BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust Its Revenues for Electric Service	§ § § §	No. ER-2026-0291

SIERRA CLUB'S REPLY TO AMEREN MISSOURI'S RESPONSE TO OTHER PARTIES' FILINGS SEEKING ADDITIONAL LOCAL PUBLIC HEARINGS

Sierra Club, pursuant to 20 CSR 4240-2.080(13), files this reply to a filing made by Union Electric Company d/b/a Ameren Missouri ("Ameren"), to reiterate its requests that the Commission grant the Consumers Council of Missouri's Motion for Additional Local Public Hearing in the City of St. Louis.[1]

Ameren's response fails to address any of the reasons to grant an additional local public hearing that Sierra Club provided in its 10/19/2026 Response.[2] To grant the hearings, the Commission need only find that an additional local public hearing would be beneficial. Sierra Club therefore respectfully requests that it do so and locate the hearing in North St. Louis, due to its current struggles with energy burdens and tornado recovery, which may soon be compounded by the double-digit rate increases proposed by Ameren in this case.

[1] Motion for Additional Public Hearing in the City of St. Louis, Consumers Council of Missouri (Filed 10/16/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 58.

[2] Sierra Club's Response in Support of Consumers Council of Missouri's Motion for Additional Local Public Hearings in the City of St. Louis (Filed 10/19/2026), In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariff to Adjust Its Revenues for Electric Service, MO PSC Case No. ER-2026-0291, EFIS Item No. 59.

1. Ameren's Response Invents Requirements Unsupported by Law

Ameren first argues that the Commission must provide a consistent number of public hearings in each of its rate cases, unless the service area at issue changes significantly in size.[3] But no law or regulation requires the Commission to provide the same or a similar number of public hearings in each rate case. Quite the opposite—the Commission has broad discretionary authority to "set the time and place for all hearings," and therefore is not bound to provide the same number of public hearings in each subsequent rate case. *See* Mo. Code Regs. Ann. 20, § 4240-2.110(1). This wide discretion conflicts with Ameren's asserted rule because it would limit the Commission's decisions to past practices.

Ameren's second argument amounts to a requirement that intervenors must "present . . . compelling logic" or evidence "supporting the conclusion that the public will not have a fair opportunity to participate" in the public hearing process.[4] Neither of these are requirements under Missouri law. Under § 4240-2.110, there is no burden of proof placed on any party, and there are no factors that must be present for the Commission to grant an additional local public hearing. It is an entirely discretionary decision, not one demanding any specific showing.

The Commission wields a broad, flexible power to grant additional local public hearings in communities that are directly or uniquely affected by utility activities, and has done so before. In 2018, when the Empire District Electric Company applied for approval to develop wind

[3] *See* Ameren Missouri's Response to Other Parties' Filings Seeking Additional Local Public Hearings (Filed 10/23/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 60 at 3-5.

[4] *Id.* at 5 ("The bottom line is that neither OPC nor CCM has presented any compelling logic – and no evidence - supporting the conclusion that the public will not have a fair opportunity to participate in the LPH process in this case if the Joint Recommendation's [sic] recommended that five in-person, and two virtual LPHs be scheduled, consistent with the Commission's order in File No. ER-2024-0319.").

generation, the City of Joplin requested a local public hearing, and the Commission granted it despite Empire's and Staff's complaints that "holding a local public hearing regarding this type of application is not required and highly unusual."[5] This was because of the unique impact of Empire's operations on rates and stranded costs in Joplin.[6] The Commission was empowered to grant the hearing because it would be "beneficial to receive comments from Missouri ratepayers who could be affected by Empire's proposed plan."[7] The Commission should be similarly satisfied in this case that grossly disproportionate energy burdens, abandoned tornado recovery efforts, and sharply rising electricity rates at least justify a public hearing that North City residents will not have to find an internet connection or transportation to participate in.

