

**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 Public Convenience and Necessity Authorizing it to Construct Renewable Generation Facilities and Battery Energy Storage Systems

File No. EA-2026-0183

**APPLICATION TO INTERVENE OUT OF TIME,
REQUEST FOR LIMITED INTERVENTION,
DEFINITIVE STATEMENT ACCEPTING THE RECORD,
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Samantha Capstick, a resident of Lincoln County, Missouri, appearing pro se, and pursuant to 20 CSR 4240-2.075(2), (3), (9) and (10), 20 CSR 4240-2.050(3), and 20 CSR 4240-2.080(14), respectfully applies for leave to intervene out of time, limited as set out below, and for expedited treatment. In support she states:

I. IDENTITY AND CONTACT INFORMATION

1. Applicant is Samantha Capstick, an individual residing at 180 Hidden Valley Way, Winfield, Missouri 63389, in the unincorporated area of Lincoln County. She may be contacted at 636-439-9668 and srcapstick@gmail.com. She is a retail electric customer of Union Electric Company d/b/a Ameren Missouri. She appears on her own behalf and represents no other person or entity.

2. Applicant lives approximately fourteen miles from the proposed Millcreek site. She does not claim to be an adjoining or nearby landowner. Her children attend school in, and she conducts her daily affairs in, communities nearer the site than her residence.

3. Applicant is not an attorney. She has no ownership interest in the Projects, no interest in any competing project, and receives no compensation from any person or entity in connection with this case. Her interest as a retail customer of the Company is described below.

II. POSITION OF THE APPLICANT

4. Pursuant to 20 CSR 4240-2.075(2)(F), Applicant states her position. Applicant opposes granting the certificates for the Millcreek Battery Energy Storage System and the Quinn Switching Station on the conditions proposed in the Non-Unanimous Stipulation and Agreement in its present form, for the reasons stated in Section VII. Applicant takes no position on the facilities proposed for Audrain, St. Louis and Stoddard Counties. Because Applicant accepts the existing record and seeks no opportunity to introduce evidence, her position rests solely on that record and on the terms of the Stipulation.

III. APPLICANT'S PRIOR PARTICIPATION

5. Applicant has followed the local public hearing process the Commission established in this case and has read the public filings in this docket, including the testimony, the schedules, and the Non-Unanimous Stipulation and Agreement filed as Item 63 on September 25, 2026.

6. Applicant has submitted written comment to the Commission. She corresponded in writing with the Office of the Public Counsel on September 22, 2026 and on subsequent dates concerning matters in this record. She submitted requests under Chapter 610, RSMo, to the Commission's custodian of records and to the Lincoln County Clerk on September 29, 2026. She has, with other residents, sought counsel willing to appear in this proceeding and has not obtained representation.

IV. THE APPLICANT ACCEPTS THE RECORD AS IT STANDS

7. Pursuant to 20 CSR 4240-2.075(10), Applicant states definitively that she accepts the record established in this case, including the requirements of all orders of the Commission, as of the date this Application is filed.

8. Consistent with that statement and with the limited participation requested in Section VIII, Applicant waives the following: any request to reopen the evidentiary record; any offer of testimony or exhibits; any discovery, including data requests and depositions; any examination of any witness; and any request for continuance of any date now set in this case.

9. Applicant seeks no discovery and no evidentiary proceeding. She recognizes that the procedural consequences of any objection to a nonunanimous stipulation are governed by 20 CSR 4240-2.115 and are not within her power to waive on behalf of other parties. What she offers is the limitation of her own participation, which is set out in Section VIII, and the single extension of time requested in Section XI.

V. GOOD CAUSE FOR FILING AFTER THE INTERVENTION DATE

10. The Non-Unanimous Stipulation and Agreement, which is the object of the limited intervention Applicant seeks, was filed on September 25, 2026. It did not exist when the intervention date expired. Applicant respectfully requests that the Commission find good cause under 20 CSR 4240-2.075(10).

