

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company)
d/b/a Ameren Missouri’s 4th Filing to)
Implement Regulatory Changes in Furtherance) File No. EO-2023-0136
of Energy Efficiency as Allowed by MEEIA.)

PETITION TO INTERVENE OF VOLTUS, INC.

COMES NOW Voltus, Inc. (“Voltus”) and petitions the Missouri Public Service Commission (“Commission” or “MPSC”) for intervention in the above-captioned proceeding pursuant to 20 CSR 4240-2.075. In support of its petition to intervene, Voltus states as follows.

I. Procedural Background

1. On March 27, 2023, pursuant to section 393.1075 RSMo., the Missouri Energy Efficiency Investment Act (“MEEIA”), Ameren Missouri filed an application seeking approval of a Demand-Side Investment Mechanism (“DSIM”) and a Demand-Side Management Portfolio and Plan, to be effective during the period January 1, 2024, through December 31, 2026 (the “MEEIA 4 Plan” or “Plan”). On May 2, 2023, Ameren Missouri, on behalf of itself and the Parties to this proceeding, filed a request for extra time to propose a schedule in this docket and requested leave to file a status report if more time was needed to develop a schedule. The Parties subsequently filed status reports on May 22, 2023, June 20, 2023, July 10, 2023, and August 16, 2023.

2. The Parties also filed a Stipulation and Settlement to extend Ameren Missouri's current MEEIA 3 Plan through 2024 in File No. EO-2018-0211 on August 3, 2023.

3. On January 11, 2024 a *Joint Motion to Amend Procedural Schedule* (“Joint Motion”) was filed in this matter by Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), the Staff of the Missouri Public Service Commission (“Staff” and “Commission,” respectively), the Office of Public Counsel (“OPC”), Renew Missouri Advocates d/b/a Renew

Missouri (“Renew Missouri”), Natural Resources Defense Council (“NRDC”), and Midwest Energy Consumers Group (“MECG”) (collectively, the “Parties”).

4. As noted in the Joint Motion, on October 4, 2023, the Commission adopted a procedural schedule in this docket. Subsequent to the Commission’s adoption of the procedural schedule, Ameren Missouri requested approval of a Financing Order Allowing Issuance of Securitized Utility Tariff Bonds in File No. EF-2024-0021 whose procedural schedule overlapped with the procedural schedule in this docket.

5. As the Joint Motion pointed out, many of the parties in File No. EF-2024-0021 are also Parties to this proceeding, and, in order to eliminate the overlap of schedules in the two proceedings, the Parties agreed to amend the schedule to the dates set forth in the Joint Motion. The Parties assert that their agreed-upon procedural schedule will enable the Commission and interested parties time to fully consider the MEEIA 4 Plan and complete that review so Ameren Missouri can implement an approved plan by January 1, 2025.

II. Voltus’ Request to Intervene

6. Applications to intervene are governed by Commission Rule 20 CSR 4240-2.075, which states in relevant part:

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) 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; or

(B) Granting the proposed intervention would serve the public interest.

7. Voltus is one of the largest distributed energy resources (“DER”) platform service providers to residential, commercial, and industrial customers across the United States and Canada.

Voltus acts as an Aggregator of Retail Customers (“ARC”) to enable consumers to profitably participate in various wholesale programs across, among other markets, the Southwest Power Pool (“SPP”) and Midcontinent Independent System Operator (“MISO”) footprints.

8. Voltus enables consumers to provide benefits from behind-the-meter assets (*i.e.*, load flexibility, energy storage, distributed generation, and energy efficiency) by delivering energy, capacity, and ancillary services that the grid needs to operate efficiently. In return, Voltus sources and secures for its customers wholesale market revenues in payment for the use of their assets which participate in wholesale electric markets.

9. Voltus was an active participant in the Commission’s recently concluded File No. EW-2021-0267, in which the Commission evaluated participation of distributed energy resource aggregators in markets operated by RTOs and ISOs and invited interested stakeholders to comment as to how the Commission should respond to FERC Order 2222. One issue examined in that proceeding was whether the Commission should lift or modify its 2010 Order¹ prohibiting the demand response load reductions of Missouri retail customers from participating in wholesale markets either directly or by third-party ARCs. In its October 12, 2023 Order, the Commission lifted a portion of that prohibition to permit larger commercial and industrial (“C&I”) customers of Commission-jurisdictional utilities to transfer demand response load reductions to RTO markets either directly or through an ARC such as Voltus.² The Order specified, however, that the modification allowing C&I customers to participate in wholesale demand response programs does

¹ File No. EW-2010-0187, *Order Temporarily Prohibiting the Operation of Aggregators of Retail Customers*, p. 5 (Mar. 31, 2010).

