

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

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

**AMEREN MISSOURI'S RESPONSE IN OPPOSITION TO VOTUS, INC.'S AND  
ENERWISE GLOBAL TECHNOLOGIES, LLC D/B/A CPOWER'S MOTIONS TO  
INTERVENE**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and in response to the Motions to Intervene (“Motions”) filed by Voltus, Inc. ("Voltus") and Enerwise Global Technologies, LLC d/b/a CPower ("CPower"), collectively, ("Intervenors"), states as follows:

1. Ameren Missouri filed a request for approval of its Demand-Side Investment Mechanism (“DSIM”) and a Demand-Side Management Portfolio and Plan, (the “MEEIA 4 Plan” or “Plan”) on March 27, 2023. Ameren Missouri requested the Plan be effective during the period January 1, 2024, through December 31, 2026. The Commission set an intervention deadline of April 11, 2023.

2. Prior to its March 27, 2023, filing, Ameren Missouri held several stakeholder advisory meetings to receive input on the components of its MEEIA 4 Plan pursuant to 20 CSR 4240-20.094(4)(A). After its March 27, 2023, filing Ameren Missouri conducted additional stakeholder meetings and worked with parties to reach an agreement on the procedural schedule to allow more time to review the impacts, if any, of the Inflation Reduction Act ("IRA"), among other issues. The parties in this matter reached a Stipulation and Agreement to extend Ameren Missouri's current MEEIA 3 Plan for 2024 in File No. EO-2018-0211 on August 3, 2023. The Commission approved the Stipulation and Agreement on August 23, 2023. As part of the

Stipulation and Agreement, Ameren Missouri held additional workshops to discuss the impact of the IRA on the proposed Plan as well as Ameren Missouri's Integrated Resource Plan, and other issues prior to the filing of its Amended Plan on January 25, 2024.

3. On January 24, 2024, Voltus filed a Motion to Intervene and on January 31, 2024, CPower filed a Motion to Intervene. The Intervenors state that they were active participants in File No. EW-2021-0267. Neither Intervenor participated in Ameren Missouri's scheduled workshops nor expressed any interest in this docket prior to the filing of the Motions.

4. The Intervenor's Motions are made out of time and should be denied. The Intervenors' claim that good cause is shown because Ameren Missouri filed an amended application and requested the Plan to begin on January 1, 2025, and the Intervenors claim circumstances have changed since the Commission issued its Order Establishing an intervention deadline. The Intervenors point out the change in circumstances relates to the Commission's Order in File No. EW-2021-0267 issued on October 12, 2023.<sup>1</sup> The Commission's Order allows Commercial and Industrial Customers of Commission jurisdictional electric utilities with demands of 100 kilowatts ("kW") or greater to transfer demand response load reduction to regional transmission operator's markets directly or through third-party Aggregators of Retail Customers ("ARCs") under the specific conditions of the Commission's Order.<sup>2</sup>

5. The Intervenors' assertion that the timing of the amended filing prompted its intervention is insincere. The Commission opened File No. EW-2021-0267 on February 3, 2021, and issued its Order in that docket on October 12, 2023. The MEEIA Plan filed on March 27, 2023, proposed that the Plan begin on January 1, 2024, continue through January 1, 2025, and end on December 31, 2026. Neither Intervenor has provided good cause as to why they could not have

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<sup>1</sup> See CPower Motion at pp.2-3; Voltus Motions at 4.

