. At least one of the Proposed Intervenors, Ms. Geeding, testified at the additional Moscow Mills LPH.³⁹

C. The Intervention Requests are Untimely and Lack Good Cause

34. Commission Rule 20 CSR 4240-2.075(10) dictates that requests to intervene filed after the intervention deadline may be granted only upon showing of good cause, and none of the Proposed Intervenors' intervention requests show good cause.

35. The intervention deadline was appropriately set as a date certain (June 12, 2026), the Commission publicized the established intervention deadline, and Renew Missouri met that deadline.⁴⁰

36. None of the three Proposed Intervenors assert they were unaware of the CCN proceeding at the Commission until the eve of filing their intervention requests on September 30, and October 2, 2026. Instead, each of the Proposed Intervenors acknowledge in their intervention requests that they have participated as non-parties in the matter and monitored the proceeding – availing themselves of the opportunity to submit public comments in this case⁴¹ and confirming they have contacted the OPC (who represents their interests) directly regarding questions or concerns.⁴²

37. In the recent Evergy CCN matter, File No. EA-2026-0343, the Commission denied similar timely and untimely requests to intervene *pro se* from members of the general public near

³⁸ See paras. 5, 7 & 11 hereinabove.

³⁹ Refer to footnote 11 hereinabove.

⁴⁰ See para. 13(a), (b), and (c) hereinabove.

⁴¹ See paras. 13(a), (b), and (c) hereinabove.

⁴² Refer to footnote 26 hereinabove.

the proposed Evergy generation facility location, but the untimely requests in that case were filed within two weeks of the intervention deadline set for that case.⁴³

WHEREFORE, Ameren Missouri respectfully requests that the Commission deny the requests to intervene and all associated motions because they fail to meet the standards required to be granted intervention and would not serve the public interest.

Respectfully submitted,

/s/ **Jermaine Grubbs**

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**ATTORNEYS FOR UNION ELECTRIC
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⁴³ File No. EA-2026-0343, *Order Regarding Intervention Requests and Order Regarding OPC's Motion for Supplemental Notice* issued Sept. 29, 2026, pp. 2 – 4.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on counsel for all parties of record via electronic mail on this 7th day of October, 2026.

/s/Jermaine Grubbs