

**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) File No. EA-2026-0183
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 Mary E. Geeding, a resident of Lincoln County, Missouri, appearing on her own behalf as permitted by 20 CSR 4240-2.040(5), and pursuant to 20 CSR 4240-2.075(2), (3), (9) and (10), 20 CSR 4240-2.050(3), 20 CSR 4240-2.080(14), respectfully moves for leave to intervene out of time, limited as set out below, and for expedited treatment. In support she states:

I. THE MOVANT

1. Movant is Mary Elizabeth Geeding, a natural person residing at 145 Bunker Hill Road, Silex, Missouri 63377, in Lincoln County. Her mailing address is the same. She may be reached at (636) 358-7152. Her primary email address for service is mgeeding12@gmail.com, the address registered to her EFIS account. Her alternate email address is marygeeding@gmail.com. She appears on her own behalf, represents no other person or entity, and is not an attorney. 20 CSR 4240-2.075(2)(A)–(C).

2. Movant has no ownership interest in any of the Projects and no interest in any competing project. She receives no compensation from any person or entity in connection with this case.

3. Movant states two facts candidly at the outset. First, she is not a retail customer of Union Electric Company d/b/a Ameren Missouri (the “Company”); her electric service is provided by Cuivre River Electric Cooperative. Second, she is not an adjoining landowner. Her interest is that of a resident of the host community who lives downstream of the proposed Millcreek site, as described in Section II.

II. MOVANT HAS AN INTEREST DIFFERENT FROM THAT OF THE GENERAL PUBLIC WHICH MAY BE ADVERSELY AFFECTED BY A FINAL ORDER

4. The Commission may grant intervention where the proposed intervenor “has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case.” 20 CSR 4240-2.075(3)(A). Movant relies principally on this ground.

5. Movant’s residence is approximately 4.0 miles from the proposed Millcreek Battery Energy Storage System site. Her property lies on Mill Creek, downstream of the site. By her own measurement, using U.S. Geological Survey elevation data and Google Earth, the ground elevation at her residence is approximately 156.5 meters (about 513 feet) and the ground elevation at the site is approximately 240.2 meters (about 788 feet). In addition, Movant obtained from the U.S. Army Corps of Engineers, St. Louis District, its Memorandum for Record for Approved Jurisdictional Determination MVS-2026-426, dated September 21, 2026, which states: “Flow leaves the site to the west via Mill Creek, which flows into the Cuivre River, a primary tributary of the Mississippi River.” MVS-2026-426, ¶ 5; see also Item 65, ¶ 4. Movant offers these facts solely as a statement of her interest under 20 CSR 4240-2.075(2)(E), not as evidence on the merits.

6. Movant’s household water is drawn from a private well at her residence.

7. The record itself connects the Millcreek site to the water that leaves it. The Company’s witness testified that the site design includes stormwater management and containment measures “intended to protect nearby properties, waterways and the surrounding environment by keeping

water and runoff managed on Company property.” Surrebuttal Testimony of Scott Wibbenmeyer (Item 49), p. 21, ll. 3–5. The Company’s own environmental studies for the Millcreek BESS Project, filed August 21, 2026, show where that water goes and who draws on it. Item 43; Wibbenmeyer Surrebuttal, p. 21, ll. 15–21.

- (a) Drainage. “The Subject Property drains west into Mill Creek.” Limited Phase I Environmental Site Assessment, Item 43, Attachment A (“Phase I ESA”), §§ 3.1.1, 3.1.5.
- (b) Flooding. “[T]he westernmost portion of the parcel 04-70-26-000-000-001.000, near Mill Creek, is mapped as 1% Annual Chance Flood Hazard.” Phase I ESA § 3.1.6.
- (c) Groundwater. The assessment identifies a private water well on the site; “three (3) public drinking wells without violations within 1,000 feet of the boundary”; an inactive public water system well (deactivated in February 2024) “approximately 200 feet southwest, downgradient, of the westernmost portion of parcel 04-70-26-000-000-001.000”; and “32 records for state, federal, and private water wells” on the site or within one mile of it. Phase I ESA § 3.1.3.
- (d) Surface water. The Company’s delineation identified “[f]ourteen (14) streams (29 stream reaches), totaling approximately 19,750 LF” within the area studied. Waters Delineation Report, Item 43, Attachment B, § 4.0.

Movant lives on Mill Creek downstream of the site and draws her household water from a private well. She is among the residents whom the Company’s runoff measures are said to protect.

