

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 29<sup>th</sup> day of February, 2024.

In the Matter of Union Electric Company )  
d/b/a Ameren Missouri's 4<sup>th</sup> Filing to )  
Implement Regulatory Changes in )  
Furtherance of Energy Efficiency as )  
Allowed by MEEIA )

**File No. EO-2023-0136**

**ORDER REGARDING INTERVENTION REQUESTS**

Issue Date: February 29, 2024

Effective Date: February 29, 2024

On March 27, 2023, Union Electric Company d/b/a Ameren Missouri filed its *Application to Approve DSIM and Demand-Side Management Portfolio and Plan, Request for Variances, and Motion to Adopt Procedural Schedule*. The Commission issued notice of the application the same day. That notice gave interested parties until April 11, 2023, to file applications to intervene.

After discussions and workshops among the parties, the Commission adopted a joint proposed procedural schedule on October 4, 2023. The joint procedural schedule included a date by which Ameren Missouri would file an amended application. On January 11, 2024, the parties filed a joint motion to amend the procedural schedule due to conflicts with another Commission case in which several of the same parties were involved. On January 25, 2024, Ameren Missouri filed its *Amended and Supplemented Application to Approve DSIM and Demand-Side Management Portfolio and Plan, and*

*Request for Variances.* Pursuant to a Commission order, the parties suggested another amendment to the procedural schedule on February 15, 2024, to avoid hearing date conflicts at the Commission.

On January 24, 2024, Voltus, Inc. applied to intervene out of time. On January 31, 2024, Enerwise Global Technologies, LLC d/b/a CPower applied to intervene out of time.

Voltus claims good cause exists to permit it late intervention, due to the motion to extend the procedural schedule and Ameren Missouri's amended application. CPower claims that due to the Commission's order in File No. EW-2010-0187,<sup>1</sup> aggregators of retail customers (ARCs) were not permitted to operate in Missouri. The Commission since issued an order in File No. EW-2021-0267 which allows some ARC operation in Missouri, effective January 1, 2024.<sup>2</sup> CPower is a demand-side aggregator and states it now has a business interest in Missouri. CPower claims it could not have intervened by the April 11, 2023 deadline.

Ameren Missouri opposed Voltus's and CPower's interventions, arguing that neither applicant to intervene has provided good cause as to why they could not have 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, which was on October 12, 2023. Ameren Missouri argues that both applicants are active participants

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<sup>1</sup> File No. EW-2010-0187, *Order Temporarily Prohibiting the Operation of Aggregators of Retail Customers*, (issued March 31, 2010).

<sup>2</sup> File No. EW-2021-0267, *Order Regarding ARCs*, (issued October 12, 2023). The effective date of the order was later extended to January 1, 2024 by the Commission's *Order Extending Effective Date*, issued November 29, 2023.

before the Commission, and both have the resources to monitor and understand proceedings before the Commission.

Ameren Missouri further submits that Voltus and CPower had the opportunity to review and were aware of Ameren Missouri's March 27, 2023 application, which has not been materially amended. Ameren Missouri also suggests that Voltus's and CPower's late filings indicate that they also neglected to examine the application after the Commission's October 12, 2023 order in File No. EW-2021-0267. Ameren Missouri also points out that neither Voltus nor CPower have taken any firm position in the case.<sup>3</sup> Finally, Ameren Missouri argues that the applicants do not have an interest different from that of the general public because the applicants are not Ameren Missouri customers, and File No. EW-2021-0267 is the proper forum for ARC participation in Missouri, and not this case.

Commission Rule 20 CSR 4240-2.075(3) controls intervention before the Commission. That rule states that the Commission may grant a motion to intervene if

- (A) The proposed intervenor . . . 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.

The Commission notes that the intervention applications were filed more than nine months beyond the deadline. Additionally, the intervention applications do not state a specific position. Further, the Commission is not persuaded by the good cause statements provided by Voltus and CPower to explain why they could not have requested to intervene sooner. Therefore, the Commission will deny both applications to intervene.

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<sup>3</sup> *Application to Intervene Out of Time of Enerwise Global Technologies, LLC d/b/a CPower*, (filed January 31, 2024), paragraph 13; and *Petition to Intervene of Voltus, Inc.*, (filed January 24, 2024), paragraph 12.

**THE COMMISSION ORDERS THAT:**

1. The applications to intervene filed by Voltus, Inc. and Enerwise Global Technologies, LLC d/b/a CPower are denied.
2. This order shall become effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

Hahn, Ch., Holsman, and  
Kolkmeier CC., concur.  
Rupp and Coleman, CC., dissent.

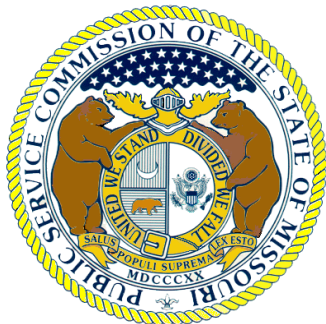
Pridgin, Deputy Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 29<sup>th</sup> day of February 2024.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**February 29, 2024**

**File/Case No. EO-2023-0136**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.