

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 Generation Facilities and Battery Energy Storage Systems

File No. EA-2026-0183

Motion for Leave to File Reply and Reply of Samantha Capstick to Ameren Missouri
Opposition

I, Samantha Capstick, appearing pro se solely on my own behalf, respectfully request leave to file this reply to Ameren Missouri's October 7, 2026 Opposition to Three Late-Filed Intervention Requests. I ask the Commission to consider it before ruling on my September 30 application, EFIS Item 64. This reply identifies material portions of that application omitted from the Opposition, acknowledges the subsequent correction of the transcript error, and narrows my requested participation to the remaining issues already identified in my application. I offer no new testimony or exhibits.

I My application already explains when I learned of Millcreek

1. Paragraph 16 of my application states: "Applicant first became aware of this project and this proceeding on or about August 27, 2026." That was after the June 12 intervention deadline. I do not dispute that the Commission issued notice or that Ameren identifies a May 29 press release. Issuance of notice does not establish that I actually knew about Millcreek before the deadline.

2. Opposition paragraph 36 emphasizes that I did not claim ignorance until the eve of filing. My application did not make that claim. It supplied an August awareness date and separately explained the interval before I applied. Paragraphs 13–17 describe my understanding that the contested hearing remained scheduled, my reliance on the process described at the local public hearing, the September 21 vacatur of the hearing, and the September 25 settlement that prompted my request. Subsequent public comments and correspondence with OPC do not contradict that chronology.

3. My request therefore rests on more than late awareness. The specific settlement did not exist when intervention closed. After it was filed, I read it, identified the limited matters in Section VII, and applied five days later, while the ordinary stipulation-objection period was still running. I ask the Commission to evaluate that explanation as a whole under 20 CSR 4240-2.075(10), rather than equating later participation with knowledge before June 12.

II My principal ground is public interest and my request is limited

4. Opposition paragraph 23(b) relies on my alternative customer-interest ground in paragraphs 32 and 34. Paragraph 18 of my application expressly relies principally on the separate public-interest ground in 20 CSR 4240-2.075(3)(B); paragraph 31 identifies the different-interest ground as an alternative on which I do not rest. I do not assert that living fourteen miles away

makes me an adjoining landowner. I ask the Commission to assess the particular contribution proposed under the ground I principally invoked.

5. My application did not seek unrestricted participation in the merits of all six projects. Paragraphs 29–30 limited it to a written response concerning the transcript error, submission and Commission review of the Millcreek site-specific Hazard Mitigation Analysis, and coverage of the Quinn Switching Station as-built drawings and connections. Paragraphs 7–9 expressly accepted the existing record and waived discovery, testimony, exhibits, witness examination, and a continuance.

6. The October 2 Notice of Correction, Item 67, confirms that an incorrect document had been uploaded for Item 41 and states that the correct Vandalia transcript is now available there. I appreciate the correction. I no longer seek relief on that issue and do not rely on an ongoing transcript omission as a ground for intervention. My proposed participation is accordingly narrower: the two remaining engineering matters identified in my application.

III I appreciate OPC and respect its independent role

7. I appreciate the Office of the Public Counsel’s assistance and its work in this proceeding. My application alleges no failure by OPC, and this reply should not be read as criticism of its counsel or witnesses. OPC represents the broader public interest and exercises its independent judgment about the positions it takes.

8. OPC’s October 6 Response to Non-Unanimous Stipulation and Agreement, Item 68, paragraph 8, printed page 4, expressly explains that its non-objection does not mean the safety, environmental, fire, property-value, and road concerns it identifies have been satisfied or are illegitimate. The separately attached memorandum by Dr. Marke and Mr. Seaver, Item 68, printed page 4, also states: “The OPC believes that honest and straight-forward answers that include additional publicly available information may help alleviate some of these concerns.” I do not characterize either document as an objection or as OPC’s support for my intervention. They support seeking clear answers without treating OPC’s non-objection as confirmation that every concern has been resolved. My contacts with OPC do not answer whether my limited written participation would serve the public interest.

IV The remaining engineering questions are specific and grounded in the record

9. Footnote 9 of the Opposition asserts that Staff’s safety conditions are substantively reflected in the Stipulation. The issue raised in my application is a precise distinction between completion of a site-specific analysis and its submission for regulatory review. It does not require the Commission to presume that the project is unsafe.

