

**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)	File No. EA-2026-0183
Generation Facilities and Battery Energy Storage)	
Systems)	

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

COMES NOW Nicole Lynn Trout, a resident of Lincoln County, Missouri, appearing *pro se*, and pursuant to 20 CSR 4240-2.075(3), (9) and (10), 20 CSR 4240-2.050(3)(B), and 20 CSR 4240-2.080(14), respectfully moves the Commission for leave to intervene out of time in this proceeding, limited to the issues concerning the Millcreek Battery Energy Storage System and the Quinn Switching Station in Lincoln County, and for expedited treatment of this Motion.

In support, Movant states:

I. IDENTITY AND CONTACT INFORMATION

1. Movant is Nicole Lynn Trout, an individual residing at 6261 Highway K, Troy, Missouri 63379, in the unincorporated area of Lincoln County. Movant may be contacted at 636-388-3753 and nicoletrout02@gmail.com. Movant is a retail electric customer of Ameren Missouri. Movant appears on her own behalf and represents no other person or entity.

II. INTEREST OF MOVANT

2. Movant's residence is located approximately 5 miles (straight-line) from the Millcreek project site, which lies west of U.S. Highway 61 and south of Tickridge Road in Lincoln County. Movant's home is served by a private well.

3. Movant's residence is within the Northwest Fire Protection District, a volunteer-based district that would be among the first responders to an incident at the proposed facility. On August 21, 2026, Ameren Missouri acknowledged in this docket that stream crossings may be required for the project entrance road and that it is coordinating with the U.S. Army Corps of Engineers (Item 43).

4. On September 21, 2026, the U.S. Army Corps of Engineers, St. Louis District, issued an Approved Jurisdictional Determination for the project review area, finding that Stream 19D (3,954 linear feet) and Stream 25B (2,166 linear feet) are waters of the United States subject to

Section 404 of the Clean Water Act, and that flow leaves the site to the west via Mill Creek into the Cuivre River, a tributary of the Mississippi River.

5. Movant has participated in this matter through every avenue available to a non-party. Since learning of the project, Movant has spoken during public comment at most meetings of the Lincoln County Commission, has participated in the community petition opposing the Millcreek facility and in community polling of Lincoln County residents on the project, and has contacted the Office of the Public Counsel in writing and by telephone to raise residents' questions about the Lincoln County facilities. Movant has filed comments with this Commission.

6. Movant's interest is different from that of the general public. 20 CSR 4240-2.075(3)(A). Movant is a Lincoln County homeowner residing approximately 5 miles from the proposed facility, is served by a volunteer fire district whose responders would be called to an incident there, and, as an Ameren Missouri customer, would help pay for the facility. No existing party to this proceeding resides in Lincoln County or represents the interests of its residents as such.

7. In the alternative, intervention by a directly affected resident of the host county would serve the public interest. 20 CSR 4240-2.075(3)(B). More than 250 public comments have been filed in this case, and the Commission has issued notices of extra record communications as residents have written to Commissioners directly (Items 31, 58). Admitting a resident of the host county ensures the record reflects the perspective of the community where these facilities would be built.

8. Movant regularly hears from Lincoln County residents who are deeply concerned about the Millcreek project, including concerns for their families' safety in the event of a fire or other emergency at the facility, and concerns about the value of their homes and land. Movant is aware of residents who are preparing to move because of the project. Many residents believe there is nothing they can do and, as a result, have not spoken up in this proceeding. Movant seeks intervention in part so that these concerns, which no existing party represents, are before the Commission when it decides the terms under which this facility would be built in their community.

III. GOOD CAUSE FOR LATE FILING

A. The intervention window closed before Lincoln County residents were reached.

9. Ameren Missouri filed its application on May 22, 2026 (Item 2). The Commission's Order of May 28, 2026 (Item 19) sent a copy of the order to the county commissions of the four affected counties, directed that notice be made available to media serving those counties, and set an intervention deadline of June 12, 2026: fifteen days after notice, half the thirty-day period provided by 20 CSR 4240-2.075(1). The only application to intervene was filed by Renew Missouri on that date (Item 20). Movant did not seek intervention by that date.

