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 FOR REHEARING
AS TO THE MILLCREEK BESS PROJECT AND THE QUINN SWITCHING STATION

COMES NOW Samantha Capstick ("Applicant"), appearing on her own behalf, a resident of Lincoln County, Missouri, and pursuant to Section 386.500, RSMo, and 20 CSR 4240-2.160, applies for rehearing of the Commission's Order Approving Stipulation and Agreement and Granting Certificates of Convenience and Necessity issued October 21, 2026, effective November 20, 2026 (the "Order"), solely as it grants certificates for the Millcreek BESS Project and the Quinn Switching Station. Applicant does not seek rehearing as to the Castle Bluff BESS, Huck Finn BESS, Tom Sawyer Solar, or Ringer Solar projects. In support, Applicant states as follows.

I. APPLICANT AND HER INTEREST

1. Section 386.500.1, RSMo, provides that after an order has been made by the Commission, "any corporation or person or public utility interested therein shall have the right to apply for a rehearing." The right is not limited to parties of record.

2. Applicant Samantha Capstick resides at 180 Hidden Valley Way, Winfield, Missouri 63389, in Lincoln County, approximately 14 miles from the Millcreek BESS site. She is an Ameren Missouri retail customer. Her children attend school in the area, and she regularly travels Highway 61 past the site, which is the route identified for the hauling of imported fill described below.

3. Ameren Missouri itself acknowledged Applicant's distance from the site in its Opposition to Three Late-Filed Intervention Requests filed October 7, 2026.

4. Applicant has a direct interest in the safety of the Millcreek BESS Project, the protection of Mill Creek and local groundwater, the fire and emergency response capacity of the area, and the value and use of property in northern Lincoln County.

5. Applicant sought to intervene in this case. The Commission denied her application as late-filed. As shown below, Applicant and her neighbors did not learn of the Millcreek BESS Project until after the intervention deadline, in part because Ameren Missouri gave no landowner notice for the Millcreek site.

II. BACKGROUND

6. On May 22, 2026, Ameren Missouri filed its Application seeking certificates for six facilities, including the Millcreek BESS Project, a 250 MW, four-hour lithium iron phosphate battery facility in Lincoln County, and the Quinn Switching Station, a new 161 kV switching station in Lincoln County needed to interconnect the Millcreek BESS Project.

7. The Commission set an intervention deadline of June 12, 2026.

8. The initial local public hearings were held July 28, 2026 in Eolia and Vandalia, July 29, 2026 by WebEx, and July 30, 2026 in Advance. None was held in Lincoln County. After those hearings, the Commission scheduled an additional local public hearing in Moscow Mills, Lincoln County, on August 26, 2026, more than two months after the intervention deadline had passed.

9. On September 21, 2026, the Commission vacated the remainder of the procedural schedule, including the evidentiary hearing. On September 25, 2026, Ameren Missouri, Staff, and Renew Missouri Advocates filed a Non-Unanimous Stipulation and Agreement. The Office of the Public Counsel did not sign it.

10. On October 21, 2026, the Commission issued the Order approving the Stipulation and granting all six certificates. No evidentiary hearing was held.

11. The Order permits Ameren Missouri to file the battery supplier's safety testing report confidentially, for review by Staff and Public Counsel only, at least 90 days before

batteries are installed at the Millcreek site. That testing was therefore not in the record when the Commission found the Millcreek BESS Project to be in the public interest.

12. Hundreds of public comments were filed in this case, many from Lincoln County residents raising fire safety, water protection, and land use concerns about the Millcreek BESS Project. In addition, an online petition titled "Lincoln County Missouri Residents' Petition for a Moratorium" has gathered approximately 1,300 signatures, mostly from Lincoln County residents, 949 of which the petition platform reports as verified.

III. GROUNDS FOR REHEARING

Ground 1: The Order is unlawful because the Application did not comply with the landowner notice requirement of 20 CSR 4240-20.045(6)(K), and Ameren Missouri's stated reason for giving no notice rests on a claim of land rights contradicted by its own statements.