10. Wibbenmeyer’s September 4 Surrebuttal Testimony, Item 49, printed page 16, lines 5–13, describes an independent, project-specific analysis and says it will be completed during design and before delivery of BESS equipment. Paragraph 5(c)(ii) of the Stipulation, Item 63, printed page 6, instead requires submission after the facility enters service. These statements address

different milestones and need not conflict. My application, paragraphs 26–27, already acknowledged that distinction.

11. Staff’s Rebuttal Report, Item 37, printed page 13, Item 4, recommends submission of both the site-specific Analysis and Plan when completed. Stipulation paragraph 5(c)(ii) permits the Analysis or Plan and postpones submission until entry into service. Staff also describes submitted clear distances as preliminary and reports Ameren’s statement that the HMA will address all hazards (printed page 71, lines 15–16). Staff states that no locally adopted ordinances or fire codes apply to Millcreek (printed page 72, lines 7–9). I do not infer that no other standard applies; Wibbenmeyer describes Ameren’s own requirements and applicable standards at printed page 16, lines 14–22.

12. I expressly acknowledge paragraph 5(h)(ii), printed page 11, which requires the supplier’s safety-testing report for Staff and OPC review at least 90 days before battery installation. My question is whether that equipment-testing filing includes the completed, site-specific Millcreek HMA and its design findings. If another provision requires submission and review of that site-specific analysis before operation, identifying it would resolve the concern. If not, the Commission should determine whether the proposed timing is adequate before approving the condition.

13. Schedule SMW-S1 to Wills’s Surrebuttal Testimony, Item 50, contains the proposed timing changes; his printed page 22, lines 32–34, describes them as timing clarifications. My application, paragraph 28, specifically identified that schedule and the related environmental fire-response condition. Staff’s printed page 13, Item 5, recommends submission of developed environmental mitigation or containment procedures. Stipulation paragraph 5(c)(iii) refers to procedures the Environmental team may develop and places the requirement after entry into service. Within the timing issue already raised, I ask what requires any site-specific response measures relied upon for safe operation to be available and implemented beforehand. I do not assert that the condition proves no procedures will be developed.

14. Paragraph 5(i)(ii) of the Stipulation, printed page 12, adopts the in-service criteria set out in Schedule BN-r1, Appendix 2 to Staff’s Rebuttal Report, for the BESS Projects. Schedule BN-r1 states six criteria: that all major construction work is complete; that all preoperational tests have been successfully completed; that the facility meets contract operational guarantees necessary for satisfactory completion of the other listed items; that the facility has demonstrated the ability to stop and start both charging and discharging when commanded; that it meets 98 percent of both the Guaranteed Power Capacity and the Guaranteed Energy Capacity in the same capacity test; and that sufficient interconnection facilities exist. The incorporated in-service criteria do not identify the site-specific Hazard Mitigation Analysis, a site-specific fire response procedure, or emergency coordination with local responders as prerequisites to a facility being declared fully operational and used for service. I recognize that these criteria govern inclusion in rate base in a future rate case and are not presented as a safety determination, and that a requirement to submit a document after a facility enters service does not mean the document is prepared after that date. I ask that the signatories identify where those site-specific safety prerequisites are required and

how their completion will be verified before operation. I note that paragraph 5(c)(i), printed page 6, places final plans for restoration of safe and adequate service after significant or unplanned outages no later than sixty days after a Project is placed in service, consistent with what the Commission approved in File Nos. EA-2025-0238 and EA-2025-0239. I do not suggest that timing is improper or unprecedented, and I recognize that outage restoration planning and hazard mitigation serve different purposes, so that the timing approved for one does not by itself settle the appropriate timing for the other.

15. My other remaining issue concerns the scope of the Quinn drawings. Paragraph 5(c)(iv), printed page 7, requires final as-built drawings for Quinn when available. Schedule SMW-S1 also addresses drawings for Quinn and its connections, while paragraph 5(d)(i) combines Quinn progress reporting with Millcreek reporting. As my application acknowledged, the provisions may be duplicative. I ask only that the signatories identify whether the surviving drawing obligation includes all Quinn connections; I do not claim that drawings must exist before the facilities are built.

V I acknowledge the procedural consequences and seek express relief

16. Ameren is correct that a permitted, timely party objection can have consequences under 20 CSR 4240-2.115(2)(D). Paragraph 9 of my application expressly recognized that I cannot waive those consequences for other parties. My waivers limit my own participation; they do not promise that a valid objection would have no effect on the proceeding. I ask the Commission to weigh that effect against the specific, record-based contribution proposed and to consider issue-limited intervention under 20 CSR 4240-2.075(9).