10. Movant, like most Lincoln County residents, had never participated in a Public Service Commission proceeding and did not know what intervention was or that a deadline existed.

Movant received no direct notice of Ameren Missouri's application. Movant first learned of the Millcreek project in mid-August 2026, around two months after the June 12, 2026 intervention deadline had passed, through Facebook posts by other Lincoln County residents who had become aware of it and were raising concerns. That was the first indication Movant had that the project or this proceeding existed. By then, residents were urging the Lincoln County Commission to act, and the Commission placed Proposed Ordinance #20260827, imposing a six-month moratorium on acceptance, processing, approval, and issuance of county land use authorizations for utility-scale battery energy storage systems and commercial or utility-scale solar energy facilities in the unincorporated area of Lincoln County, on its agenda for August 27, 2026. The Lincoln County Commission did not adopt the proposed ordinance. During the public discussion concerning the proposed moratorium, a county commissioner stated that the county could face litigation if it proceeded with the ordinance. As a result, no local moratorium addressing these facilities has been adopted, and this proceeding remains the forum in which Movant seeks to participate concerning the proposed Lincoln County facilities.

11. Movant's experience is not unusual. In Movant's personal observation, including at Lincoln County Commission meetings and in community discussions, Lincoln County residents continue to learn of this project and this proceeding for the first time as of the date of this Motion. Public comments from residents continue to be filed in this case, which now contains more than 250 comments.

12. The first local public hearing serving the area affected by the Lincoln County facilities did not occur until after the intervention deadline had passed. The deadline for applications to intervene was June 12, 2026. The Joint Motion requesting local public hearings was not filed until July 10, 2026 (Item 27), and the Commission did not order the local public hearings until July 14, 2026 (Item 29). The first local public hearing near the Lincoln County facilities was held on July 28, 2026, at noon on a weekday in Eolia, Pike County (Transcript Volume 1, Item 36), forty-six days after the intervention deadline. The only local public hearing held in Lincoln County itself, in Moscow Mills, was not ordered until August 7, 2026 (Item 34) and was not held until August 26, 2026, seventy-five days after the intervention deadline. Movant contends that, under the sequence established in this case, residents most directly affected by the Lincoln County facilities were required to seek party status before having the benefit of a local public hearing at which they could learn more about the proposed facilities and provide testimony in their own community. Movant believes this sequence raises legitimate concerns regarding public notice, meaningful participation, and procedural fairness, and constitutes good cause for permitting intervention out of time.

B. Material information about Lincoln County entered the record only after the deadline.

13. On August 11, 2026, the Staff Rebuttal Report (Item 37) identified the battery units proposed for the Millcreek site as Tesla Megapack 3 units. On August 21, 2026, seventy days after the intervention deadline, Ameren Missouri filed environmental studies for the Millcreek site and information regarding battery energy storage system fire safety (Item 43).

14. The fire-protection engineering analysis and manufacturer emergency response guidance contained in or referenced by this record address Tesla Megapack 2 and 2XL units. Movant is

aware of no publicly available large-scale fire test report or emergency response guidance specific to the Megapack 3 unit identified by Staff.

C. Residents' questions remain unanswered, and no party can now raise them.

15. On September 14, 2026, Lincoln County residents sent the Office of the Public Counsel a detailed written request concerning fire authority and the Northwest Fire Protection District, permits, Megapack 3 testing, future positions at the Quinn Switching Station, and cost exposure if projected loads do not materialize. Public Counsel responded on September 15, 2026, that the request had been posted as a case comment but that Public Counsel could not raise new issues or file additional testimony at that stage.

16. Movant and other Lincoln County residents have also sought to have their concerns presented through proper channels. Residents have contacted at least fifteen attorneys in an effort to retain counsel to represent them in this proceeding, but have been unable to find an attorney with experience before this Commission who is willing to take the matter. Residents have also asked the Lincoln County Commission, on multiple occasions, to intervene or otherwise participate in this proceeding on behalf of the county's residents. As of the filing of this Motion, the Lincoln County Commission has not done so. Movant therefore files this Motion *pro se*, as the only remaining means by which a Lincoln County resident may be heard.

