

In the Matter of Ameren Missouri's 2017 Utility Resource Filing Pursuant to 4 CSR 240 – Chapter 22.) File No. EO-2018-0038

3. MJMEUC, by its own admission, is a transmission customer of the Midcontinent Independent System Operator, Inc. (“MISO”); the municipalities it serves are also transmission customers of MISO. MJMEUC specifically stated that, “...it represents the interest of municipal

electrical systems throughout the state, as well as municipal electrical systems that take transmission through MISO."¹

4. MJMEUC alleges neither that it, nor any of the municipalities it serves, receives any distribution service from Ameren Missouri. As such, the subject matters of this docket (e.g., the 20-year plan for resource acquisition, including supply-side and demand-side resources) do not impact MJMEUC or the municipalities that MJMEUC represents any more or any differently than any other MISO customer's interests would be impacted by this proceeding. Indeed, if MJMEUC or these municipalities have issues they would like to address about transmission adequacy or costs and how MJMEUC and these municipalities may be affected, they must be addressed either through the Federal Energy Regulatory Commission ("FERC") (which has exclusive jurisdiction over the transmission of electricity and the regional energy markets) or MISO's stakeholder and other processes.

5. Such transmission issues, however, are not the focus of this Commission proceeding. Rather, IRP proceedings examine whether a utility has composed an appropriate resource plan. While transmission may be examined, it is transmission for the benefit of distribution customers, not transmission customers:

Resource planning means the process by which an electric utility evaluates and chooses the appropriate mix and schedule of supply-side, demand-side, and distribution and transmission resource additions and retirements to provide the public with an adequate level, quality, and variety of *end-use energy services*. [Emphasis added.]

4 CSR 240-22.020(53).

6. The Commission's rule, specifically 4 CSR 240-2.075(3), provides two circumstances under which intervention may be granted:

¹ While there are physical interconnections between Ameren Missouri's transmission system and municipalities, MISO is the transmission provider, exercising functional control over Ameren Missouri's transmission system.

- When a proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order; or
- When it would serve the public interest.

7. MJMUEC does not allege that it qualifies under the first criterion (interest which may be adversely affected by a final order), likely because it knows that it cannot meet it as a transmission customer of MISO. Instead, MJMUEC asserts that its intervention would serve the public interest because it has an interest that is different than that of the general public, as it represents the interests of municipal electrical systems throughout the state. The problem with this argument is that municipal electrical systems do not have an interest in this case at all – they do not receive end-use energy services - so there is no “different” interest to represent.

8. Under MJMEUC's theory for intervention, any entity that purchases power on the wholesale market anywhere in MISO (and perhaps beyond MISO) could request intervention. This is not a basis upon which the Commission should grant intervention, any more than it would grant intervention to any cooperative utility in Missouri or to a MISO customer located in Illinois or to a customer of Kansas City Power & Light Company in Kansas City. The phrase "general public" should not be construed so broadly that it provides a basis for the intervention of any entity, including one that has no direct interest in Ameren Missouri's long-term plans for providing service to the end-use, retail customers with which this Commission is concerned.

9. Granting MJMEUC's request would not serve the public interest. MJMUEC's interest as a transmission customer is not subject to the Commission's jurisdiction. Instead, any

interest MJMUEC may have would lie within FERC's jurisdiction or MISO's stakeholder processes.² Accordingly, MJMEUC's intervention request should be denied.

WHEREFORE, Ameren Missouri respectfully requests the Missouri Public Service Commission deny the Missouri Joint Municipal Electrical Utility Commission's request to intervene in this case.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ Wendy K. Tatro

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the parties of record in this case via electronic mail (e-mail) on this 23rd day of October, 2017.

/s/ Wendy K. Tatro

Wendy K. Tatro

² While normally discussed in the context of requests for intervention as a matter of right, which MJMEUC does not claim, courts routinely make statements such as “intervention may not be used by strangers to a pending action as “a vehicle by means of which such strangers may urge claims or contentions which have a proper and available forum elsewhere.” *In the Matter of Missouri-American Water v. Hall*, 470 S.W.3d 761, 766 (Mo. App. W.D. 2015), *quoting State ex rel. Farmer's Mut. Auto. Ins. Co. v. Weber*, 273 S.W.2d 318, 323 (Mo. 1954).