8. This interest differs from that of the general public in three respects.

- (a) It is geographic. The general public served by the Company does not live downstream of this site. The conditions that will govern runoff containment, hazard analysis and emergency response at Millcreek will be fixed by the final order in this case, and Movant's property and water supply may be adversely affected by how they are fixed.
- (b) It is not a ratepayer interest. The Non-Unanimous Stipulation and Agreement (Item 63) (the "Stipulation") preserves prudence, cost allocation, rate-base treatment and rate recovery for future proceedings. Stipulation ¶ 5(f)(ii). The siting and safety conditions are not preserved for a later case. They are decided here.
- (c) There is no local forum in which it can be heard. Lincoln County has not adopted planning and zoning in its unincorporated areas. See Item 64, ¶ 33 (quoting the County's published statement). Movant tried to create one. In 2026 she retained a paralegal to help draft a proposed county planning and zoning measure for the November 2026 ballot and presented it to the Lincoln County Commission, which did not place it on the ballot. Movant states this only to show that she pursued the local avenue before seeking party status here; she does not ask this Commission to review any action of the County. Other permits may apply to the facility, but this proceeding is the only one in which siting and safety conditions of the kind ordinarily addressed through local zoning will be set.

9. The interest Movant asserts is one the General Assembly has placed within this Commission's charge. The Commission may grant a certificate when it determines, "after due hearing," that the construction "is necessary or convenient for the public service," and it "may by its order impose such condition or conditions as it may deem reasonable and necessary." Section

393.170.3, RSMo. Every electrical corporation must “furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable.”

Section 393.130.1, RSMo. The Commission’s safety authority extends to requiring a public utility to maintain and operate its line, plant, system, equipment, apparatus and premises “in such manner as to promote and safeguard the health and safety of its employees, customers, and the public.”

Section 386.310.1, RSMo. The statute names “customers” and “the public” separately, and the provisions of that chapter “shall be liberally construed with a view to the public welfare, efficient facilities and substantial justice between patrons and public utilities.” Section 386.610, RSMo.

Movant is not a customer of the Company. She is a member of the public whose health and safety Section 386.310.1 names.

10. Movant does not contend that this interest is hers alone. Other residents along Mill Creek share it. It is nevertheless not shared by the general public, and no existing party holds it. The three signatories support the Stipulation. The Office of the Public Counsel, which “represents the interests of the public before the commission,” 20 CSR 4240-2.040(2), is not a signatory but has authorized the signatories to state that it will not object. Stipulation, n.1.

III. IN THE ALTERNATIVE, GRANTING INTERVENTION WOULD SERVE THE PUBLIC INTEREST

11. The two grounds in 20 CSR 4240-2.075(3) are stated in the disjunctive. Movant relies in the alternative on subsection (3)(B).

12. Only a party may object to a nonunanimous stipulation. Each party has seven days from filing to object, and “[f]ailure to file a timely objection shall constitute a full waiver of that party’s right to a hearing.” 20 CSR 4240-2.115(2)(B). If no party timely objects, the Commission “may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement.” 20 CSR 4240-2.115(2)(C).

13. As of the filing of this Motion, the docket sheet reflects no objection by any party. Movant does not suggest that any party has acted improperly; each party's position is its own to take. She observes only that the step the rule provides for testing a nonunanimous stipulation will go unused in this case unless a resident of the host county is permitted to use it.

14. Public comment does not reach this question. A comment does not confer party status and is not an objection under 20 CSR 4240-2.115(2)(B). Movant submitted written public comment in this case on September 26 and September 29, 2026, and that is how she knows the avenue open to a non-party does not reach the matter on which she asks to be heard.

15. What Movant would contribute is narrow and requires no new evidence. Each matter in Section VII identifies a place where the Company's prefiled testimony and the text of the Stipulation differ, and each is drawn entirely from documents already on file. The testimony cited is prefiled testimony. Under Stipulation ¶ 13, the Signatories stipulate it into the evidentiary record only if the Commission approves the Stipulation without modification.

IV. POSITION OF THE MOVANT

16. Pursuant to 20 CSR 4240-2.075(2)(F), Movant states her position. She opposes the relief sought as to the Millcreek BESS Project and the Quinn Switching Station, Stipulation ¶¶ 4(iii) and 4(iv), on the present record and on the conditions proposed in the Stipulation in its present form. She takes no position on the facilities proposed for Audrain, St. Louis and Stoddard Counties.