17. My September 30 application was filed before the ordinary October 2 objection deadline. It expressly requested expedited action and, if necessary, enlargement of the objection period. I do not contend that a pending application tolled that period, that my application itself constituted a party objection, or that admission now would automatically restore an expired deadline. Under 20 CSR 4240-2.115(2)(C), absent a timely party objection the Commission may treat the Stipulation as unanimous. I therefore renew my request for a separate ruling under 20 CSR 4240-2.050(3)(B), permitting an objection for excusable neglect or other good cause shown, and allowing seven days from an order granting intervention. I rely on the circumstances in paragraphs 1–3 above and my original application, not on an automatic entitlement.

VI The Evergy order does not decide this narrower request

18. I recognize that the September 29 order in EA-2026-0343, Item 60, rejected both timely and untimely resident applications after addressing public interest and OPC representation. I do not contend that lateness alone explains that decision. The order also contemplated continued public comments, a possible local hearing, and requests for amicus participation. The order states that the Office of the Public Counsel will represent the residential applicants' interests and that, "absent a showing to the contrary from those residential applications seeking to intervene, such representation is sufficient." I offer my application and this reply as that showing. The two engineering matters identified above concern the identification and timing of site-specific

obligations in a settlement, not the rate and consumer interests the Office of the Public Counsel is charged with representing, and OPC's own October 6 Response states that its non-objection does not mean the concerns it identifies have been satisfied. I note that the September 29 order is itself the subject of motions for reconsideration filed on September 30 and October 2, 2026, on which the Commission has not ruled. I state that only to describe the posture of that docket, not to suggest that Ameren Missouri was not entitled to cite the order. Here, my request follows an actual settlement and vacatur of the scheduled evidentiary hearing, identifies particular conditions in existing filings, and waives additional evidence and discovery. I ask for an individualized assessment of that narrower request; I do not argue that every interested resident must be admitted.

VII Focused clarification remains available if intervention is denied

19. Paragraph 7 of the Stipulation, printed page 12, provides for signatories and their witnesses to be available at an on-the-record session to answer Commission questions, with adequate notice. The Commission can therefore seek a focused explanation of the remaining engineering issues without granting me party status or authorizing resident discovery. That is a practical alternative to leaving the questions unanswered. Paragraph 8, printed page 13, makes the Agreement void if approval is conditioned or modified; my alternative request seeks clarification under the procedure the signatories expressly accepted in paragraph 7, rather than unilateral revision of the negotiated terms.

20. Specifically, I ask the Commission, before acting on the Stipulation, to ask the signatories to identify: (a) whether the pre-installation filing under paragraph 5(h)(ii) includes the completed site-specific Millcreek HMA, and what provision governs its submission and review before operation; (b) whether both the site-specific Analysis and Plan are required, and the basis for the settlement's different document and submission language; (c) what ensures that applicable site-specific environmental fire-response measures are available and implemented before operation, notwithstanding paragraph 5(c)(iii); (d) whether paragraph 5(c)(iv)'s Quinn as-built drawings include all connections; and (e) whether any provision requires the site-specific Hazard Mitigation Analysis or site-specific fire response measures to be complete before a BESS facility is placed in service, given the in-service criteria adopted by paragraph 5(i)(ii), and how completion would be verified. These are requests for identification and interpretation of existing obligations, not new exhibits or an invitation to reopen every issue in the case.

Relief requested

WHEREFORE, I respectfully request that the Commission:

- (1) Grant leave to file and consider this reply;
- (2) Grant my application for intervention limited to the two remaining engineering matters, on the existing record and subject to my original waivers;
- (3) Expressly rule on my request under 20 CSR 4240-2.050(3)(B) to permit an objection within seven days after an order granting intervention; or

(4) If intervention is denied, obtain the focused, on-the-record clarification described in paragraph 20, using the procedure contemplated in paragraph 7 of the Stipulation or another procedure the Commission considers appropriate, before acting on the Stipulation.

I do not ask the Commission to assume an adverse safety finding or to discount OPC's work. I ask it to decide my application on the grounds actually presented and ensure that the site-specific engineering obligations supporting approval are clear.

Respectfully submitted,

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Certificate of service

File No. EA-2026-0183

I certify that a true and correct copy of the foregoing was served by electronic mail on
10/08, 2026 upon the following counsel of record:

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