11. *The intervention window.* The Commission's order of May 28, 2026 set an intervention deadline of June 12, 2026, fifteen days after notice. 20 CSR 4240-2.075(1) provides thirty days unless the Commission orders otherwise, and the Commission ordered otherwise. The only application to intervene filed by that date was Renew Missouri's.

12. *No local public hearing preceded the intervention deadline.* The joint motion requesting local public hearings was not filed until July 10, 2026, and the Commission did not order them until July 14, 2026. The first hearing serving the area affected by the Lincoln County facilities was held July 28, 2026, forty-six days after the intervention deadline. The only hearing held in Lincoln County itself, at Moscow Mills, was not ordered until August 7 and not held until August 26, 2026, seventy-five days after the deadline. Residents of the host county were therefore required to decide whether to seek party status before any local public hearing concerning these facilities had occurred.

13. *Why Applicant did not seek intervention between the deadline and September.* Applicant does not contend that the September 29, 2026 evidentiary hearing date explains the June 12 deadline; that date was not set until later. She states only that once the procedural schedule existed, she understood that a contested evidentiary hearing remained scheduled and expected the Staff of the Commission and the Office of the Public Counsel to examine the evidence at it, and that she did not seek to intervene during that period for that reason.

14. At the local public hearing held in Moscow Mills on August 26, 2026, the presiding officer explained that the Commissioners could not answer questions because they had to remain impartial until the evidence was presented at the evidentiary hearing then scheduled to begin September 29, 2026. Applicant understood that explanation as describing the schedule then in place, and she relied on it.

15. *What changed.* On September 21, 2026 at 1:57 p.m. the Company filed a Motion to Vacate Remainder of Procedural Schedule (Item 61). At 3:25 p.m. the same day the Commission granted it (Item 62). On September 25, 2026 the Non-Unanimous Stipulation and Agreement was filed by the Company, the Staff, and intervenor Renew Missouri (Item 63). The Office of the Public Counsel is not a signatory.

16. Applicant first became aware of this project and this proceeding on or about August 27, 2026. She became aware of the Company's Motion to Vacate Remainder of Procedural Schedule on September 21, 2026, the day it was filed, and of the order granting it shortly thereafter. Applicant did not seek intervention when the Company filed its proposed conditions on

September 4, 2026, because she understood those conditions would be examined at the scheduled hearing. It was the vacatur of that hearing, followed by the filing of a settlement resolving all issues, that left the conditions unexamined and prompted this narrowly limited Application.

17. Applicant read the Stipulation, identified the matters set out in Section VII, and prepared and filed this Application. She respectfully submits that the Commission may find good cause on this record, and, to the extent the Commission views this Application as an act to be permitted after the expiration of a period, that relief is also available under 20 CSR 4240-2.050(3)(B).

VI. GRANTING INTERVENTION WOULD SERVE THE PUBLIC INTEREST

18. 20 CSR 4240-2.075(3) states two grounds in the disjunctive. Intervention may be granted where the applicant has an interest different from that of the general public which may be adversely affected, **or** where granting the intervention would serve the public interest. Applicant relies principally on the second.

19. *Only a party may object to a nonunanimous stipulation.* Under 20 CSR 4240-2.115(2)(B), each party has seven days from the filing of a nonunanimous stipulation to file an objection, and failure to file a timely objection constitutes a full waiver of the right to a hearing on the matters covered. Under 20 CSR 4240-2.115(2)(C), if no party timely objects, the Commission may treat the stipulation as unanimous.

20. The signatories here are the Company, the Staff, and Renew Missouri. The Commission's order of September 21, 2026 reports that the Office of the Public Counsel has indicated it will not object, and footnote 1 of the Stipulation states that Public Counsel authorized counsel to report its non-objection. As of the filing of this Application, no objection by any party appears on the docket. The practical consequence, if that remains so, is that a stipulation nonunanimous by definition may be treated as unanimous.

21. Applicant does not suggest that this circumstance was contrived or that any party acted improperly, and she recognizes that the parties' stated intentions are theirs to revisit. She observes only that 20 CSR 4240-2.115(2)(B) affords parties an opportunity to identify specific objections before a nonunanimous stipulation may be treated as unanimous, and that no existing party presently intends to exercise it.