13. 20 CSR 4240-20.045(6)(K) requires an application to include "an affidavit or other verified certification of compliance with the following notice requirements to landowners directly affected by electric transmission line routes or transmission substation locations proposed by the application," including "a list of all directly affected landowners to whom notice was sent."

14. Under the rule, land is directly affected "if a permanent easement or other permanent property interest would be obtained over all or any portion of the land or if the land contains a habitable structure that would be within three hundred (300) feet of the centerline" of an electric transmission line. Holding a purchase option does not avoid either test. The first is met whenever the utility will acquire a permanent interest in land it does not yet own, and the second turns on where nearby homes sit.

15. Ameren Missouri requested variances only from 20 CSR 4240-20.045(5)(D), (3)(C), and (6)(J). It did not request, and the Commission did not grant, a variance from the notice requirement of 20 CSR 4240-20.045(6)(K).

16. For the Castle Bluff and Huck Finn BESS sites, the Application states that no notice is required because the Company owns the land. For the Millcreek site, the Application

does not claim ownership. It states only that "the Company has already obtained all necessary land rights" (Application, paragraph 36.k).

17. Ameren Missouri's own sworn filings show that it does not own the Millcreek site. The Application states that the site is about 24 acres "for which the Company holds a five-year purchase option," "whereby the Company will close on the real estate upon receipt of CCN approval" (Application, paragraph 18). The Direct Testimony of Scott Wibbenmeyer states that "All necessary land for the project is presently under a purchase option" and that the Company "will close on the real estate upon receipt of CCN approval" (Wibbenmeyer Direct, p. 22). Lincoln County land records show no deed to Ameren Missouri or Union Electric Company for the site. The only recorded instrument for the parent parcel (Tax ID 04-70-26-000-000-001.000) is a Memorandum of Purchase Agreement between Franklin R. Teasley Farms, Inc. and Union Electric Company d/b/a Ameren Missouri, recorded September 9, 2024 as Instrument No. 2024006874, Book 2503, Page 477. It states that the seller "has agreed to sell" the acreage recited in that instrument and that Ameren Missouri has a three-year Development Period, extendable for up to two additional years, "to determine whether to move forward with purchasing the Property."

18. At the same time, Ameren Missouri has repeatedly told the public that it owns the Millcreek site. Ameren Missouri Vice President Rob Dixon wrote in the Lincoln County Journal on August 21, 2026 that the facility would be built "on 12 acres of Ameren Missouri-owned property." Ameren Missouri's Millcreek project webpage states that the facility "would be located on Ameren Missouri-owned property" and "would use approximately 12 acres of Ameren Missouri-owned land." On September 22, 2026, Mr. Wibbenmeyer, Ameren Missouri's Senior Director of Renewable Business Development and Acquisitions, wrote to Applicant Samantha Capstick: "The Project is being built on Company-owned land; therefore, no other landowners will be impacted, and no such notice was required." On September 4, 2026, Ameren Missouri's Nathan Giessmann wrote to Lincoln County Presiding Commissioner Joseph Kaimann that "the proposed facility is planned on Ameren Missouri-owned property." These statements are collected in Exhibit A, and the September 4 email is included in Exhibit B.

19. An unexercised purchase option is not ownership, and Ameren Missouri's public claims of ownership conflict with its sworn filings. Ameren Missouri cannot rely on a claim of ownership to tell residents that no one needed to be notified while telling the Commission it holds only an option.

20. The Quinn Switching Station is a transmission substation location covered by the rule. Ameren Missouri's witness testified that it will be built on land "currently under a purchase option by Ameren Missouri," directly adjacent to the existing 161 kV Harley-Pike transmission line (Ormani Direct, p. 4). When Ameren Missouri exercises that option, it will obtain a permanent property interest in land it does not own today. Under the first test, the owner of record of that land is directly affected and was entitled to notice. Any home within 300 feet of the centerline of a new line segment connecting the station would also qualify. Applicant has found no affidavit of compliance or list of directly affected landowners for the Quinn Switching Station in the record.

