

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) **Case No. EA-2026-0183**
Necessity Authorizing it to Construct)
Renewable Generation Facilities and)
Battery Energy Storage Systems)

ORDER DENYING REQUESTS TO INTERVENE OUT OF TIME AND DENYING REQUEST FOR LEAVE TO FILE BRIEF AS AN AMICUS CURIAE

Issue Date: October 19, 2026

Effective Date: October 19, 2026

On May 22, 2026,¹ Union Electric Company d/b/a Ameren Missouri (the Company) filed an application with the Commission seeking an order granting certificates of convenience and necessity (CCNs) pursuant to Section 393.170.1, RSMo (Supp. 2025). The application seeks CCNs for three battery energy storage system (BESS) projects (one each in St. Louis County, Audrain County, and Lincoln County), two solar generation facilities (one each in Audrain and Stoddard Counties), a 161 kilovolt (kV) switching station in Lincoln County, and related transmission and associated facilities.

In the application, Ameren Missouri refers to the BESS project to be constructed in Lincoln County as the “Millcreek BESS Project” and refers to the switching station to be constructed in Lincoln County as the “Quinn Switching Station.”

On May 28, the Commission issued its *Order Directing Notice, Setting Intervention Deadline, Directing Staff Recommendation, and Setting a Prehearing Conference* (Notice

¹ Unless otherwise noted, all dates refer to the year 2026.

and Order) which, among other things, directed the Commission's Data Center to provide a copy of the Notice and Order to the County Commission of Lincoln County and directed the Commission's Public Policy and Outreach Department to make notice of the Notice and Order available to the media serving Lincoln County. The Notice and Order also set a deadline of June 12, 2026, for applications to intervene. Renew Missouri Advocates d/b/a Renew Missouri filed a timely application to intervene and was granted intervention by the Commission.

On July 14, 2026, the Commission issued its *Order Setting Local Public Hearings* in which it set four local public hearings (LPHs), including an in-person LPH to be held on July 28 in Eolia, Missouri (just outside of Lincoln County and near the proposed Millcreek BESS Project site) and an online virtual LPH to be held on July 29. On August 7, the Commission issued its *Order Setting Additional Local Public Hearing* to be held in Moscow Mills, Lincoln County, Missouri on August 26. All LPHs were held as scheduled.

On September 21, Ameren Missouri filed a *Motion to Vacate Remainder of Procedural Schedule*, stating that all parties but the Office of the Public Counsel (OPC) had reached an agreement in principle resolving all contested issues in the case and that OPC indicated that it will not object to the agreement. The Commission granted Ameren Missouri's motion on that same date. Subsequently, on September 25, Ameren Missouri, the Staff of the Commission, and Renew Missouri Advocates d/b/a Renew Missouri filed a *Non-Unanimous Stipulation and Agreement* (Agreement). On October 6, OPC filed its *Response to Non-Unanimous Stipulation and Agreement* in which it stated that it did not object to the Agreement and stated its position regarding the application.

On September 30 and October 2, three residents of Lincoln County – Samantha

Capstick, Nicole Lynn Trout, and Mary E. Geeding (collectively, “Proposed Intervenor”) – filed pro se requests to intervene in this case out of time.² In their requests, the Proposed Intervenor state that each has submitted written public comments to the Commission and each has communicated with OPC about their questions and/or concerns.

On October 7, Ameren Missouri filed its *Opposition to Three Late-Filed Intervention Requests*. No other party filed a response to the intervention requests. On October 7, Ms. Trout filed her *Reply to Ameren Missouri’s Opposition to Three Late-Filed Intervention Requests*. On October 8, Ms. Capstick filed a *Motion for Leave to File Reply and Reply of Samantha Capstick to Ameren Missouri Opposition*. On October 19, Ms. Geeding filed her *Reply to the Company’s Opposition to Late-Filed Intervention Requests (Item 69), and Statement of Alternative Relief*.

Commission Rule 20 CSR 4240-2.075 establishes criteria regarding applications to intervene in cases before the Commission. Subsection (3) of the rule states:

- The commission may grant a motion to intervene or add new member(s) 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 of arising from the case; or
 - (B) Granting the proposed intervention would serve the public interest.

Subsection (1) specifies that a motion to intervene or add new member(s) shall be filed within 30 days after the Commission issues its order giving notice of the case, unless otherwise ordered by the Commission. As mentioned above, in its Notice and Order issued

² *Application to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* filed by Samantha Capstick on September 30; *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* filed by Nicole Lynn Trout on October 2; and *Motion to Intervene Out of Time, Request for Limited Intervention, Definitive Statement Accepting the Record, and Motion for Expedited Treatment* filed by Mary E. Geeding on October 2.

on May 28, the Commission set an intervention deadline of less than 30 days – June 12.

Subsection (10) of the rule allows the Commission to grant a motion to intervene or add new member(s) filed after the intervention date set by the Commission upon a showing of good cause.

The Proposed Intervenors all argue that good cause exists for granting their requests to intervene after the June 12th deadline because no LPHs had occurred prior to that date. The Proposed Intervenors also state that they have objections to the Agreement and argue that because of that and because, under Commission Rule 20 CSR 4240-2.115(2)(B), only a party can object to the Agreement, good cause further exists to allow them to intervene in the case.

None of the Proposed Intervenors claim that they were unaware of the proceedings or the intervention deadline due to an error or other action on the part of the Commission or Ameren Missouri. Moreover, it is common practice for the Commission to schedule the intervention deadline before holding any local public hearings. The Proposed Intervenors have not made a showing of good cause to grant their intervention requests out of time.

The Proposed Intervenors make various arguments as to why granting each of them intervention would serve the public interest. However, their arguments do not demonstrate that their interests differ materially from those of other area residents near the proposed Millcreek BESS Project and Quinn Switching Station, as expressed in LPH testimony and written public comments. The residents near those projects comprise a portion of the general public in this case. Under Section 386.710, RSMo, OPC represents and protects the interest of the public in this case and in other proceedings before the Commission. By virtue of the communications between the Proposed Intervenors and OPC, OPC is presumably

aware of the questions and/or concerns of the Proposed Intervenor and has taken them into consideration.

The Commission finds that the Proposed Intervenor does not have an interest which is different from that of the general public. The Commission further finds that the public interest would not be served by granting the Proposed Intervenor's requests. Finally, the Commission finds no good cause exists to grant their intervention requests out of time. Therefore, the Commission will deny the requests to intervene.

In Ms. Geeding's pleading filed on October 19, she requested, if her request for intervention is denied, leave under Commission Rule 20 CSR 4240-2.075(11) to file a brief as an *amicus curiae* (friend of the court). The Commission is aware of the issues and concerns raised by Ms. Geeding in her submitted written comments and filed pleadings. Granting Ms. Geeding's request would provide the Commission with no new information and, therefore, the Commission will deny her request.

THE COMMISSION ORDERS THAT:

1. The requests to intervene filed by Samantha Capstick, Nicole Lynn Trout, and Mary E. Geeding are denied.
2. Ms. Geeding's request for leave to file a brief as an *amicus curiae* is denied.
3. This order shall be effective when issued.

BY THE COMMISSION



Nancy Dippell

Nancy Dippell
Secretary

Kenneth J. Seyer, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri
on this 19th day of October, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 19th day of October, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 19, 2026

Case No: EA-2026-0183

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Nancy Dippell
Secretary

¹

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.