

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s Tariffs to Decrease Its)
Revenues for Electric Service.) File No. ER-2021-0240

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s Tariffs to Adjust Its)
Revenues for Natural Gas Service) File No. GR-2021-0241

**RESPONSE IN OPPOSITION TO APPLICATION OF
EVERGY MISSOURI METRO AND EVERGY MISSOURI WEST
FOR LEAVE TO INTERVENE OUT-OF-TIME**

COMES NOW the Midwest Energy Consumers Group (“MECG”), and for its Response in Opposition to Application of Evergy Missouri Metro and Evergy Missouri West for Leave to Intervene Out-Of-Time respectfully states as follows:

1. On March 31, 2021, after filing a 60 day notice of an intended rate case on January 28, Ameren filed the above-captioned electric and gas rate cases.

2. On April 2, 2021, the Commission issued its *Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Response to the Test Year, and Directing a Proposed Schedule*. In that Order the Commission established an intervention deadline of April 30, 2021. Based upon that intervention deadline, 7 parties (Renew Missouri; Sierra Club; Consumers Council of Missouri; National Resources Defense Council; Midwest Energy Consumers Group; and Missouri Industrial Energy Consumers) sought and were granted intervention.

3. Now, 45 days after the expiration of the intervention deadline and 137 days after Ameren filed its Notice of Intended Case informing potential parties of the

upcoming rate case, Evergy Missouri West and Evergy Missouri Metro (“Evergy”) filed its Application for Leave to Intervene Out-Of-Time.

4. Commission Rule 20 CSR 4240-2.075(10) states that the Commission may grant an application to intervene after the intervention deadline “upon a showing of good cause.”

5. In the pending Spire rate case, the Commission discussed an application to intervene out of time filed by the Missouri Propane Gas Association (“MPGA”). There, the MPGA sought to intervene just 13 days after the intervention deadline. In its application MPGA indicated that it would be opposing Spire’s proposed Growing Missouri Program. In its *Order Denying Application to Intervene*, the Commission pointed out that MPGA “did not explain why it was late.” As such, the Commission held that “[w]ithout an explanation as to why the application to intervene was late-filed and upon which the Commission could base a finding of good cause, the Commission cannot find good cause exists to allow the late intervention. The Commission will deny MPGA’s application to intervene.”¹

6. In its Application here, Evergy largely concludes that “good cause exists to grant the Evergy’s late intervention.” Evergy states that it “has recently become aware of issues in the Ameren Rate Cases which have the potential to establish regulatory policies that may directly affect Evergy in the future.”

7. Contrary to the Commission’s standard utilized in regards to MPGA’s intervention in the Spire case, however, Evergy did not “explain why it was late.” Evergy has multiple attorneys, as well as an entire regulatory affairs staff, tasked with monitoring the cases and issues presented in Missouri. Despite this dedicated staff, as

¹ *Order Denying Application to Intervene*, Case No. GR-2021-0208, issued February 10, 2021, page 2.

well as having notice of this case since January 28, Evergy missed the intervention deadline by 45 days. Given these facts, it is difficult to envision a fact pattern which justifies a sophisticated entity like Evergy, with its dedicated regulatory staff, missing the intervention deadline. Based upon the Commission's stated standard then, "the Commission cannot find good cause exists to allow the late intervention."

8. It is important that the Commission send consistent signals to potential parties in its rate case. As mentioned, in the Spire case, NPGA indicated that it would "oppose" aspects of the Spire rate case. Here, Evergy expressly indicates that it "expects to support" the relief sought by Ameren. It would be disconcerting for the Commission to deny a late-filed intervention of a party that opposes a utility's proposals, but then grant a much more delinquent application to intervention of a party that supports the utility's proposals.

WHEREFORE, MECG respectfully requests that the Commission deny Evergy's application to intervene out of time.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST
ENERGY CONSUMERS GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall". The signature is written in a cursive style with a large initial "D" and "W".

David L. Woodsmall

Dated: June 21, 2021