21. Ameren Missouri described the notice it did give in a September 22, 2026 letter to the U.S. Army Corps of Engineers (File No. MVS-2026-426). The letter states that Ameren Missouri customers near the project area who have an email or text on file received notice of the local public hearings and a link to the project website. Notice of a public hearing, sent only to utility customers with an email address or phone number on file, is not the landowner notice the rule requires. It does not reach nearby landowners who are not Ameren Missouri customers, such as residents whose electric service is provided by Cuivre River Electric Cooperative. This letter is included in Exhibit B.

22. The nearest neighbors were not notified. Two landowners whose property adjoins or lies near the Millcreek site have provided a signed written statement that they received no notice from Ameren Missouri of either the Millcreek BESS Project or the Quinn Switching Station. That statement is included in Exhibit D.

23. Because the Application lacked a required element and no variance was granted, the Commission could not lawfully grant the certificates for the Millcreek BESS Project and the Quinn Switching Station on this record. The failure of notice also explains why

Applicant and her neighbors did not learn of the project in time to intervene by June 12, 2026.

Ground 2: The Order is unreasonable because the public interest finding for the Millcreek BESS Project is not supported by competent and substantial evidence on safety.

24. No evidentiary hearing was held, and the battery supplier's safety testing for the equipment to be installed at Millcreek was not in the record. Under the Order, that testing will be filed later, confidentially, and reviewed only by Staff and Public Counsel. Ameren Missouri representatives have also told Applicant that the Company has no experience operating battery energy storage facilities in Missouri, and that many aspects of the Millcreek BESS Project remain unresolved. Because no hearing was held, neither point was examined before the certificate was granted.

25. The Millcreek site lies within the Northwest Fire Protection District, which has not adopted a fire code. No local authority currently has an adopted code under which to review the facility's fire protection design, explosion control, water supply, or firefighting runoff.

26. Mill Creek runs along the southern edge of the site. Ameren Missouri's own filings confirm that stream crossings and flood studies are required. The record contains no completed plan for containing firefighting water or protecting downstream wells and waterways in the event of a battery fire.

27. The land adjoining the site is in agricultural use, including livestock operations held in the same families for generations. The responding fire protection district has stated that in an event of this type the fire is permitted to burn while adjacent units are cooled, and that it does not know the source of water once the on-site tank is exhausted. A suppression operation of that character generates runoff onto adjoining land. An emergency plan premised on the evacuation of persons does not address operations that cannot relocate livestock. Neither the Order nor the Stipulation identifies any mechanism by which an adjoining owner who loses livestock, pasture, or water to an incident at the facility or to suppression activity would be made whole.

28. A finding that a 250 MW battery facility is in the public interest, made before the safety data exists in the record, where no local fire code applies, and where no provision addresses loss to adjoining agricultural operations, is not supported by competent and substantial evidence.

Ground 3: The Order is unreasonable because the need for the Millcreek BESS Project was contested and was not resolved through a hearing.

29. Public Counsel witness Geoff Marke testified that the purpose of building these battery facilities at this time and at current prices is to meet projected data center load, and recommended protections absent a firm commitment from those customers.

30. Need is the first of the factors the Commission applies to certificate applications. Public Counsel did not sign the Stipulation. The contested question of need was resolved by approving a non-unanimous stipulation without a hearing, leaving existing customers in Lincoln County without a record showing that the Millcreek BESS Project is needed for them.

Ground 4: The Order is unjust because Lincoln County residents were denied a meaningful opportunity to be heard.

31. The residents most affected by the Millcreek BESS Project received no landowner notice, the only local public hearing in Lincoln County was held after the intervention deadline, the intervention requests of Applicant and others were denied as late, and the evidentiary hearing was cancelled.

