

**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 Permission and Approval and )  
Certificates of Convenience and Necessity )  
Authorizing it to Construct a New )  
Generation Facility and Battery Energy )  
Storage System )

Case No. EA-2025-0238

**MOTION FOR RECONSIDERATION OF PROCEDURAL SCHEDULE AND MOTION  
FOR EXPEDITED TREATMENT**

COMES NOW, the Office of the Public Counsel (the “OPC”) and respectfully requests that the Public Service Commission of the State of Missouri (the “Commission”) reconsider its Order Setting Procedural Schedule, a Local Public Hearing, and Assignment of Exhibit Numbers (the “Procedural Schedule Order,” Doc. 26) and reschedule the virtual local public hearing and add an in-person local public hearing. The OPC respectfully requests that the Commission give this motion expedited treatment. In support, the OPC states as follows:

1. On June 26, 2025, Union Electric Company d/b/a Ameren Missouri (“Ameren”) filed an Application and supporting Direct Testimony requesting that the Commission grant a Certificate of Convenience and Necessity (“CCN”) “authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage the Big Hollow” combustion turbine generator (“CTG”) and battery energy storage system (“BESS”) in Jefferson County, Missouri. (Application 20, Doc. 2). Ameren also requested a variance from Commission Rule 20 CSR 4240-20.045(6)(J) and “[f]or such other and further relief as may be appropriate.” (*Id.*).
2. Five days later, on July 1, 2025, the Commission issued its Order Directing Notice, Setting an Intervention Deadline, and Directing Staff to File a Pleading (the “Order

- Directing Notice,” Doc. 16). As a part of the Order Directing Notice, the Commission ordered the Staff of the Commission (“Staff”) to identify a “date certain that Staff can file a report about this CCN request” no later than July 14, 2025. (*Id.* 2).
3. On July 10, 2025, Staff filed its Report stating that it had propounded an opening round of data requests on Ameren Missouri and was “preparing and will circulate a proposed procedural schedule to Ameren, the Office of Public Counsel, and all intervenors.” (Staff Report 2, Doc. 17). Staff further stated that it “anticipate[d]” that it would file a proposed procedural schedule with the Commission within 15 days after July 14 or sooner. (*Id.*).
  4. Five days later, on July 15, 2025, the Commission issued its Order Directing the Filing of Proposed Procedural Schedule in which it “direct[ed] its Staff to consult with the other parties and submit a proposed procedural schedule” (the “Proposed Procedural Schedule Order” 1, Doc. 18). The Commission then ordered Staff to “file a proposed procedural schedule on behalf of the parties no later than July 31, 2025.” (*Id.*).
  5. On July 30, 2025, Staff filed a Proposed Procedural Schedule on behalf of itself and “on the basis of such replies as Staff has received from other parties of record” (the “Proposed Procedural Schedule,” Doc. 21). The Proposed Procedural Schedule included dates for both a virtual and in-person local public hearing. (*Id.* 1).
  6. Subsequently, the parties received an email from the presiding regulatory law judge inquiring about the parties’ availability to reschedule the virtual local public hearing from October 21 to October 30. As a part of that thread of correspondence, the regulatory law judge mentioned that the October 23rd date for the in-person local public hearing was acceptable.

7. Later, counsel for Ameren sent an email to all parties and to the regulatory law judge raising a concern with sending notice of the local public hearing, given the length of time necessary to prepare and send the notice. Throughout the course of that correspondence, the regulatory law judge noted that there had been a delay with securing a location for the in-person local public hearing. However, he stated that a location had been secured on approximately September 3, 2025.
8. On September 4, 2025, the Commission issued its Procedural Schedule Order. In issuing the Procedural Schedule Order, the Commission recognized that Staff “based on the replies it received from other parties, submitted a Proposed Procedural Schedule.” (Procedural Schedule Order 1). The Commission then stated that it found “the proposed procedural schedule reasonable and will adopt it with some modification.” (*Id.*).
9. Comparing the Proposed Procedural Schedule with the Procedural Schedule adopted by the Commission shows that the Commission made modifications to two of the identified events: (1) moving the virtual local public hearing to October 30 and scheduling it for 12:00 p.m. (noon);<sup>1</sup> and (2) not including an in-person local public hearing. (*Compare* Proposed Procedural Schedule 1-2, *with* Procedural Schedule Order 1-2). The Commission included no rationale for its decision to not include the in-person local public hearing in the Procedural Schedule Order.
10. The Commission’s decisions related to the local public hearings will negatively impact those individuals affected by Ameren’s proposed Big Hollow generating facilities. Specifically, holding only a single local public hearing virtually and in the middle of a

---

<sup>1</sup> The OPC notes that the Proposed Procedural Schedule did not identify a time for the virtual local public hearing. (*See* Proposed Procedural Schedule 1).

