

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

In the Matter of the Application of Evergy	)	
Metro, Inc. d/b/a Every Missouri Metro and	)	
Evergy Missouri West, Inc. d/b/a Evergy	)	
Missouri West for Approval of New and	)	File No. EO-2025-0154
Modified Tariffs for Service to Large Load	)	
Customers.	)	

**APPLICATION TO INTERVENE OUT-OF TIME**

**COMES NOW** Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), and for its Application to Intervene Out-of-Time in this case filed pursuant to 20 CSR 4240-2.075(3)(B) and (10), states as follows:

1. Ameren Missouri is a Missouri corporation, in good standing in all respects, with its principal office and place of business located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Missouri Public Service Commission ("Commission").

3. On May 14, 2025, Ameren Missouri filed its Large Load Customer Rate Plan seeking approval of tariff sheets designed to govern service to customers with an anticipated peak load of 100 MW or more. See File No. ET-2025-0184. The Company made the filing both in recognition of the need for new service terms for loads of this magnitude and considering the requirements of Section 393.130.7, adopted by the Missouri General Assembly as part of S.B. 4,<sup>1</sup> which will take effect on August 28, 2025.

4. On February 14, 2025, Evergy Metro, Inc. d/b/a Energy Missouri Metro and Evergy Missouri West, Inc. d/b/a Every Missouri West (collectively "Evergy") filed tariffs in this docket

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<sup>1</sup> Missouri Senate Bill 4 (Truly agreed and finally passed March 13, 2025; Signed by Governor Kehoe April 9, 2025).

which also reflect terms and conditions for serving customers with anticipated peak loads of 100 MW or more.

5. On July 9, 2025, the Commission granted Evergy's Application to Intervene in File No. ET-2025-0184. *Order Granting Evergy Application to Intervene*, File No. ET-2025-0184. In reliance on the Commission's most recent pronouncements on the propriety of one utility intervening in another utility's case, Ameren Missouri had opposed Evergy's intervention request.<sup>2</sup> However, in the present case the Commission has made clear that it views the present case, as well as Ameren Missouri's similar large load tariff case, differently than it had viewed the other cases where it had denied requests by one utility to intervene in another utility's case.

6. More specifically, the Commission, among other reasons, recognized that S.B. 4 applies to both Evergy and Ameren Missouri and concluded that if Evergy were not a party to Ameren Missouri's large load tariff case, the Commission could fail to "consider an issue in one case that is present in both cases." *Id.* The Commission also specifically noted that the Commission will "benefit from hearing from both utilities facing the new 100 MW rate plan requirement in the same proceeding." *Id.* Based on the foregoing findings, the Commission concluded that "Evergy's intervention [in Ameren Missouri's large load tariff case] serves the public interest." *Id.*

7. Given the Commission's July 9 order in this docket, the same considerations that led the Commission to make Evergy a party to Ameren Missouri's large load tariff case indicate that Ameren Missouri should similarly be a party to this case, specifically, to ensure that the Commission is able to fully consider issues in both cases that it might not be able to fully consider

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<sup>2</sup> As outlined in Ameren Missouri's Response in Opposition to Application for Intervention, the Commission had most recently found that one utility cannot be adversely affected by an order in another utility's contested case, since such an order would not bind it, and had found that the public interest did not support such an intervention. Given those orders, Ameren Missouri had also previously elected not to seek to intervene in Evergy's large load tariff case.

absent Ameren Missouri's participation as a party in this case. In short, allowing such participation would serve the public interest in the same way that the Commission concluded that allowing Evergy's participation in Ameren Missouri's large load tariff docket does so, including facilitating the Commission's ability to consider and evaluate differences that exist between the two utilities (differences the Commission itself recognized exist in its order granting Evergy's intervention in Ameren Missouri's docket). See 20 CSR 4240-2.075(3)(B), which indicates that intervention is proper if the intervention would serve the public interest.

8. Under 20 CSR 4240.2.075(10), the Commission may allow intervention after the intervention date previously established by the Commission upon a showing of good cause. As outlined above, subsequent to the earlier intervention deadline established by the Commission in this case, the Commission in its discretion took a different approach to evaluating intervention requests by one utility in another utility's case than it had most recently taken, and affirmatively found that in cases involving large load tariffs that will be formally required by SB 4, having both utilities in the same cases will serve the public interest. Those facts establish that good cause exists to approve Ameren Missouri's intervention request post-the previously established intervention date.<sup>3</sup>

9. As required by 20 CSR 4240.2.075(10), Ameren Missouri states that as of the date of this Application, Ameren Missouri accepts the record established in this case to-date and the requirements of prior orders issued by the Commission in this docket.

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<sup>3</sup> As the Commission has recognized, "Good cause 'generally means a substantial reason amounting in law to a legal excuse for failing to perform an act required by law.' Similarly, 'good cause' has been judicially defined as a 'substantial reason or cause which would cause or justify the ordinary person to neglect one of his [legal] duties.'" Of course, not just *any* cause or excuse will do. To constitute good cause, the reason or legal excuse given 'must be real not imaginary, substantial not trifling, and reasonable not whimsical.'" *In Re: Atmos Energy, Order Granting Late Intervention*, File No. GR-2010-0192 (Apr. 28, 2010) (internal citations omitted). The circumstances outlined above easily satisfy these good cause standards.

**WHEREFORE,** Ameren Missouri respectfully requests that the Commission, for good cause shown, grant its Application to Intervene Out-of-Time in this proceeding and that it be made a party hereto with all rights to participate in this matter.

Respectfully submitted,

/s/ **James B. Lowery**

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