32. The only direct notice the Commission required went to Ameren Missouri's own customers. The Order Setting Local Public Hearings (EFIS Doc. 882648, ordered paragraph 3) directed Ameren Missouri to notify "each of its customers" of the hearings no later than three days before them, by email or text for customers who had agreed to those methods. It required no notice to landowners. Residents near the Millcreek site whose electric service comes from Cuivre River Electric Cooperative are not Ameren Missouri customers and received no notice under that order. For those who did receive it, three days' notice of a hearing held after the intervention deadline offered no chance to intervene.

33. The schedule closed the case to Lincoln County before anyone there could attend a hearing in the county. The intervention deadline of June 12, 2026 fell 21 days after the Application was filed and 15 days after the order setting it. That order was sent to the clerks of the county commissions and made available to the media, with no direct notice to residents or neighboring landowners. The first in-person local public hearing was held 46 days after the deadline. The only hearing in Lincoln County, in Moscow Mills on August 26, 2026, was held 75 days after it.

34. On August 7, 2026, the Commission, on its own motion, found good cause to add the Moscow Mills hearing. That decision acknowledged that the original hearings had not adequately reached the county where the facility will be built. The Commission did not reopen intervention for that county. Residents who attended could speak, but could not file testimony, question Ameren Missouri's witnesses, object to the Stipulation, or request an evidentiary hearing.

35. No party represented the host county. Ameren Missouri, Staff, Public Counsel, and Renew Missouri Advocates each appeared through counsel, and Renew Missouri, an advocacy organization based outside Lincoln County, signed the Stipulation. Residents sought counsel, but few attorneys practice before the Commission, and the one who quoted a fee estimated about $25,000. Public Counsel told residents in writing on September 15, 2026 that it could not raise new issues or file more testimony. The Lincoln County Commission did not intervene.

36. Lincoln County residents raised specific questions that an evidentiary hearing exists to test. From October 1 to 5, 2026, residents collected nearly 100 questions through a public form and sent them to Ameren Missouri, with copies to the Commission, Public Counsel, the county commissioners, and emergency management, asking for written answers on the record. The Commission granted the certificates on October 21, 2026 without requiring any answer. More than 300 public comments have been filed in this case, and nearly 1,000 people answered a community poll opposing the Millcreek BESS Project, the solar projects, and data centers.

37. The combined effect is that no person living near the Millcreek site was able to present evidence, question Ameren Missouri's witnesses, or request a hearing on the issues specific to that site before the Commission granted the certificate.

Ground 5: The Order is unreasonable because the Stipulation defers the key safety and water protections for the Millcreek BESS Project until after the certificate issues, and in some cases until after the facility is in service.

38. Ameren Missouri's witness testified that the site-specific Hazard Mitigation Analysis "will be completed as part of the design process" (Wibbenmeyer Surrebuttal, p. 16). The Stipulation, however, requires that analysis to be filed only "after each BESS facility goes into service" (Stipulation, paragraph 5(c)(ii)).

39. The Order states that the Stipulation includes "compliance with the National Fire Protection Association standard for stationary energy storage systems" (Order, pp. 56). The Stipulation does not require compliance. It requires Ameren Missouri to file a notice "that affirms its intention for the BESS to comply with the NFPA 855 standard," and provides for meetings on the steps taken toward compliance (Stipulation, paragraph 5(h)). The public interest finding therefore rests in part on a condition the Stipulation does not contain.

40. The Stipulation refers to containment procedures the Company's team "may develop," also after the facility is in service (Stipulation, paragraph 5(c)(iii)). The detention basin design and the Company's approximately 30,000-gallon defensive firefighting water tank are not conditions of the certificate.

41. The fire analysis in the record addresses Tesla Megapack 2 and 2 XL units, not the Megapack 3 units identified for Millcreek. The certificate issues before Megapack 3 safety results exist, and the Stipulation states no consequence if those results differ from the earlier data.

42. The Company's commitments to first responder training and project-specific equipment do not appear as conditions in the Stipulation.

43. Ameren Missouri's own Phase I Environmental Site Assessment reports that the property drains west into Mill Creek, that a private well is on the site, that three public drinking water wells lie within 1,000 feet, and that 32 water well records exist nearby. Part of the western parcel is mapped as a 1% annual chance flood hazard area.