17. Movant seeks to intervene, on her own behalf, because of the Stipulation filed on September 25, 2026. As written, the Stipulation does not make on-site containment of runoff a condition of the Millcreek certificate: it refers only to containment procedures the Ameren Environmental team "may develop," in a sentence that places them "after any corresponding BESS

facility goes into service.” Stipulation ¶ 5(c)(iii). And it requires the site-specific Hazard Mitigation Analysis or Plan to be submitted only after the facility is in service. Stipulation ¶ 5(c)(ii). Movant lives downstream of the site. These are the terms she asks to be heard on.

V. DEFINITIVE STATEMENT: MOVANT ACCEPTS THE RECORD AS IT STANDS

18. Pursuant to 20 CSR 4240-2.075(10), Movant 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 Motion is filed.

19. Consistent with that statement, Movant waives any request to reopen the evidentiary record created prior to the date of this Motion; any offer of testimony or exhibits as to that record; the service of new data requests and the taking of depositions directed to that record; any examination of any witness; and any request to continue a date now set in this case. This waiver does not extend to data requests concerning documents filed after the date of this Motion, including those reserved in paragraph 20 below.

20. Movant does not waive, and expressly reserves, a party’s rights to the documents and findings in this docket. Specifically, she reserves:

- (a) service of every pleading, order and notice filed in this case, as provided by 20 CSR 4240-2.080(15);
- (b) access to the existing record;
- (c) service of, and access to, every report, plan, analysis, test result, permit and other document filed in this docket under paragraph 5 of the Stipulation or under any order of the Commission, including the site-specific Hazard Mitigation Analysis or Plan (¶ 5(c)(ii)), the containment procedures (¶ 5(c)(iii)), the quarterly construction

reports and permits (§ 5(d)), and the pleading reporting the results of Megapack 3 safety testing (§ 5(h)(ii)); and

- (d) service of the public version of any filing in this docket that contains material designated confidential or highly confidential. Movant recognizes that under 20 CSR 4240-2.135(6) confidential information may be disclosed only to a party's attorneys of record, its employees, and its designated outside experts, and she does not by this Motion seek access to it.

21. These reservations call for no new discovery and do not enlarge the record. They concern documents that are, or under the Stipulation will be, filed with the Commission.

22. Movant recognizes that the procedural effect of an objection to a nonunanimous stipulation is governed by 20 CSR 4240-2.115(2)(D) and is not hers to waive on behalf of any other party. What she offers is the limitation of her own participation, set out in Section VIII.

VI. GOOD CAUSE FOR FILING AFTER THE INTERVENTION DATE

23. The Stipulation that is the object of this limited intervention was filed on September 25, 2026. It did not exist on the intervention date. Movant respectfully asks the Commission to find good cause under 20 CSR 4240-2.075(10).

24. The intervention date preceded every local public hearing. The Commission's order of May 28, 2026 (Item 19) set an intervention date of June 12, 2026. The only application filed by that date was that of Renew Missouri (Item 20), which was granted (Item 23). The joint motion to set local public hearings was not filed until July 10, 2026 (Item 27), and the hearings were ordered on July 14, 2026 (Item 29). The first hearing serving the area affected by the Lincoln County facilities was held on July 28, 2026, forty-six days after the intervention date (Item 36). The only

hearing held in Lincoln County itself, at Moscow Mills, was ordered on August 7, 2026 (Item 34) and held on August 26, 2026, seventy-five days after the intervention date (Item 54).

25. Movant's own timeline, stated candidly. Movant first learned of this proceeding on Monday, July 27, 2026, forty-five days after the intervention date had passed. She is not a customer of the Company and had received no notice of the case. She learned of it from a social media post reproducing an email that a customer of the Company had received. She was traveling out of town at the time and could not attend the local public hearing held the following day, July 28, 2026. She attended the local public hearing at Moscow Mills on August 26, 2026, where she asked questions and testified. See Transcript, Volume 5 (Item 54). She submitted written public comment on September 26 and September 29, 2026, and corresponded with the Office of the Public Counsel. She does not claim that she was unaware of the case after July 27, 2026.

26. Movant did not seek intervention during that period because a contested evidentiary hearing was scheduled for September 29 through October 1, 2026 (Item 24), and she expected the prefiled testimony to be tested there by the parties. She also sought an attorney willing to enter an appearance on her behalf in this proceeding and was unable to obtain one.