17. On September 21, 2026, Ameren Missouri advised the Commission that it had reached an agreement in principle with the Staff of the Commission and Renew Missouri resolving all issues, and that the Office of the Public Counsel had indicated it would not object (Item 61). The Commission vacated the remainder of the procedural schedule, including the evidentiary hearing, the same day (Item 62). On September 25, 2026, Ameren Missouri, Staff, and Renew Missouri filed a Non-Unanimous Stipulation and Agreement (Item 63). As of the filing of this Motion, the Commission has not acted on it and no certificate has issued.

18. Under 20 CSR 4240-2.115(2)(B), only a party may object to a nonunanimous stipulation and agreement, and only within seven days of its filing. Absent intervention, no resident of the host county will have any means of being heard on the terms of a settlement that will govern the construction and operation of this facility in Lincoln County. Without intervention, the residents most directly affected by the Lincoln County facilities have no guaranteed opportunity to respond to the proposed settlement terms or raise objections as parties before the Commission issues its final decision.

D. Questions of land and landowner notice are not resolved in the record.

19. Memoranda recorded with the Lincoln County Recorder of Deeds show twelve solar land purchase agreements, leases, and easements in favor of Union Electric Company recorded between September 2024 and June 2026 near Tickridge Road and Highway 61, covering over 1,800 acres, of which approximately 44 acres have been released. At least one was recorded on June 18, 2026, after the application in this case was filed. Ameren has publicly described the Millcreek site as "Ameren Missouri-owned property." Movant has located a purchase agreement memorandum covering the parent parcel (Parcel 04-70-26-000-000-001.000; Instr. 2024006874) but no recorded deed conveying the site to Ameren.

20. Commission Rule 20 CSR 4240-20.045(6)(K) requires an applicant for a certificate to construct to file verified proof that it gave notice to the owners of land directly affected by transmission substation locations, including a list of those landowners, and to hold a public meeting in the county if twenty-five or more persons there are entitled to notice. Movant has been unable to locate such proof, or an order granting a variance from that requirement, for the Quinn Switching Station.

IV. DEFINITIVE STATEMENT REGARDING THE RECORD

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

22. Movant does not seek to reopen discovery, to delay any procedural date, or to disturb any ruling previously entered. Movant seeks no continuance of any kind. Movant asks only to participate as a party in the proceedings that remain, including any proceedings on the Non-Unanimous Stipulation and Agreement (Item 63).

V. REQUEST FOR LIMITED INTERVENTION

23. Pursuant to 20 CSR 4240-2.075(9), Movant requests that any intervention granted be limited to issues concerning the Millcreek Battery Energy Storage System and the Quinn Switching Station, and specifically to: whether those facilities are needed and promote the public interest; the selection of a greenfield site in Lincoln County rather than previously disturbed, industrial, brownfield, or former power plant sites; public safety, emergency response and its funding, and fire protection; protection of ground and surface water; landowner notice and Ameren Missouri's interest in the sites; protection of existing customers from the costs of these facilities; and any conditions the Commission may attach to a certificate under Section 393.170, RSMo.

24. So limited, Movant's participation will not prejudice any party and will not burden or delay this proceeding. Movant seeks a meaningful opportunity to be heard on matters affecting her community and does not seek to delay the Commission's consideration of the other proposed facilities in this case.

VI. POSITION

25. Movant opposes the requested certificates for the Millcreek Battery Energy Storage System and the Quinn Switching Station. Movant's position is that the Commission should not grant them unless and until the record establishes that the specific battery units to be installed have been subjected to publicly available large-scale fire testing; that a funded emergency response and cost-recovery arrangement exists with the fire protection districts having jurisdiction; that firefighting water supply and runoff containment have been quantified and shown to be adequate; that all required federal and state water permits have been identified and disclosed; and that the landowner notice required by 20 CSR 4240-20.045(6)(K) has been given or properly waived.