44. On September 21, 2026, the U.S. Army Corps of Engineers (File No. MVS-2026-426) determined that streams on the site are waters of the United States, with flow reaching the Cuivre River. Authorization under Section 404 of the Clean Water Act is therefore required for the discharges described in the Application, and the record does not show that it has been obtained or identify its conditions.

45. Federal review of the site was still incomplete after the Order issued. In a November 6, 2026 email to Applicant Capstick, the Corps project manager for File No. MVS-2026-426 stated that "the NWP 14 verification has not been issued." He also stated that the Corps' review under Section 106 of the National Historic Preservation Act is still underway, that the cultural resource reports were sent to the Missouri State Historic Preservation Office and 21 Tribes on October 28, 2026 for a 30-day review, and that the State Historic Preservation Office had not yet responded. These facts arose after the Order and may be considered on rehearing under Section 386.500, RSMo. This email is included in Exhibit B.

46. Ameren Missouri's own descriptions of its stream work do not agree. In its September 22, 2026 letter to the Corps, Ameren Missouri added temporary mud-mat crossings in jurisdictional streams so its contractor could deliver materials and begin building the BESS facility while the access road is still under construction. The letter describes each temporary disturbed area as about 10 feet by 6 feet. The engineering drawing for those crossings, Sheet C-507 dated September 10, 2026, labels each one "40' X 6' = AREA DISTURBED," four times larger. Neither document explains the difference, and the record does not show which figures the Corps reviewed. Both are included in Exhibit B.

47. Ameren Missouri's historic preservation submission does not match its Corps application. The Review and Compliance Information Form submitted to the Missouri State Historic Preservation Office for the Millcreek BESS identifies the federal permit as "Section 404

Nationwide Permit 57," while Ameren Missouri's Corps submissions seek verification under Nationwide Permit 14. The form answers "No" to whether the project will require fill material and states that no architectural plans or construction documents are included. Ameren Missouri's July 20, 2026 Corps application, by contrast, describes permanent culverts and riprap in three streams and the grading and filling of a 0.16-acre open water feature for the battery footprint. The form also states that the depth, width, and length of ground disturbance "are unknown at this time" and answers "Yes" to whether archaeological sites are known on or adjacent to the project area. The record does not show that the historic preservation review considered the full scope of the work. The form is included in Exhibit B.

48. Ameren Missouri's own environmental consultant identified a cemetery on the project parcel. The Limited Phase I Environmental Site Assessment for the Millcreek BESS Project, prepared for Ameren Missouri by Civil & Environmental Consultants, Inc., CEC Project No. 354-818.0008 and dated August 19, 2026, states in its Findings: "An unnamed cemetery was identified at the northern portion of parcel 04-70-26-000-000-001.000, and later topographic maps identify Ellis Cemetery and Mill Creek Cemetery adjacent to the Subject Property west of Millcreek Church Road." Parcel 04-70-26-000-000-001.000 is the Millcreek BESS parcel. The body of the same report states that "An unnamed cemetery is labelled at the northernmost point of parcel 04-70-26-000-000-001.000, west of Highway 61, at one of the structure locations in the previous topographical maps." The seller of the site separately disclosed a family cemetery on the property in writing in September 2025. The record does not show that the identified cemetery was included in the area of potential effects or addressed in the Section 106 review that the Corps states remains open. A cemetery no longer marked on the ground is unlikely to be apparent to a survey crew that has not been told it is there. The relevant pages of the Phase I Environmental Site Assessment are included in Exhibit C.

49. The same Phase I Environmental Site Assessment states on its title page a "Report Expiration Date: November 15, 2026." Land disturbance at the site began on November 17, 2026, after that date. The record does not show that the assessment was updated or reissued.

50. Agency records also give different tree-clearing restrictions. The U.S. Fish and Wildlife Service's September 18, 2026 concurrence states that suitable roost trees will not be removed from April 1 through October 15. The Corps' November 6, 2026 email describes the condition as no tree clearing from April 1 through October 31. The record does not show which restriction controls. Both are included in Exhibit B.

