

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

In the Matter of the Amendment of )  
the Commission’s Rule Regarding )  
Intervention )

Case No. OX-2024-0256

**COMMENTS OF THE CONSUMERS COUNCIL OF MISSOURI**

Comes Now the Consumers Council of Missouri (“Consumers Council”) and hereby submits the following comments on the Commission’s proposed amendment to the Chapter 2 procedural requirements for intervention in Commission cases.

The Commission’s responsibilities with regard to utility regulation are profoundly important and complex. In order to ensure that Commission’s decisions are fully informed and that these decisions consider the full panoply of public interests, it is critically important that a wide variety of parties are allowed to legally participate as parties to Commission cases. Such practices help the development of a robust evidentiary record with contributions from a wide range of interested parties, and can offer the Commission more optional proposals from which to choose. Custom and practice at the Commission has traditionally been permissive. Consumer Council urges the Commission to continue intervention rules and practices that are open and that do not add unnecessary barriers to legal participation in regulatory matters of great public interest.

Consumer Council does not think it would be necessary to require a party to explain why it cannot take a position in a case the moment it intervenes or to guess as to when it might be able to stake a definitive position. Consumer Counsel is already in the habit of providing some indication of its interest in a matter, at the time it files a petition to

intervene (i.e., “Consumer Council is concerned that the residential customer class is treated fairly in the rate-setting process, and it is interested in consumer protections for more vulnerable utility customer groups”). Complying with the proposed change to the intervention rule would not be difficult for Consumer Council, provided that the Commission understands that the level of detail given when a party is seeking intervention will not be as great as it will be to determine a party’s position further into the litigation of the case, following discovery and some testimonial back-and-forth.

This reality of this dynamic is most difficult in a general rate case. A general rate case is the place where almost anything related to the utility’s rates and provision of service may be a relevant inquiry. Many issues that will be important in a general rate case will not be apparent by simply reading the utility’s initial application. Further complicating the situation is that other intervenors may raise new issues later in the process of the case (i.e., in their written pre-filed testimony) that raises concerns for Consumer Council. In this hypothetical situation, Consumer Council is opposed to these new issues, but it did not know those issues were going to be raised at first, and it could not have anticipated it at the time it was required to file its petition to intervene.

It is worth noting that the Missouri Commission offers extremely short intervention deadlines, as compared to other state public utility commissions (PUCs). Missouri rules only guarantee 30 days to file for intervention, or be considered “late”. Most PUCs order no intervention deadline, allowing parties to request intervention at any point, provided a party must accept the procedural posture of the case where it stands in the process. A deadline of 30 days is sometimes a barrier for organizations that require approval from a board that doesn’t meet every month.

Consumer Council supports the suggestion of the Office of the Public Counsel that this proposed amendment be explored by the Commission in an informal workshop process, prior to considering adoption through this formal rulemaking process. Collaborative discussions can best to address the concerns that have led to this proposal. In fact, it is Consumers Council's position that any formal rulemaking proposing a substantial change should be proceeded by an informal workshop proceeding.

Consumers Council looks forward to making further comment at the public hearing on June 4, 2024.

Respectfully submitted,

Dated: May 31, 2024

/s/ John B. Coffman

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