

**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


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 21st day of April, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 21, 2021

File/Case No. EO-2021-0021

Missouri Public Service Commission

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

Armada Power, LLC

Daniel Flynn
222 S. Meramec Ave., Suite 202,
Clayton, MO 63105
Clayton, MO 63105
dflynn@neilflynnlaw.com

Armada Power, LLC

Neil F Flynn
600 S. Second Street, Ste. 102
Springfield, IL 62704
nflynn@neilflynnlaw.com

Clean Grid Alliance

Sean Brady
PO Box 4072
Wheaton, IL 60189-4072
sbrady@cleangridalliance.org

Clean Grid Alliance

Judith A Willis
2313, Route J
P.O. Box 106088
Jefferson City, MO 65101
anniewillisjclaw@hotmail.com

Dutchtown South Community Corporation

Sarah W Rubenstein
319 N. 4th Street, Suite 800
St. Louis, MO 63102
srubenstein@greatriverslaw.org

Midwest Energy Consumers Group

David Woodsmall
308 E. High Street, Suite 204
Jefferson City, MO 65101
david.woodsmall@woodsmalllaw.com

Missouri Division of Energy

Shawna Bligh
1101 Riverside Drive
Jefferson City, MO 65101
Shawna.Bligh@dnr.mo.gov

Missouri Division of Energy

Ryan P Conway
1101 Riverside Dr.
PO Box 176
Jefferson City, MO 65102
ryan.conway@dnr.mo.gov

Missouri Division of Energy

Jacob Westen
1101 Riverside Drive
P.O. Box 176
Jefferson City, MO 65102-0176
Jacob.Westen@dnr.mo.gov

Missouri Industrial Energy Consumers (MIEC)

Diana M Plescia
130 S. Bemiston, Suite 200
St. Louis, MO 63105
dplescia@chgolaw.com

Missouri Public Service Commission

Jamie Myers
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
jamie.myers@psc.mo.gov

National Association for the Advancement of Colored People

Bruce A Morrison
319 North Fourth Street
Suite 800
St. Louis, MO 63102
bamorrison@greatriverslaw.org

Natural Resources Defense Council

Henry B Robertson
319 N. Fourth St., Suite 800
St. Louis, MO 63102
hrobertson@greatriverslaw.org

New Northside Missionary Baptist Church, Inc.

Bruce A Morrison
319 North Fourth Street
Suite 800
St. Louis, MO 63102
bamorrison@greatriverslaw.org

Renew Missouri

Tim Opitz
409 Vandiver Dr Building 5, Suite 205
Columbia, MO 65202
tim@renewmo.org

Sierra Club

Tony G Mendoza
2101 Webster Street, Suite 1300
Oakland, CA 94612
tony.mendoza@sierraclub.org

Sierra Club
Henry B Robertson
319 N. Fourth St., Suite 800
St. Louis, MO 63102
hrobertson@greatriverslaw.org

Sierra Club
Joshua D Smith
2101 Webster Street, Suite 1300
Oakland, CA 94612
joshua.smith@sierraclub.org

Spire
Matthew Aplington
700 Market Street
Saint Louis, MO 63101
matt.aplinton@spireenergy.com

Spire
Goldie Bockstruck
700 Market Street
St. Louis, MO 63101
goldie.bockstruck@spireenergy.com

Union Electric Company
Paula Johnson
1901 Chouteau Avenue
St Louis, MO 63103
AmerenMOService@ameren.com

Union Electric Company
James B Lowery
3406 Whitney Ct.
Columbia, MO 65203
lowery@jblawllc.com

Union Electric Company
Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
AmerenMOService@ameren.com

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

Sincerely,



**Morris L. Woodruff
Secretary**

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