51. Eagles have been seen at the site. The U.S. Fish and Wildlife Service species list for the project (Project Code 2026-0108346, dated September 18, 2026) states that bald and golden eagles remain protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, and asks that the Service be contacted for further coordination should eagles occur within or near the project area. Lincoln County residents have recorded eagles flying over the parent parcel. Applicant has found no eagle survey or record of that coordination in this case. The species list is included in Exhibit B.

52. The same species list identifies five species for this project: the gray bat, the Indiana bat, the tricolored bat, the monarch butterfly, and the western regal fritillary. The concurrence obtained addresses the three bat species. The monarch is addressed in a single advisory paragraph. The western regal fritillary is not addressed at all. Under 50 CFR 402.12(e), the accuracy of a species list should be verified after ninety days, and the list relied upon expires December 17, 2026, before the construction activity described in the Application is to begin. Applicant does not ask the Commission to administer the Endangered Species Act. She states that the Order rests on an environmental review that does not address two species identified on the official list for this project.

53. Ameren Missouri's statements to Lincoln County officials do not match its federal filings. On September 4, 2026, Ameren Missouri's Nathan Giessmann answered written questions from Presiding Commissioner Joseph Kaimann. He wrote that stream crossings "may be required" at the project entrance road, although Ameren Missouri's July 20, 2026 Corps application had already identified permanent culverts and riprap in three streams. Asked about eagles and other protected species, he answered only that agency reviews had identified habitat considerations, "predominately bat species." This email, produced under the Missouri Sunshine Law, is included in Exhibit B.

54. Public Counsel stated that its non-objection to the Stipulation "does not constitute an agreement that these concerns have been satisfied," and indicated it would pursue battery safety, water runoff, and fire concerns, if at all, as prudence questions in a future rate case. As a result, no party presented these concerns to the Commission as conditions of the certificate.

Ground 6: The Commission should reconsider its October 19, 2026 order denying intervention in light of Ameren Missouri's notice failure.

55. The Commission denied Applicant's request to intervene on October 19, 2026, finding no good cause and noting that no applicant claimed to be unaware of the case or the deadline because of Commission or Ameren error.

56. The facts set out in Ground 1 show such an error. Ameren Missouri gave no landowner notice for the Millcreek site or the Quinn Switching Station, relying on claimed land rights that its own sworn filings contradict, while telling the public it owned the site.

57. The Commission also found that Public Counsel represents Applicant's interests. As shown above, Public Counsel did not pursue safety, fire, or water protections as certificate conditions.

58. On October 19, 2026, Mary E. Geeding, a Lincoln County resident who also sought to intervene, filed a Reply and Statement of Alternative Relief (Item 72). Part II of that filing is captioned "RELIEF THAT REQUIRES NO PARTY STATUS." Paragraph 4 states that "Neither step depends on Movant's party status," and paragraph 7 asks "that the Commission rule on it separately, whatever its ruling on intervention." It asked the Commission, before acting on the Stipulation, to consider four protective conditions, three of them drawn from Ameren Missouri's own testimony: (a) that the site-specific Hazard Mitigation Analysis be completed before the batteries are delivered, as Ameren Missouri's witness testified, rather than filed after the facility goes into service; (b) that the runoff containment design and detention basin capacity be filed publicly before operation; (c) that Ameren Missouri's commitments to first responder training and equipment be made conditions of the certificate; and (d) that a public summary of unit-level fire test outcomes for the Megapack 2 XL and Megapack 3 be filed.

59. Neither the order denying intervention nor the Order expressly ruled on those requests. The order denying intervention names the Statement of Alternative Relief in its procedural history and does not rule upon it. Its ordered paragraphs dispose only of the three intervention requests and the request for leave to file as amicus curiae. The Order of October 21, 2026 does not mention the request. Neither order contains any provision disposing of other pending motions or requests. The Order does recite the Commission's conditioning authority, stating that "The Commission may also impose such conditions as it deems reasonable and necessary," citing Section 393.170.3, RSMo (Supp. 2025). Section 386.420.2, RSMo, requires that the Commission's report state the conclusions of the Commission, and no conclusion as to this request appears in either order.

