

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

In the Matter of the Application of Union	)	
Electric Company d/b/a Ameren Missouri for	)	Case No. ET-2025-0184
Approval of New Modified Tariffs for	)	
Service to Large Load Customers	)	

MOTION TO INTERVENE OUT OF TIME

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty”), and pursuant to Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.075, respectfully submits this Motion to Intervene Out of Time.

1. The Commission’s *Order Granting Evergy Application to Intervene* issued herein on July 9, 2025, found that Evergy’s intervention into this Large Load Customer Tariff (“LLCT”) proceeding serves the public interest, highlighting “the advantages of receiving input from two large Missouri-regulated utilities both facing [the] new requirement” under Senate Bill 4 to be effective August 28, 2025.¹

2. Senate Bill 4 (2025) in §393.130.7, RSMo., sets different thresholds for large load tariffs based on the customer count of electric utilities:

Each electrical corporation providing electric service to more than two hundred fifty thousand customers shall develop and submit to the commission schedules to include in the electrical corporation's service tariff applicable to customers who are reasonably projected to have above an annual peak demand of one hundred megawatts or more. The schedules should reasonably ensure such customers' rates will reflect the customers' representative share of the costs incurred to serve the customers and prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to such customers. Each electrical corporation providing electric service to two hundred fifty thousand or fewer customers as of January 1, 2025, shall develop and submit to the commission such schedules applicable to customers who are reasonably projected to have above an annual peak demand of fifty megawatts or more. The commission may order electrical corporations to submit similar tariffs to reasonably ensure that the rates of customers who are reasonably projected to have annual peak demands below the above-referenced levels will reflect the customers' representative share of the costs incurred to

¹ Case No. ET-2025-0184, *Order Granting Evergy Application to Intervene*, at p. 5.

serve the customers and prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to such customers.

3. Ameren Missouri and the Evergy utilities serve over 250,000 customers, so the large load tariff threshold per §393.130.7 for those utilities is 100 MW. For Liberty, which serves less than 250,000 customers, the large load tariff threshold per §393.130.7 is 50 MW.

4. Thus, like Ameren and Evergy, Liberty is facing the new requirement under SB 4, albeit for a lower large load threshold than Ameren and Evergy due to its customer count.

5. The same considerations that led the Commission to grant Evergy's intervention herein similarly indicate that Liberty's intervention in this case is in the public interest.

- a. "Despite their differences, both utilities are similarly situated, face similar future requirements, and even may be competing for the same large load customers."² Liberty is also similarly situated, is facing similar future requirements to Ameren and Evergy, and may compete for the same large load customers.
- b. The Commission agreed with Evergy's statement: "Evergy's request to intervene will help provide full transparency to large load customer tariff implications and permit the Commission and all parties to this docket to fully evaluate both approaches to large load customer demand and, ultimately, issue tariffs that are in the best interest of the state and all customers."³ Liberty's participation in the larger utilities' LLCT cases will similarly provide full transparency to implications and allow evaluation of tariffs in the best interest of the state and all customers.

² *Id.* at p. 4.

³ *Id.*

- c. “Not allowing Evergy’s intervention could result in the Commission failing to consider an issue in one case that is present in both cases.”⁴ Likewise, not allowing Liberty’s intervention in Ameren’s and Evergy’s LLCT cases could result in the Commission failing to consider an issue in one LLCT case that is considered in other LLCT cases.

6. For the reasons stated above, the Commission should exercise its discretion to allow Liberty’s intervention in the above-captioned case.

Good Cause for Out of Time Intervention

7. Liberty’s motion to intervene is beyond the intervention date initially established for the case. Commission Rule 20 CSR 4240-2.075(10) allows for out of time intervention as follows:

Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed.

8. The Commission’s recent *Order Granting Evergy Application to Intervene* issued herein clarified the Commission’s view regarding intervention of one utility to intervene in another utility’s case. Thereafter, Commission Staff proposed a LLCT in Liberty’s pending general rate case, Case No. ER-2024-0261, and Ameren and Evergy sought to intervene in Liberty’s general rate case on the sole issue of the LLCT. Via order effective August 8, 2025, the Commission granted removal of the Staff testimony introducing their proposed LLCT and denied Ameren and Evergy’s intervention requests as moot.⁵ The good cause for Liberty’s out of time intervention is the recent clarification of the Commission’s perspective on utilities intervening in one another’s

⁴ *Id.* at p. 5.

⁵ Case No. ER-2024-0261, *Order Granting Liberty’s Motion*, eff. Aug. 8, 2025, p. 5.

dockets and the need for all three electric utilities (Liberty, Ameren, and Evergy) to be involved in the development of LLCTs to advance the state's economic development policy under §393.130.7, RSMo.

General Intervention Rule Requirements Satisfied

9. In compliance with Commission Rule 20 CSR 4240-2.075(2), Liberty also includes the required general information for a motion to intervene below.

10. Liberty is a Kansas corporation with its principal office and place of business at 602 S. Joplin Ave., Joplin, Missouri, 64801. Liberty is qualified to conduct business and is conducting business in Missouri, as well as in the states of Arkansas, Kansas, and Oklahoma. Liberty is a "public utility" and, therefore, is subject to the general regulatory jurisdiction of the Commission as provided by law and is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electricity in portions of the referenced four states.

11. Liberty's documents of incorporation from Kansas and certificate of authority from Missouri were previously filed with the Commission in Case No. EF-94-39. These documents are incorporated by reference. Liberty has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against Liberty from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this filing.

12. Pleadings, notices, orders, and other correspondence concerning this matter should be addressed to the undersigned legal counsel.

13. Liberty's interest in this case arises from its future approach to compliance with §393.130.7, RSMo., and serves the public interest as described above.

14. Liberty is reviewing the parties' filings and has not yet determined its position on the issues at hand but acknowledges that it is seeking late intervention and affirmatively states that it accepts the record established in the above-captioned case, including the requirements of any orders of the Commission, as of the date this motion is filed.

WHEREFORE, Liberty respectfully requests that the Commission grant its Motion to Intervene Out of Time and that it be made a party hereto with all rights to participate in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 20th day of August, 2025, with notification of the same being sent to all counsel of record, and I further certify that the above document was sent by electronic transmission to all counsel of record.

/s/ _____
Diana C. Carter