Movant further contends that Ameren Missouri, as the applicant, bears the burden of proving that the Millcreek Battery Energy Storage System and the Quinn Switching Station are necessary or convenient for the public service under Section 393.170, RSMo, as measured by the criteria the Commission applies in certificate cases under *In re Tartan Energy Company*, 3 Mo. P.S.C. 3d 173 (1994): that the facilities are needed; that the applicant is qualified to provide the service; that it has the financial ability to do so; that the proposal is economically feasible; and that the facilities promote the public interest. Movant contends the record does not establish need or public interest for the Lincoln County facilities at this site. Ameren Missouri's own testimony presents large-load scenarios ranging from 500 MW to 3,500 MW (Direct Testimony of Matt Michels, Item 8), a sevenfold spread that shows substantial uncertainty in the demand used to justify the facilities. And the record does not show why a greenfield site in a county without planning and zoning was chosen over existing industrial and former power plant sites like those used for Ameren Missouri's other proposed battery facilities. Movant contends that, absent a showing that no previously disturbed, industrial, brownfield, or former power plant site could serve the same need, the Commission should deny the certificate for the Millcreek site. Movant takes no position on the facilities proposed for Audrain, St. Louis, and Stoddard Counties.

VII. MOTION FOR EXPEDITED TREATMENT

26. Date by which action is requested. Movant requests that the Commission rule on this Motion before it acts on the Non-Unanimous Stipulation and Agreement (Item 63), and in any event no later than October 2, 2026, the seventh day after the stipulation and agreement was filed. 20 CSR 4240-2.080(14)(A).

27. Harm avoided. A stipulation and agreement was filed in this case on September 25, 2026. Under 20 CSR 4240-2.115(2)(B), only a party may object to a nonunanimous stipulation and agreement, and only within seven days of its filing. If the Commission acts on the stipulation and agreement before deciding this Motion, Movant will lose any meaningful opportunity to be heard regarding the Lincoln County facilities. Expedited treatment would allow the Commission to decide this Motion first, without reopening the evidentiary record or delaying the existing proceedings, because Movant accepts the existing record and seeks no change to any schedule. The potential harm to Lincoln County residents from being excluded from the remaining proceedings outweighs any administrative burden of promptly considering this Motion. 20 CSR 4240-2.080(14)(B).

28. Timeliness. This Motion was filed as soon as it could have been. Movant is an unrepresented resident who learned of this case and of the intervention process only after the deadline, and files within days of the September 21, 2026 order vacating the procedural schedule and the September 25, 2026 filing of the stipulation and agreement. 20 CSR 4240-2.080(14)(C).

WHEREFORE, Movant respectfully requests that the Commission issue an order:

(1) granting this Motion to Intervene Out of Time, limited as set forth above, and permitting Movant to participate as a party on the issues identified;

(2) granting expedited treatment of this Motion;

(3) directing that Movant be served with the stipulation and agreement, and allowing Movant seven days from the later of its filing or the order granting intervention to respond or object under 20 CSR 4240-2.115(2)(B);

(4) directing Ameren Missouri, before the Commission acts on the stipulation and agreement, to file (a) its verified proof of landowner notice under 20 CSR 4240-20.045(6)(K) for the Lincoln County facilities, or the order granting any variance from that requirement, and (b) a statement identifying each parcel on which the Millcreek Battery Energy Storage System and the Quinn Switching Station would be located and the nature of Ameren's present interest in each; and

(5) granting such other relief as the Commission deems just.

Respectfully submitted,



Nicole Lynn Trout, pro se
6261 Highway K
Troy, Missouri 63379
636-388-3753
Nicoletrou02@gmail.com
Dated: 9/29/2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by electronic mail on 9/29/2026 to all counsel of record on the official service list maintained by the Commission in File No. EA-2026-0183, including Staff Counsel of the Missouri Public Service Commission (staffcounsel@psc.mo.gov), the Office of the Public Counsel (opcservice@opc.mo.gov), counsel for Union Electric Company d/b/a Ameren Missouri (amerenmoservice@ameren.com), and counsel for Renew Missouri (nicole@renewmo.org).



Nicole Lynn Trout