

**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 Electric Service.) **File No. ER-2024-0319**

**AMEREN MISSOURI’S RESPONSE IN OPPOSITION TO
BRETT FELBER’S LATE-FILED APPLICATION TO INTERVENE**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”)

and in response to the Late-Filed Application to Intervene (“Application”)¹ of Brett Felber, states as follows:

1. On June 28, 2024, Ameren Missouri initiated this proceeding by filing tariffs and other supporting information as required by Commission rule seeking an increase in its electric service rates. On July 1, 2024, the Missouri Public Service Commission (“Commission”) issued the Order which established an intervention application deadline of July 22, 2024.

2. Mr. Felber filed to seek intervention after the deadline. The Application provides no information that, even if true, would establish good cause for Mr. Felber’s failure to timely seek intervention. For that reason alone, Mr. Felber’s Application should be denied because it violates the governing rule, 20 CSR 4240-2.075, which authorizes (but does not require) the Commission to allow a late intervention, but only upon a showing by the applicant of good cause.²

3. Regardless, Mr. Felber’s Application should be denied on the merits. Missouri courts have long held that individual utility customers 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.

¹ Mr. Felber made two filings, both after the deadline established by the Commission’s July 1, 2024 *Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Test Year, and Directing a Proposed Schedule* (“Order”). This pleading is in response to both filings.

² The Company requests that the Commission take Official Notice of the many cases Mr. Felber has filed with the Commission in the last few years. This is not a case of a *pro se* litigant who is un-informed about the Commission’s rules and procedures and who thus was somehow incapable of complying with the Commission’s intervention rule.

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.”³).

4. While the Company will not respond to the many claims Mr. Felber’s Application makes, it is clear that his claims raise allegations that if true would be of interest to the public as a whole generally, and to all Ameren Missouri customers more specifically (and can be addressed by Commission Staff and Public Counsel if warranted), in a manner no different than the interest Mr. Felber apparently seeks to represent.

5. In summary, in order to intervene Mr. Felber was first required to timely seek intervention or failing that, to convince the Commission that his late-filed Application was

³ 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.

justified by good cause, which he has not attempted to do. Mr. Felber would also have to 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 not, also as discussed above). The bottom line is that under 20 CSR 4240-2.075, Mr. Felber does not meet the requirements for intervention, and his Application should be denied.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue an order denying Mr. Felber's late-filed Application to intervene in this proceeding.

Respectfully submitted,

/s/ James B. Lowery

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Dated: August 2, 2024

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 and to Mr. Felber, on this 2nd day of August, 2024.

/s/ James B. Lowery
James B. Lowery