

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 21st day of April, 2021.

In the Matter of Union Electric)
Company d/b/a Ameren Missouri's)
2020 Utility Resource Filing Pursuant)
to 20 CSR 4240 – Chapter 22) **File No. EO-2021-0021**

ORDER DENYING LATE-FILED APPLICATION TO INTERVENE

Issue Date: April 21, 2021

Effective Date: April 21, 2021

Union Electric Company d/b/a Ameren Missouri filed its 2020 Integrated Resource Plan (IRP) on September 27, 2020. The next day, on September 28, 2020, the Commission ordered that notice of the IRP filing be directed to potentially interested stakeholders, and set October 30, 2020 as the date by which applications to intervene should be filed. Eleven organizations filed timely applications to intervene and all eleven applications were granted. As provided by Commission Rule 20 CSR 4240-22.080(8), Public Counsel and the intervenors were allowed 150 days, until March 1, 2021, to file written comments about Ameren Missouri's IRP filing. At the request of the parties, the Commission subsequently extended that filing date to March 31, 2021.

On March 30, 2021, Armada Power, LLC (Armada) filed a motion seeking leave to intervene. Along with that motion, Armada filed written comments and what it describes as the direct testimony of its Vice President, Business Development, Teresa Ringenbach. Armada's written comments and "direct testimony" explain that it offers a software product for sale to utilities that when installed on the connected water heaters of utility customers would allow the utility to control the functioning of the water heaters to create a flexible

energy storage system to control power usage during periods of peak demand. Armada's motion to intervene acknowledges that it was filed after the intervention deadline, but indicates it did not decide to enter the Missouri market until January of 2021. Armada asks leave to intervene out of time for good cause, pursuant to Commission Rule 20 CSR 4240-2.075(10).

Ameren Missouri objected to Armada's late-filed motion to intervene on April 8, 2021. Ameren Missouri contends that Armada has not shown good cause for its delay in seeking to intervene, and has not complied with the Commission's rules regarding intervention. In particular, Ameren Missouri argues Armada has not demonstrated a unique interest in this matter that would be adversely affected if it is not allowed to intervene. Further, Ameren Missouri contends that Armada has failed to show that its intervention would serve the public interest, apart from its own commercial interest. Armada replied to Ameren Missouri's objection on April 16, 2021.

Commission Rule 20 CSR 4240-2.075(3) indicates the Commission may grant a request to intervene on two grounds. First, intervention is appropriate if the proposed intervenor has an interest that differs from that of the general public and if that interest may be adversely affected by a final order arising from the case. Second, in the alternative, intervention may be appropriate if granting the proposed intervention would serve the public interest. Armada has failed to demonstrate that intervention is appropriate under either ground.

This is not a contested case in which the legal rights, duties, or privileges of specific parties are required to be determined after hearing.¹ Rather, the purpose of the IRP

¹ Section 536.010(4) RSMo (2016).

process is to ensure that Missouri's investor-owned electric utilities engage in a robust resource planning process to ensure that the public interest is served in a manner consistent with Missouri's energy and environmental policies.² The purpose is not to authorize or compel a utility to purchase a particular product from a particular vendor.

The comments and "direct testimony" filed by Armada along with its motion to intervene clearly demonstrate that its interest in the IRP process is simply to attempt to sell its product to Ameren Missouri, or perhaps to encourage the Commission to direct Ameren Missouri to purchase that product. That interest will not be addressed in this proceeding and cannot be a basis for granting Armada's motion to intervene.

That leaves the second ground for intervention stated in the rule, that the proposed intervention will serve the public interest. The other entities that have been allowed to intervene have furthered the public interest by submitting comments analyzing the IRP submitted by Ameren Missouri. In contrast, Armada has submitted a "sales pitch" for its product.

In sum, Armada has no particular interest in the IRP process that could be adversely affected by that process and the public interest would not be served by allowing Armada to intervene. Since intervention is not appropriate under the Commission's rules, even if that motion had been filed on time, the Commission will not address the question of whether Armada has shown good cause for its failure to intervene on time. Armada's motion to intervene will be denied.

THE COMMISSION ORDERS THAT:

1. Armada's Motion to Intervene is denied.

² See, Commission Rule 20 CSR 4240-22.010.

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Woodruff, Chief Regulatory Law Judge