27. What changed. On September 4, 2026, the Company filed surrebuttal testimony containing a section entitled "Fire Safety, Hazard Mitigation, and Environmental Impacts." Wibbenmeyer Surrebuttal, pp. 11–23. On September 21, 2026, at 1:57 p.m., the Company moved to vacate the remainder of the procedural schedule (Item 61), and at 3:25 p.m. the same day the Commission granted the motion (Item 62). On September 25, 2026, the Stipulation was filed (Item 63). The safety and environmental commitments described in the September 4 surrebuttal were therefore never examined at hearing, and, as shown in Section VII, several of them do not appear as conditions in the Stipulation. That circumstance did not exist until September 25, 2026.

28. The local emergency-response coordination the Company's testimony describes had also not yet taken place when the schedule was vacated. At the Lincoln County Commission meeting on September 15, 2026, Lincoln County Emergency Management Director Quentin Laws stated on the record the safety and financial protections his office intended to present to the Company at a responder meeting scheduled for September 22, 2026. On September 21, 2026, at approximately 4:39 p.m., about an hour and fourteen minutes after the Commission vacated the procedural schedule (Item 62), Movant telephoned Director Laws. In a call of about six minutes, he told her that the September 22 meeting had not yet occurred and that he was not aware the procedural schedule had been vacated. Movant offers the telephone conversation as her own account of what she was told, not as a record fact; the September 15 statement was made at a public meeting of the County Commission. The Company's witness testified on September 4 that "[a]dditional meetings are scheduled with the Eolia Fire Protection District and with Lincoln County Fire Rescue and Emergency Management personnel." Wibbenmeyer Surrebuttal, p. 19, ll. 10–12. Movant does not suggest that testimony was inaccurate. She identifies only that, as of September 21, 2026, the Commission had vacated the schedule before the meeting with Lincoln County's emergency management director had taken place.

29. Movant acted promptly. Movant, who is unrepresented, read the Stipulation, compared it with the testimony, and files this Motion on the date shown below. To the extent the Commission views this Motion as an act to be permitted after the expiration of a prescribed period, relief is also available for good cause under 20 CSR 4240-2.050(3)(B).

30. No party is prejudiced. Movant accepts the record, serves no new discovery, offers no evidence, and asks for no change to any date other than the limited relief described in Section X.

VII. THE MATTERS MOVANT WOULD RAISE

31. Movant states these matters briefly, and only to show that her participation would assist the Commission. In fairness, the Stipulation adds real oversight: quarterly construction reporting (§ 5(d)(i)); copies of every permit obtained (§§ 5(d)(ii), (iv)); as-built drawings (§ 5(c)(iv)); and a public filing on Megapack 3 safety testing at least ninety days before installation (§ 5(h)(ii)). The Company's testimony also describes a lithium iron phosphate chemistry, listing and testing requirements, and a site approximately 1,500 feet from the nearest occupied building. Wibbenmeyer Surrebuttal, p. 12, ll. 5–7; p. 13, l. 10 – p. 14, l. 22; p. 17, ll. 19–20. The matters below concern what the Stipulation does not carry forward.

32. Movant adopts, without repeating them, the matters concerning the timing of the site-specific Hazard Mitigation Analysis under Stipulation § 5(c)(ii) that are set out in Section VII of the application filed as Item 64, at paragraphs 26 and 27. She adds three matters of her own.

33. First: containment of runoff from the site. The Company's witness testified:

“Some design features to manage potential runoff from the site during an emergency include containment barriers designed within or around the battery and transformer equipment. Furthermore, the entire site will include multiple detention basins designed to collect, test and manage runoff, so water remains controlled on-site during both normal operations and emergency event conditions.” Wibbenmeyer Surrebuttal, p. 21, ll. 7–12.

The Stipulation does not make that design a condition. It requires only that the Company submit “a copy of procedures, best practices, etc. that the Ameren Environmental team *may develop* regarding environmental mitigation or containment methods developed and implemented as part of a fire response strategy to be followed at the BESS facilities after any corresponding BESS facility goes into service.” Stipulation § 5(c)(iii) (emphasis added). The Company also testified that an approximately 30,000-gallon water tank will be kept on site for defensive firefighting.

Wibbenmeyer Surrebuttal, p. 20, ll. 13–21. Water applied in a defensive response is the water the detention basins are described as collecting and testing. Movant does not contend that the testimony and the Stipulation conflict. She identifies that the prefiled description of the containment design is not carried into any condition, and that nothing requires the design or a testing protocol to be submitted before the facility operates.