22. *Public comment does not reach this question.* Submitting a public comment does not confer party status and does not constitute a party's objection under 20 CSR 4240-2.115(2)(B). Applicant has already submitted comment, which is why she can represent that the route available to a non-party does not reach the matter on which she seeks to be heard.

23. *What Applicant would bring identifies documents already on file.* Each matter in Section VII points the Commission to specified filings in this docket for its own examination.

VII. THE MATTERS APPLICANT WOULD RAISE

24. Applicant states these briefly and solely to demonstrate that intervention would serve the public interest.

25. *The transcript of one of the five local public hearings does not appear in the public docket.* Item 41 is titled "Transcript, Volume 2 (Local Public Hearing, Vandalia, MO, July 28, 2026)." The document attached to that item is a procedural conference in an unrelated matter concerning service boundaries in Pettis County, Missouri. Neither "Vandalia" nor "EA-2026-0183" appears in it. Applicant has been unable to locate the correct transcript anywhere in the public docket she has reviewed, and no corrected volume appears to have been filed. Applicant does not contend that the Commission lacks the transcript, only that the public docket does not presently contain it, and that the Commission is asked to decide this case without an evidentiary hearing on a public record from which one of five volumes of public testimony is absent.

26. *Timing of submission and Commission review of the site-specific Hazard Mitigation Analysis.* The Surrebuttal Testimony of Scott Wibbenmeyer, filed September 4, 2026, states at page 16, lines 11 to 13, that the Hazard Mitigation Analysis "will be completed as part of the design process and prior to the delivery of the BESS equipment to site, for each of the proposed BESS Projects." Paragraph 5(c)(ii) of the Stipulation provides for submission "after each BESS facility goes into service."

27. Applicant does not contend that these provisions conflict. The testimony addresses when the Analysis will be *completed*; the Stipulation addresses when it will be *submitted*. Applicant identifies the distinction because the Stipulation does not expressly require submission to the Commission before operation begins, no witness was examined on that condition, and Applicant has not identified in the record an express requirement for Commission review of the site-specific Analysis before operation. Applicant acknowledges that paragraph 5(h)(ii) of the Stipulation separately requires a pre-installation safety filing.

28. *Origin of the timing language.* Schedule SMW-S1 to the Surrebuttal Testimony of Steven M. Wills is the Company's marked redline of Staff's proposed conditions. Staff's condition C.b, as drafted by Staff, ended at "developed for each BESS facility," with no timing provision. In the redline the Company struck the period and inserted "will be submitted after each BESS facility goes into service." The same insertion appears on condition C.c, concerning fire response strategy. Both appear in the Stipulation as filed. The same schedule shows the Company struck Staff's condition C.e in its entirety. Applicant acknowledges that condition C.d and paragraph 5(c)(iv) of the Stipulation continue to require as-built drawings of the associated switching station, so that the deletion of C.e was in part duplicative. Applicant does not contend that the deletion of those words necessarily narrows the surviving obligation. She asks only that it be confirmed that the as-built drawings required by condition C.d and paragraph 5(c)(iv) cover the connections to the Quinn Switching Station, the phrase "and all connections" having appeared in C.e and not in the surviving provisions.

VIII. REQUEST FOR LIMITED INTERVENTION

29. Pursuant to 20 CSR 4240-2.075(9), Applicant requests that any intervention granted be limited to the following: the transcript matter described in paragraph 24, which Applicant raises as a question of the integrity of the public docket and not as participation in the merits of any project outside Lincoln County; the timing of submission and Commission review of the site-specific Hazard Mitigation Analysis for the Millcreek BESS Project, described in paragraphs 25 through 27; and the coverage of as-built drawings for the Quinn Switching Station and its connections. Applicant takes no position on the facilities proposed for Audrain, St. Louis and Stoddard Counties, and seeks no participation as to them.