60. The order denying intervention was issued and made effective the same day, October 19, 2026. That left no opportunity to apply for rehearing before its effective date, as Section 386.500.2, RSMo, requires. Applicant asks the Commission to reconsider that order together with this Application.

Ground 7: The record of public testimony may be incomplete.

61. Applicant Capstick reported on September 30, 2026 that Item 41, docketed as the Volume 2 transcript of the Vandalia local public hearing, contains an unrelated Pettis County procedural conference. If that transcript has not been corrected, the record on which the Commission based its public interest finding lacks one of the five volumes of public testimony.

IV. CONSTRUCTION BEGAN BEFORE THE EFFECTIVE DATE OF THE ORDER

62. Land disturbance at the Millcreek site began on November 17, 2026, three days before the effective date of the Order. Heavy equipment was observed excavating and removing trees on and after that date. Ameren Missouri has given four different construction start dates. Its Application states that construction will begin in the first quarter of 2027. Its quarterly report to the Missouri Department of Natural Resources under area-wide land disturbance permit MOR100098 lists this project with a start date of November 2, 2026, as confirmed in writing by the Department's General Permits, MS4 and 401 Unit Supervisor on November 16, 2026. A construction schedule provided through the Lincoln

County Clerk's office states that Ameren Missouri would mobilize to the site the week of November 23, 2026 and begin construction the week of November 30, 2026. Work in fact began on November 17, 2026. Section 393.170.1, RSMo, provides that no electrical corporation shall begin construction of an electric plant without first having obtained the permission and approval of the Commission. Both the start date reported to the Department and the date work actually began precede the effective date of the Order.

63. Federal and state review of the site remained incomplete when that work began. On November 17, 2026, the Corps project manager for File No. MVS-2026-426 wrote that "The NWP 14 for this project has not yet been verified," that the review awaits "the closing of the coordination window with Missouri SHPO and the Tribes," and that although his authority is limited to aquatic resources, "I don't want to see land disturbance until Section 106 is complete. I don't want to see tree clearing until my Section 7 ESA review is complete." He further stated that Ameren Missouri has not submitted erosion control, stabilization, and restoration plans for the temporary crossings, and that the Corps has received no design documents beyond the original submittal. The Missouri Department of Natural Resources confirmed on November 16, 2026 that it had received no notice of a Section 404 permit and no request for a Section 401 water quality certification, which is a prerequisite to that authorization. This correspondence is included in Exhibit B.

64. On November 19, 2026, the day before the effective date of the Order, the same Corps project manager was shown photographs of the work underway at the Millcreek site. He responded that "That activity is certainly beyond what I would like to see prior to the NWP verification, and I am going to reach out to Ameren today." The federal agency responsible for verifying this project's authorization under Nationwide Permit 14 has therefore stated in writing, two days after land disturbance began and one day before the Order took effect, that the activity exceeds what it considers appropriate in advance of verification. That correspondence is included in Exhibit B.

65. Ameren Missouri is also preparing to begin work early. Its September 22, 2026 letter to the Corps asks to add temporary stream crossings so that its contractor can begin construction of the BESS facility before the main access road is finished and the project

schedule can be maintained. Once work begins in the streams on the site, which flow to the Cuivre River, the effects cannot be undone by a later decision on rehearing.

V. RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that the Commission:

1. Grant rehearing of the Order as to the Millcreek BESS Project and the Quinn Switching Station;

2. Determine whether construction of the Millcreek BESS Project began before the effective date of the Order, and whether that construction was consistent with Section 393.170.1, RSMo;

3. Reconsider the October 19, 2026 order denying Applicant's request to intervene, and grant intervention limited to the Millcreek BESS Project and the Quinn Switching Station;

4. Rule on the alternative relief requested in Mary E. Geeding's Reply and Statement of Alternative Relief (Item 72), and state its conclusions as to each of the four conditions requested there;

5. Direct Ameren Missouri to provide the notice required by 20 CSR 4240-20.045(6)(K) to all directly affected landowners for the Millcreek BESS Project and the Quinn Switching Station, and to file the required verified certification and list of landowners;

6. Direct Ameren Missouri to mail written notice of the Millcreek BESS Project and the Quinn Switching Station, with the contact information for the Commission and the Office of the Public Counsel, to every residence within one mile of either facility, whatever its electric provider;

7. Allow directly affected landowners and residents a reasonable period to intervene after such notice;

8. Direct Ameren Missouri to file proof of its ownership or other legal control of the Millcreek BESS site and the Quinn Switching Station site;

9. Direct Ameren Missouri to file a written reconciliation of the discrepancies described in paragraphs 46 through 52, including the stream crossing dimensions, the Nationwide Permit number and fill information given to the State Historic Preservation Office, the disclosed family cemetery, the tree-clearing restriction, and its statements to Lincoln County officials;

10. Direct Ameren Missouri to answer, in writing and on the record in this case, the questions Lincoln County residents submitted in October 2026;

11. Hold an evidentiary hearing on the Millcreek BESS Project and the Quinn Switching Station, including need, safety testing, fire protection, and water protection, with an evening session in Lincoln County;

12. In the alternative, sever the Millcreek BESS Project and the Quinn Switching Station from the Order and, under Section 393.170.3, RSMo, condition any construction on: (a) completion of landowner notice; (b) public filing of the site-specific Hazard Mitigation Analysis and the runoff containment design, including detention basin capacity and firefighting water containment, before construction begins; (c) public filing of a summary of Megapack 3 large-scale fire test outcomes, including whether thermal runaway propagated, whether flaming occurred outside the enclosure, and whether any explosion or deflagration occurred, before batteries are delivered; (d) public filing of all federal, state, and local permits for the site, including any Clean Water Act permits and water quality certifications, and of the quarterly construction reports; (e) inclusion of first responder training, project-specific equipment, and the defensive firefighting water supply as conditions of the certificate; (f) adoption of an applicable fire code by the local fire authority and its review of the site design; (g) Corps verification under Nationwide Permit 14, completion of the Section 106 review including treatment of the disclosed family cemetery, and coordination with the U.S. Fish and Wildlife Service on eagles, all before any site work, including temporary stream crossings; (h) compliance of the Millcreek BESS Project with NFPA 855, rather than a notice of intent to comply; (i) a mechanism establishing responsibility for loss suffered by adjoining landowners arising from an incident at the facility or from suppression activity; and (j) independent third-party construction monitoring with publicly available reporting;

13. Direct that the Volume 2 local public hearing transcript (Item 41) be verified and, if necessary, corrected; and

14. Grant such other relief as the Commission finds just and reasonable.

Respectfully submitted,

Samantha Capstick

Samantha Capstick, pro se
180 Hidden Valley Way
Winfield, Missouri 63389
Phone: 636-439-9668
Email: srcapstick@gmail.com

Date: November 19, 2026

Exhibits: Exhibit A: Ameren Missouri Statements on Ownership of the Millcreek BESS Site, with Attachments A-3 and A-4; Exhibit B: Federal Permitting Records and Related Correspondence for the Millcreek BESS Site; Exhibit C: Excerpts from the Limited Phase I Environmental Site Assessment, Millcreek BESS Project, prepared for Ameren Missouri by Civil & Environmental Consultants, Inc., dated August 19, 2026; Exhibit D: Signed statement of landowners who received no notice.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all parties of record in File No. EA-2026-0183, including Union Electric Company d/b/a Ameren Missouri, the Staff of the Commission, the Office of the Public Counsel, and Renew Missouri Advocates, by electronic mail or through the Commission's Electronic Filing and Information System on November 19, 2026.

Samantha Capstick

Signature