34. Second: the responder commitments. The Company testified that it “offers safety training to local first responders prior to commencing operation,” that it plans to provide “safety documentation, facility tours, responder training, and ongoing coordination with local agencies,” and that it “has committed to supplying reasonable project-specific equipment identified by local responders.” Wibbenmeyer Surrebuttal, p. 18, ll. 12–14; p. 19, ll. 17–21. None of these commitments appears in Stipulation ¶ 5. The provision headed “Community Concerns” addresses an expanded Frequently Asked Questions webpage and a meeting among the Company, the Office of the Public Counsel, Staff and Renew Missouri. Stipulation ¶ 5(h)(i). As of September 21, 2026, the county official responsible for coordinating local emergency response, Lincoln County Emergency Management Director Quentin Laws, had not yet met with the Company about these matters and was unaware that the procedural schedule had been vacated. See Section VI, ¶ 28.

35. Third: the certificate would issue before the safety testing of the selected equipment is complete. The Company’s testimony on fire propagation rests on “hazard-analysis information for the Tesla Megapack 2 XL, which is similar to the equipment proposed for these projects.” Wibbenmeyer Surrebuttal, p. 14, l. 23 – p. 15, l. 1. The Stipulation identifies the Millcreek equipment as the Tesla Megapack 3 and provides that its safety testing “will be completed prior to installation at the site,” with the results filed at least ninety days before installation and the supplier’s report provided confidentially to Staff and the Office of the Public Counsel. Stipulation

¶¶ 5(h)(i)–(ii). Movant acknowledges that this is a genuine pre-installation safeguard. She identifies that under ¶ 4(iii) the certificate would be granted before those results exist; that the Stipulation states no consequence if the results differ from the Megapack 2 XL information on which the record rests; and that the site-specific Hazard Mitigation Analysis, which the Company says must address “the selected battery equipment,” is to be submitted only after the facility is in service. Wibbenmeyer Surrebuttal, p. 16, ll. 5–13; Stipulation ¶ 5(c)(ii).

VIII. REQUEST FOR LIMITED INTERVENTION

36. Pursuant to 20 CSR 4240-2.075(9), Movant asks that any intervention granted be limited to the Millcreek BESS Project and the Quinn Switching Station, and within them to the matters in Section VII: on-site containment of runoff; the responder commitments; the sequence of certificate and Megapack 3 safety testing; and the timing of the Hazard Mitigation Analysis. She seeks no participation as to the facilities in Audrain, St. Louis and Stoddard Counties.

37. So limited, and given the waivers and reservations in Section V, Movant’s participation would consist of a written objection addressed to those matters, receipt of the filings described in Section V, and attendance at any on-the-record session the Commission may choose to hold. See Stipulation ¶ 7.

IX. MOTION FOR EXPEDITED TREATMENT

38. Date by which action is requested. Movant asks the Commission to rule on this Motion before it acts on the Stipulation and, if practicable, on or before October 2, 2026. 20 CSR 4240-2.080(14)(A).

39. Harm avoided; effect on the public. If the objection period lapses or the Stipulation is acted upon while this Motion is pending, Movant loses the opportunity to be heard on the only matters for which she seeks intervention. Expedited treatment will have no negative effect on the

Company's customers or the general public: Movant serves no new discovery and seeks no reopening of the record, and a prompt ruling advances rather than delays disposition of the case. 20 CSR 4240-2.080(14)(B).

40. Timeliness. The Stipulation was filed on September 25, 2026. Movant, who is unrepresented and had sought an attorney to represent her in this proceeding without success, prepared this Motion and files it on the date shown below. It was filed as soon as it could have been. 20 CSR 4240-2.080(14)(C).

X. RELIEF REQUESTED

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

- (1) finding good cause and granting Movant leave to intervene out of time, limited as set out in Section VIII, on the record as it stands and subject to the waivers and reservations in Section V;
- (2) granting expedited treatment of this Motion;
- (3) 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 Movant may file an objection under 20 CSR 4240-2.115(2)(B) to seven days from the date of the order granting intervention;
- (4) if intervention is denied, considering the matters identified in Section VII, each of which is drawn from documents already on file, before acting on the Stipulation; and
- (5) granting such other relief as is just.

Respectfully submitted,

Mary E. Geeding

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Dated: October 1, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on October 1, 2026 upon all counsel of record reflected on the Commission's official service list in File No. EA-2026-0183, including counsel for Union Electric Company d/b/a Ameren Missouri, the Staff of the Commission, the Office of the Public Counsel, and Renew Missouri.

Mary E. Geeding

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