30. So limited, and given the waivers in Section IV, Applicant's participation would consist of a written response addressed to those three matters.

IX. INTEREST DIFFERENT FROM THAT OF THE GENERAL PUBLIC

31. Applicant states this ground in the alternative and does not rest on it.

32. Applicant is a retail electric customer of the Company. She recognizes that this proceeding does not set rates, and that paragraph 5(f)(ii) of the Stipulation reserves questions of prudence, cost allocation, rate base treatment and recovery for later determination. Her interest is that the conditions agreed in this case will frame those later questions.

33. The Millcreek site lies in unincorporated Lincoln County. The county states on its published Planning and Zoning page, <https://www.lincolncmo.gov/planning-and-zoning>, that it "does not have planning and zoning within the unincorporated areas of the county" and that "No permits are required to be obtained from the County." Accordingly, there is no county planning and zoning, conditional use, variance, or board of adjustment proceeding through which Applicant could seek review of the siting issues ordinarily addressed through local zoning. Applicant does not suggest that no other regulatory

requirement applies to this facility; the county identifies floodplain, fire district and health requirements that may apply.

34. Applicant acknowledges that the interest described in paragraph 32 is shared with other residents of unincorporated Lincoln County. She raises it not to claim it is hers alone but because it bears on the public interest ground in Section VI.

X. MOTION FOR EXPEDITED TREATMENT

35. *Date by which action is requested.* Applicant requests that the Commission rule on this Application before it acts on the Non-Unanimous Stipulation and Agreement, and sufficiently in advance of October 2, 2026 to permit the filing of any objection. The Stipulation was filed September 25, 2026; computed under 20 CSR 4240-2.050, the seven-day period of 20 CSR 4240-2.115(2)(B) ends Friday, October 2, 2026. 20 CSR 4240-2.080(14)(A).

36. *Harm avoided.* Under 20 CSR 4240-2.115(2)(B), only a party may object to a nonunanimous stipulation, and only within seven days of its filing. If the objection period lapses while this Application is pending, Applicant risks losing the opportunity to be heard on the only matters for which she seeks intervention. Expedited treatment allows the Commission to decide this Application without reopening the record. Applicant requests no schedule change other than the limited enlargement of the objection period expressly requested in paragraph 39(3). Expedited consideration would not adversely affect the general public: Applicant seeks no discovery and no evidentiary proceeding, and deciding this Application promptly advances rather than delays disposition of the case. 20 CSR 4240-2.080(14)(B).

37. *Timeliness.* The Stipulation was filed September 25, 2026. Applicant, who is unrepresented, read it, identified the matters in Section VII, prepared this Application, and files it on the date shown below. 20 CSR 4240-2.080(14)(C).

XI. RELIEF REQUESTED

38. WHEREFORE Applicant respectfully requests that the Commission issue an order:

(1) finding good cause and granting leave to intervene out of time, limited as set out in Section VIII, on the record as it stands and subject to the waivers in Section IV;

(2) granting expedited treatment of this Application;

(3) directing that Applicant be served with the Non-Unanimous Stipulation and Agreement, and, pursuant to 20 CSR 4240-2.050(3)(A) or, if the period has expired, 20 CSR 4240-2.050(3)(B), enlarging the period in which Applicant may file any objection under 20 CSR 4240-2.115(2)(B) to seven days from the date of the order granting intervention; and

(4) granting such other relief as is just.

39. **If intervention is denied**, Applicant respectfully requests that the Commission nevertheless take notice of the matter described in paragraph 24 and direct that the public docket be verified and, if necessary, corrected as to Item 41. That request seeks restoration of the correct transcript to the public record rather than any new evidence, and is appropriate regardless of Applicant's status.

Respectfully submitted,

Samantha Capstick

Samantha Capstick, pro se

180 Hidden Valley Way

Winfield, Missouri 63389

636-439-9668

srcapstick@gmail.com

Dated: 09/30, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically on 09/30, 2026 upon all counsel of record reflected on the Commission's official service list in File No. EA-2026-0183.

Samantha Capstick

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