

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 8th day of July, 2021.

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Tariffs to Adjust) **File No. ER-2021-0240**
its Revenues for Electric Service) Tracking No. YE-2021-0175

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Tariffs to Adjust) **File No. GR-2021-0241**
its Revenues for Natural Gas Service) Tracking No. YG-2021-0176

ORDER REGARDING APPLICATION TO INTERVENE OUT-OF-TIME

Issue Date: July 8, 2021

Effective Date: July 8, 2021

Union Electric Company d/b/a Ameren Missouri submitted tariff revisions on March 31, 2021,¹ to implement a general rate increase for electric and natural gas service. On April 2, the Commission provided notice of Ameren Missouri's filing and set a deadline of April 30, for applications to intervene.

On June 14, Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West filed an application to intervene and a motion for leave to file out-of-time in both the electric and natural gas cases. Evergy Missouri Metro and Evergy Missouri West indicate they are electrical corporations and public utilities subject to the jurisdiction of the Commission, providing service in the Kansas City metropolitan area and other areas of western Missouri.

Evergy Missouri Metro and Evergy Missouri West assert their interest in this proceeding is different from that of the general public in that they provide electric service

¹ All dates are in 2021, unless otherwise indicated.

in Missouri, as does Ameren Missouri. They also assert that allowing them to participate will assist in creating the record for a Commission decision. Evergy Missouri Metro and Evergy Missouri West acknowledge that the deadline for applications to intervene was established as April 30, but indicate they have “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.” Their application did not offer any further explanation of why they could not have applied to intervene within the time allowed for intervention.

On June 21, the Midwest Energy Consumers Group (MECG) opposed the application to intervene of Evergy Missouri Metro and Evergy Missouri West. MECG argues that Evergy Missouri Metro and Evergy Missouri West have failed to explain why they filed to intervene late. MECG contends Evergy Missouri Metro and Evergy Missouri West have multiple attorneys as well as a entire regulatory affairs staff and should have been aware of and been able to monitor Ameren Missouri’s rate case sufficiently in time to apply to intervene by the deadline. Further, MECG points out that in similar circumstances, the Commission recently denied an application to intervene filed out-of-time by the Missouri Propane Gas Association in Spire Missouri’s general rate case, GR-2021-0108. In doing so, the Commission found that without an explanation from the applicant of why the application was filed late, the Commission could not find good cause for the late filing.

The Office of the Public Counsel filed a similar pleading opposing the requests to intervene on June 22. Public Counsel also argues that Evergy Missouri Metro and Evergy Missouri West have not established good cause for their late application to intervene. Further, Public Counsel argues the application to intervene does not show an interest

different from that of the general public, or an interest which may be adversely affected by a final order in this proceeding, as an order issued in this case will not apply to Evergy Missouri Metro or Evergy Missouri West. Public Counsel also stated that the public interest would not be served by granting the applications to intervene.

Evergy Missouri Metro and Evergy Missouri West filed a reply to MCEG and Public Counsel on June 29. In their reply they explain that they became aware of two issues raised by Ameren Missouri in its direct testimony that may establish regulatory policies regarding renewable energy facilities and innovative residential rate structures that may adversely affect Evergy Missouri Metro and Evergy Missouri West in the future. Evergy Missouri Metro and Evergy Missouri West indicate they applied to intervene when it recognized the importance of these issues. MCEG subsequently filed a further response reiterating its opposition to the application to intervene.

Applications to intervene are governed by Commission Rule 20 CSR 4240-2.075, which in subsection (3) requires either: a showing of an interest different than that of the general public which may be adversely affected by a final order; or a showing that granting the intervention would serve the public interest. Late-filed applications are addressed in subsection (10), which provides in part, "Motions to intervene...filed after the intervention date may be granted upon a showing of good cause."

Except for a bare assertion that good cause exists and a statement that they have recently become aware of issues in this case that might establish regulatory policies that may affect them in the future, Evergy Missouri Metro and Evergy Missouri West's June 29 reply adds some information about the companies' decision to intervene, but still does not offer sufficient explanation of why they failed to apply to intervene in a timely

manner. Without a sufficient explanation of why the application to intervene was filed late, the Commission does not find good cause to allow the late intervention.

Aside from the lateness of the application to intervene, Evergy Missouri Metro and Evergy Missouri West have not shown that they have an interest in the case that can be adversely affected by the Commission's final order. The Commission's order will apply only to Ameren Missouri, not to any other utility. Similarly, Evergy Missouri Metro and Evergy Missouri West have not shown that allowing them to intervene in another utility's rate case will serve the public interest. If they want to be heard on some item of interest to the larger utility community, Evergy Missouri Metro and Evergy Missouri West may seek leave to file an amicus brief to bring their concerns to the Commission's attention. The Commission will deny the application to intervene out-of time of Evergy Missouri Metro and Evergy Missouri West.

THE COMMISSION ORDERS THAT:

1. The application of Evergy Missouri Metro and Evergy Missouri West for leave to intervene out-of-time is denied.
2. This order shall be effective July 8, 2021.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Coleman, Holsman, and
Kolkmeier, CC., concur.
Rupp, C., dissents.

Woodruff, Chief Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

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 9th day of July, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 9, 2021

File/Case No. ER-2021-0240 and GR-2021-0241

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

Sincerely,



**Morris L. Woodruff
Secretary**

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