

**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 Adjust Its Revenues for        )            Case No. ER-2021-0240  
Electric Service                            )

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

**RESPONSE IN OPPOSITION TO  
EVERGY'S LATE INTERVENTION**

**COMES NOW** the Office of the Public Counsel (“OPC”) and for its response in opposition to Evergy’s late intervention, states as follows:

1. Ameren filed its rate case applications on March 31, 2021. On April 2, 2021, the Commission ordered intervention applications due no later than April 30, 2021. Seven entities filed timely intervention requests.
2. On June 14, 2021, Evergy requested intervention, 45 days late.
3. Evergy does not explain why it late-filed its request, other than stating that it recently became aware of some issues in the case that it does not identify. Evergy does not explain when it became aware of these issues or why it was not aware of these issues back in April when intervention requests were due. Evergy’s request should be denied for failing to establish good cause for late intervention.

4. Additionally, the Commission may grant a motion to intervene if: “(A) The proposed intervenor ... 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” (20 CSR 4240-2.075, emphasis added). Even if Evergy had filed timely, the company’s request fails to satisfy (A) or (B).

5. Since this is not a rulemaking, an order applicable to Ameren is neither applicable nor binding on Evergy because the Commission hears every case on its own merits. The merits of Evergy’s next rate case will rely on the evidence and argument in that case, not any decisions rendered in a prior Ameren rate case. For this reason, Evergy does not qualify under (A).

6. Evergy does not qualify for intervention under (B) because its participation would not serve the public interest. Evergy did not assert that granting its intervention would serve the public interest, and Evergy’s presence and ability to oppose settlements and challenge issues could slow and hamper already large contested proceedings. Again, proceedings that are inapplicable to Evergy.

7. Lastly, Evergy’s request did not comply with 20 CSR 4240-2.075(2)(E), which requires “A statement of the proposed intervenor’s ... interest in the case and reasons for seeking intervention.” Evergy’s request lacks any details to satisfy this requirement.

8. OPC urges the Commission to deny Evergy intervention for failing to provide good cause for filing late, and/or because Evergy does not qualify as having an interest that may be adversely impacted. Evergy is fully capable of addressing all of its issues in its own rate case next year.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission deny intervention to Evergy.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston  
Marc D. Poston (#45722)  
Public Counsel  
P. O. Box 2230  
Jefferson City MO 65102  
(573) 751-5318  
(573) 751-5562 FAX  
[marc.poston@opc.mo.gov](mailto:marc.poston@opc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 22nd day of June 2021.

**/s/ Marc Poston**

---