Finally, Ameren argued that intervenors have "presented no evidence that supports the conclusion that it is necessary or proper to increase the number of in-person local public hearings by 40%," and therefore the request should be denied.[8] Although it provided no citation, Ameren is likely referring to Mo. Ann. Stat. § 386.040, which establishes the PSC, and vests it not only with all the enumerated powers of the chapter, but also "all powers necessary or proper to enable it to carry out fully and effectually all the purposes of this chapter." But the Missouri Supreme Court

[5] *Id.*

[6] *Id.* at 1.

[7] *Id.* at 2.

[8] *See* Ameren Missouri's Response to Other Parties' Filings Seeking Additional Local Public Hearings (Filed 10/23/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 60 at 5.

has read this provision as an expansion, not a limitation on the Commission's power.[9] Therefore, the PSC certainly has discretion to grant an additional local public hearing under this provision.

In sum, there is no requirement that the Commission maintain consistent numbers of local public hearings year-over-year, no requirement that intervenors prove denial of fair opportunity to be heard, and no requirement that intervenors prove that an additional local public hearing is "necessary or proper." All the Commission must find to grant an additional local public hearing is that doing so is "beneficial."[10]

2. An Additional Local Public Hearing in North St. Louis is Beneficial, Fair, and Important

An additional local public hearing in North St. Louis is beneficial for two reasons. First, North City residents have three acute concerns with Ameren: energy burdens, connection problems relating to failed tornado recovery, and rising rates. Second, North St. Louis residents, on average, are less equipped to utilize the alternative hearing options stressed by Ameren's response,[11] like different locations or virtual hearings.

Many tornado survivors in North St Louis are going into their second winter with sustained tornado damage, compromising weatherization efforts. Only 59 repair projects out of

[9] The Commission possesses "*not only* the powers and duties expressly specified *but* '*also all powers necessary or proper* to enable it to carry out fully and effectually." *State ex rel. Kansas City Transit, Inc. v. Pub. Serv. Comm'n*, 406 S.W.2d 5, 8 (Mo. 1966) (emphasis added). "Necessary" in the power-granting context generally is understood in American law to mean something closer to "useful" or "helpful." *See McCulloch v. Maryland*, 17 U.S. 316, 345-50 (1819).

[10] *See* Order Regarding Motion Requesting Local Public Hearing (Filed 1/10/2018) *In the Matter of the Application of The Empire District Electric Company for Approval of Its Customer Savings Plan*, MO PSC Case No. EO-2018-0092, EFIS Item No. 47 at 2.

[11] *See* Ameren Missouri's Response to Other Parties' Filings Seeking Additional Local Public Hearings (Filed 10/23/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 60 at 5.

2,674 applications have been completed thus far. [12]This is concerning because hypothermia can set in at 40 F, and even indoor temperatures as high as 60-65 F can lead to hypothermia in older adults.[13] In addition to existing high energy burden and home repair costs, many tornado-impacted residents could have an increased risk of temperature-related health hazards if their utilities get disconnected due to unaffordability.[14] Therefore, the tornado-impacted communities of North St Louis City should have more input on potentially increased utility rates, not less.

Local public hearings are the best way for communities to express their frustrations with energy burdens, yet Ameren's response dismisses the problem as one of the same old "issues CCM routinely cites." While Ameren may tire of hearing about it does not mean that the grossly disproportionate energy burdens borne by North St. Louis residents have disappeared.[15]

Local public hearings give customers who often lack legal representation or the free time to file EFIS submissions, the chance to share their real-world experience and the way they are impacted by Ameren's activities. In the PSC context, this testimony can be quite effective: in a 2012 rate case, the Commission rejected a residential rate increase due to "economic woes, on

[12] STL Recovers Repair Progress Tracker, https://tornadorecovery.stl.gov/dashboard/?repair

[13]Cleveland Clinic, "Hypothermia," https://my.clevelandclinic.org/health/diseases/21164-hypothermia-low-body-temperature

[14]National Institute of Health, "Hypothermia," https://www.nia.nih.gov/news/hypothermia-cold-weather-hazard

