

3. The courts in Missouri have long held that individual residential customers of utilities do not have an interest which is different from that of the general public which would justify the granting of their intervention in Commission cases. *See State ex rel. Consumers Public Service Co. v. Public Service Commission*, 180 S.W.2d 40 (Mo. banc 1944) (“It is certainly not intended [by the Public Service Commission Law] that every citizen may participate in any case. That would prevent the Commission from functioning efficiently”); *R. P. Smith and J. Hugh Smith v. Public Service Commission*, 336 S.W.2d 491 (Mo. 1960) (Discussing the propriety of the Commission’s denial of intervention to an individual customer who “did not have any interest in the case aside or different from that of the general public” and as did the Court in *Consumers*, noting that the law “did not contemplate that every citizen may participate [in Commission cases] and that allowing such participation would “prevent the effective administration of justice.”); and *State ex rel. Dyer v. Public Service Commission*, 341 S.W.2d 795, 796 (Mo. 1960) (Indicating that the interest of the individual at issue was not different from that of the general public (“Dyer’s interest here as a consumer appears to us to be no different from that of the members of the general public”) and further noting that he “general consumer public was adequately represented.”²).

4. In order to intervene, Mr. Krebs either must establish that he has an interest that is different from the interests of the general public (he does not, as discussed above) or the Commission must conclude that allowing his intervention would serve the public interest (it would

United States of America v. Ameren Missouri, Civil Action No. 4:11-cv-00077-RWS, US. Dist. Ct. for the E.D. of Missouri. Please note that the referenced Order contains a typographical error in that in one place it specifies a closure date of no later than October 25, 2024 but later, consistent with the Court’s on-the-record statements, specifies the date as October 15, 2024.

² This was true even though the Office of the Public Counsel did not exist at this time but of course the Commission’s Staff was a party to the *Dyer* case, as it is to all Commission cases. Although the Commission retains discretion to grant intervention, the Commission has generally not permitted intervention in Commission cases by individual members of the public. This makes sense and is directly in accord with the Legislature’s intent when it created the Office of the Public Counsel, which is specifically empowered to “represent. . . the public in any proceeding.” Section 386.710.1(2). Public Counsel is an active party to this case, as evidenced by it filing of one motion and its ongoing discovery directed to the Company in this case.

not, also as discussed above).³ Consequently, under 20 CSR 4240-2.075, Mr. Krebs does not meet the requirements for intervention, and his Motion should be denied.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue an order denying Mr. Krebs' request to intervene in this proceeding.

Respectfully submitted,

/s/ James B. Lowery

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³ Mr. Krebs' notation that he is a "principal" with "MasterResource" and with another group or entity, "Gas Analytics & Advisory Services" does not aid in his effort to intervene. "MasterResource" is a "Free-Market Energy Blog (https://www.masterresource.org/about/#m_krebs) and while the nature of "Gas Analytics"... is unclear, this case certainly does not involve gas. Neither of the endeavors has been shown to have any interest that would be "adversely affected" by the Commission's decision in this case, nor has there been any showing how allowing Mr. Krebs' intervention would serve the overall public interest.

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed to the attorneys of record for all parties to this case as specified on the certified service list for this case in EFIS, on this 24th day of December, 2023.

/s/ James B. Lowery
James B. Lowery