<sup>2</sup> *Id.*

requested to intervene in this docket by the deadline set by the Commission or shortly after the Commission issued its Order in File No. EW-2021-0267 on October 12, 2023, which was over three months ago. The Commission approved the schedule in this docket on October 4, 2023, and the Intervenors were aware of the Commission's decision prohibiting customer dual participation in utility demand side programs and third-party ARC programs on October 12, 2023. Each Intervenor stated that they did not take a position in this docket and Voltus points out that after it reviews the Amended Petition, it might reevaluate its position.<sup>3</sup>

6. Ameren Missouri filed its Plan on March 27, 2023, and did not materially amend its demand side programs in its recent filing. The pleadings in this docket outline the issues that were considered for the amended plan. Both Intervenors are active participants before the Commission and have the resources to monitor and understand what is happening in proceedings before the Commission. Both Intervenors are aware of the April 11, 2023, deadline for intervention. The Intervenors have not shown good cause exists to allow for a late intervention. The Intervenors' actions suggest that they neglected examining the filing on March 27, 2023, and neglected examining the filing after October 12, 2023, when the Commission issued its Order in File No. EW-2021-0267. Ameren Missouri recognizes that the Commission set the intervention deadline for April 11, 2023, and then adopted a procedural schedule later in the year on October 4, 2023. Ameren Missouri also recognizes that it would be reasonable for the Commission to consider interventions shortly after the schedule was approved after good cause shown and the Commission's requirements were met.

7. In this case, however, the Intervenors failed to make a timely request shortly after the Commission's October 12, 2023 Order. The Intervenors ignore the fact that Commission rules

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<sup>3</sup> See CPower Motion at 4 and Voltus Motion at 5.

allow the opportunity for stakeholder participation to inform the Plan. The parties in this docket have actively participated in stakeholder workshops since 2022 and as recently as January 10, 2024. The Intervenors have not participated as stakeholders and had opportunity to participate. If the Intervenors filed Motions to Intervene by the end of October or early November 2023, the Intervenors would have had opportunity to participate in workshops and learn about the issues the parties were discussing in this docket. Consequently, the Commission should reject the Motions to Intervene because the Intervenors failed to show good cause for intervention and were negligent in not intervening sooner.

8. Additionally, neither Intervenor demonstrated an interest which is different than the general public or serve the public interest. The Intervenors are not customers of the Company and cannot participate in Ameren Missouri's demand side programs. Intervenors stated their interest is to provide a perspective regarding dual participation in both the wholesale program and retail utility programs since they now can participate in the Missouri market.<sup>4</sup> Ameren Missouri recognizes the Commission will address issues regarding the Missouri's experience with ARCs in EW-2021-0267 or other dockets.<sup>5</sup> However, File No. EW-2021-0267 impacts all utilities and this docket is about Ameren Missouri's MEEIA programs proposed to be implemented on January 1, 2025. The Commission was clear that it will consider the ARC's interests in File No. EW-2021-0267 or other dockets and will look at the impacts in Missouri, not Ameren Missouri's MEEIA programs. The Commission anticipated that the experience gained through the modification will assist all stakeholders in developing a policy framework for ARCs going forward. This case is specifically about Ameren Missouri's MEEIA 4 Plan and cannot address a framework for ARC's

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<sup>4</sup> See CPower Motion at 3 and Voltus Motion at 5.

<sup>5</sup> See the Commission's *Order Partially Modifying the Commission's 2010 Order Regarding ARCs* issued October 12, 2023 at 8.

that will be implemented for the entire state of Missouri. Simply put, allowing these untimely interventions prevents the effective administration of this case by allowing additional intervenors to participate. Their participation prejudices the parties who participated in the workshops to inform the Plan in this docket. The Intervenor's interests do not serve the public interest. The Intervenor's issues should be examined in the context of a docket that involves all utilities and not just Ameren Missouri.

**WHEREFORE**, Ameren Missouri respectfully requests that the Commission issue an order denying Voltus, Inc.'s and Enerwise Global Technologies, LLC d/b/a CPower's request to intervene in this proceeding.

Respectfully submitted,

/s/ Jennifer S. Moore  
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**ATTORNEYS FOR UNION ELECTRIC  
COMPANY D/B/A AMEREN  
MISSOURI**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail (e-mail) on this 2<sup>nd</sup> of February 2024.

*/s/ Jennifer S. Moore* \_\_\_\_\_  
Jennifer S. Moore