² File No. EW-2021-0267, *Order Partially Modifying the Commission’s 2010 Order Regarding ARCs*, p. 8–9 (Oct. 12, 2023) (“EW-2021-0267 Order”). The December 11, 2023 effective date of the October 12, 2023 Order was extended to January 1, 2024 by the Commission’s Order dated November 29, 2023.

not include C&I customers participating in retail demand response programs.³ Functionally, this means the Commission’s Order does not permit dual participation in both the wholesale market and retail utility programs. In both the Commission’s October 12, 2023 Order and its December 13, 2023 Order on Clarification, however, the Commission stated that it would continue to evaluate dual participation for future consideration.⁴

10. A second issue examined in EW-2021-0267 was whether the opt-out for smaller C&I customers with demands less than 100 kilowatts (“kW”) and all residential customers should remain.⁵ The Commission ultimately decided that the opt-out should remain in place for customers with loads less than 100 kW⁶ but indicated that may change in the future when the Commission has gained practical experience with ARCs.⁷

11. Given the Commission’s likely re-evaluation of C&I customers’ participation in the future and Ameren Missouri’s intention to file an Amended MEEIA 4 Application by January 25, 2024 to implement DSIM and a Demand-Side Management Portfolio and Plan to be in effect beginning January 1, 2025, the aggregator services that Voltus provides may compete directly with Ameren Missouri’s Demand-Side Management Portfolio and Plan. Voltus’ services not only provide payments directly back to participating customers, but Voltus’ RTO and ISO experience demonstrates that all ratepayers benefit from lower wholesale market prices driven down by the competition provided by ARC market participation.

³ *Id.* at p. 5.

⁴ *Id.*

⁵ *Id.* at p. 4, 6–7, 9; *see also* File No. EW-2021-0267, *Voltus Comments on Order Regarding Opportunity for Additional Comments Regarding Modification of Temporary Ban on Aggregators for Commercial and Industrial Customers*, p. 3–5 (June 22, 2023).

⁶ EW-2021-0267 Order, at p. 9.

⁷ *Id.* at p. 6.

12. As a result, Voltus seeks to participate in these proceedings so that it may evaluate Ameren Missouri's new MEEIA 4 Plan and provide its unique perspective regarding dual participation in both the wholesale market and retail utility programs, as well as comment on any other issues that may arise in these proceedings. Further, as described above, Voltus has an interest in this proceeding which differs from the general public and which may be adversely affected by a final order arising from this case. Granting Voltus' requested intervention would serve the public interest by virtue of its experience assisting consumers with bidding their demand side assets into the competitive wholesale market across various RTOs and ISOs. In accordance with the statement required by 20 CSR 4240-2.075(2)(F), at this time Voltus is uncertain what position it will take in this proceeding and will reevaluate its position once it has analyzed Ameren Missouri's upcoming amended MEEIA 4 filing.

13. Voltus is mindful of the fact that the Commission's March 27, 2023 Order in this docket established a deadline for intervention of April 11, 2023. Given the Joint Motion to extend the procedural schedule and Ameren Missouri's upcoming amended MEEIA 4 application, Voltus submits that the circumstances have changed since the Order establishing the intervention and that good cause⁸ exists for the Commission to permit Voltus to intervene. Voltus has no objection to the dates proposed in the Joint Motion and is prepared to comply with the Parties' suggested dates upon a Commission Order granting the Joint Motion, or any other dates the Commission may order.

⁸ 20 CSR 4240-2.050 provides that (3) When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission may--
(A) Order the period enlarged before the expiration of the period originally prescribed or as extended by a previous order; or
(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or for other good cause shown.

14. In addition to undersigned counsel, please include the following Voltus representatives on all electronic notices, orders, pleadings, and correspondence regarding this proceeding:

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WHEREFORE, Voltus respectfully requests that it be permitted to intervene in this proceeding and for any such further relief as the Commission may deem just and appropriate.

Respectfully submitted,

POLSINELLI PC

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ATTORNEYS FOR VOLTUS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served
On all parties of record via electronic mail (e-mail) on this 24th day of January, 2024.

/s/ Anne E. Callenbach