traditional workday will significantly hinder individuals' ability to have their voices heard regarding the proposed facilities.<sup>2</sup>

11. The OPC does not believe that holding an in-person local public hearing in this matter would prejudice any party as all parties to this matter had previously agreed to hold an in-person local public hearing. (*See* Proposed Procedural Schedule 1 (stating that Staff filed the Proposed Procedural Schedule "on the basis of such replies as Staff has received from other parties of record"))).
12. Further, the OPC acknowledges that Ameren has expressed that it requires a significant lead time to adequately provide notice of the local public hearings to its customers. However, approximately five months exist between the filing of this Motion and the first day of the scheduled hearing. Therefore, sufficient time exists to schedule the local public hearings, while still allowing Ameren the time necessary to send notice of those hearings.
13. To ensure that individuals who wish to attend a local public hearing regarding Ameren's proposed Big Hollow generating facilities have the opportunity to do so, the OPC requests that the Commission reconsider its Procedural Schedule Order and:  
  
(1) schedule an in-person local public hearing to be held at 6:00 p.m. near the proposed site of the Big Hollow facilities<sup>3</sup> on such a date that Ameren has the opportunity to

---

<sup>2</sup> In distinguishing electric plant from transmission lines, the Missouri Court of Appeals, Western District ("Western District") has identified some of the concerns that may arise from the general public related to a generating facility. *StopAquila.Org v. Aquila, Inc.*, 180 S.W.3d 24, 36-37 (Mo. Ct. App. 2005). Specifically, the Western District stated

A transmission line is not a source of significant levels of noise, and it does not emit pollutants in the same way that a generating facility emits pollutants. Nor does a transmission line require the construction of roads and buildings or siting near fuel sources or water.

*Id.*

<sup>3</sup> Ameren states that both the Big Hollow CTG and BESS will be located at the "former site of Ameren Missouri's coal-fired Rush Island Energy Center." (Appl. 3, 11).

provide notice of the hearing and (2) reschedule the current virtual local public hearing from October 30, 2025, to a date in the future that will allow Ameren the opportunity to provide notice of both the in-person and virtual local public hearing.<sup>4</sup> Should the Commission deny the OPC's request to schedule an in-person local public hearing, the OPC requests that the Commission reschedule the virtual local public hearing to be held at 6:00 p.m. on October 30, 2025.

### **Motion for Expedited Treatment**

1. The OPC requests, pursuant to 20 CSR 4240-2.080(14), that the Commission grant the relief requested in this motion on an expedited basis, specifically no later than September 19, 2025.
2. If the Commission fails to act by September 19, 2025, then, based on representations from counsel for Ameren, Ameren may not be able to timely provide notice of the local public hearings or may have to provide additional notice.<sup>5</sup>
3. If the Commission schedules an in-person local public hearing and reschedules the virtual local public hearing before September 19, 2025, the OPC presumes that Ameren will save the costs associated with sending new or additional notice of the hearings. Commission action by September 19, 2025, will likely also reduce customer confusion as they will receive only a single notice regarding the local public hearings. The OPC is not aware of any harm to the general public or to Ameren's customers from such an outcome.

---

<sup>4</sup> Rescheduling the virtual local public hearing to a date in the future would allow Ameren to send only a single notice regarding the local public hearings. This should reduce costs for Ameren and could reduce customer confusion as they would receive only a single notice.

<sup>5</sup> It is the OPC's understanding that Ameren requires approximately 54-55 days to prepare and send the notice so that customers receive it with 10 days' notice of the hearings. The OPC understands that Ameren includes in this 54-55 day estimate approximately 2 weeks for programing and testing.

4. Given that the Commission filed the Procedural Schedule Order yesterday, September 4, 2025, this motion was filed as soon as it could have been.

WHEREFORE, the OPC respectfully requests that the Commission reconsider its Procedural Schedule Order, schedule an in-person local public hearing and reschedule the virtual local public hearing for future dates that would allow Ameren to provide notice of those hearings, and for any other relief deemed necessary and appropriate by the Commission. Should the Commission deny the OPC's relief to schedule an in-person local public hearing, the OPC respectfully requests that the Commission reschedule the virtual local public hearing for 6:00 p.m. on October 30, 2025.

Respectfully submitted,

/s/ Lindsay VanGerpen  
Lindsay VanGerpen (#71213)  
Senior Counsel

Missouri Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
Telephone: (573) 751-5565  
Facsimile: (573) 751-5562  
E-mail: [Lindsay.VanGerpen@opc.mo.gov](mailto:Lindsay.VanGerpen@opc.mo.gov)

#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing will be emailed to all counsel of record this 5th day of September 2025.

/s/ Lindsay VanGerpen