[15] *See* Renew Missouri, Missouri Energy Burden Explorer, https://app.power-d.city/dashboard/missouri. (visually demonstrating the geographic inequality in St. Louis energy burdens); *see also* Jenn DeRose & Tori Cheatham, St. Louis Energy Burden Report at 5-7, Sierra Club (2025) https://www.sierraclub.org/sites/default/files/2025-01/stlouisenergyburdenreportjan2025_0.pdf (explaining that two-thirds of households with a high energy burden within the combined boundaries of St. Louis County and St. Louis City were located in the City of St. Louis).

which the Commission heard much testimony during local public hearings. . . ."[16] Similar economic woes felt here must at least justify the propriety of a conveniently accessible local hearing. North St. Louis was devastated by the 2025 tornado, and recovery has stalled for many of the most vulnerable.[17]

North City residents are also less likely to be able to utilize the alternative hearing options touted by Ameren. North City residents face transportation barriers that require many to spend hours riding public transport to and from work.[18] Many also lack stable internet service: only 48% of households in North City have broadband internet access necessary for a virtual hearing.[19] For a hearing to be meaningful, it must be tailored to the "capacities and circumstances of those who are to be heard."[20]

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[16] Report and Order (Filed 1/9/2013) *In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service*, MO PSC Case No. ER-2012-0174, EFIS Item No. 703 at 40.

[17] *See* Chad Mira, St. Louis residents say tornado recovery funds still fall short, Fox 2 Now (2026) https://fox2now.com/news/missouri/st-louis-residents-say-tornado-recovery-funds-still-fall-short/. *See also Environmental Racism in St. Louis*, Washington University School of Law Interdisciplinary Environmental Clinic, 26-27 (2026), https://static1.squarespace.com/static/5f75504832055a109f6f3ca6/t/69b2cd2981225e5d5c4d09af/1773325609490/REVISED+EJ+Report+with+cover+03122026.pdf ("Central parts of the City – where average home values near $700,000 – have seen relatively quick and effective cleanup compared to neighborhoods north of Delmar, where average home values are less than $50,000. As efforts to repair North City move along at a snail's pace, residents are concerned that the region may never fully recover."). *Id.*

[18] Michael McMillan, Opinion | Why St. Louis needs more public transportation options, St. Louis Business Journal, Mar. 7, 2022, https://www.bizjournals.com/stlouis/news/2022/03/07/opinion-why-stl-needs-more-p-t-options.html

[19] Steve Walentik, *UMSL experts discuss digital divide exposed by the COVID-19 pandemic*, University of Missouri St. Louis Daily, Apr. 30, 2020, https://blogs.umsl.edu/news/2020/04/30/pandemic-exposes-digital-divide-in-education/.

[20] Goldberg v. Kelly, 397 U.S. 254, 268–69 (1970).

Ameren offers no response to these facts, other than the conclusory statement that to grant an additional hearing in North City "would reflect bad policy."[21] Ameren is mistaken. A Commission that responds to rather than ignores local needs reflects good policy, and Sierra Club therefore reiterates its request that the Commission grant the Consumers Council of Missouri's Motion for Additional Local Public Hearing in the City of St. Louis,[22] and further requests that this additional hearing be held in the North side of the City of St. Louis, such as at the O'Fallon Park Rec Complex.[23]

[21] *See* Ameren Missouri's Response to Other Parties' Filings Seeking Additional Local Public Hearings (Filed 10/23/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 60, at 3, ¶ 4.

[22] Motion for Additional Public Hearing in the City of St. Louis, Consumers Council of Missouri (Filed 10/16/2026), *In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service*, MO PSC Case No. ER-2026-0291, EFIS Item No. 58.

[23] The O'Fallon Park Rec Complex is located at 4343 W Florissant Ave, St. Louis, MO 63115.

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Respectfully submitted,

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ATTORNEYS FOR SIERRA CLUB

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties listed on the official service list on this 29th day of October, 2026.

/s/ Elizabeth Hubertz