

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 20<sup>th</sup> day of  
May, 2008.

In the Matter of Union Electric Company, d/b/a )  
AmerenUE's Tariffs to Increase Its Annual )  
Revenues for Electric Service )

**Case No. ER-2008-0318**  
Tariff Nos. YE-2008-0605

**ORDER DENYING APPLICATION TO INTERVENE**

Issue Date: May 20, 2008

Effective Date: May 20, 2008

On April 4, 2008, Union Electric Company, d/b/a AmerenUE, filed a tariff designed to increase its annual revenues for electric service. The Commission suspended that tariff and established April 28 as the deadline for interested parties to apply to intervene.

George R. Gholston, Jr. applied to intervene on April 22. Gholston's application stated in its entirety "I wish to intervene and participate in the rate hearings, Case No. ER-2008-0318, regarding the rate increase request filed by Union Electric Company d/b/a AmerenUE." On April 30, AmerenUE filed a pleading opposing Mr. Gholston's intervention request.

Intervention in cases before the Commission is governed by Commission Rule 4 CSR 240-2.075. Section (2) of that rule requires an applicant to intervene to state his "interest in the case and reasons for seeking intervention". Mr. Gholston's application states nothing beyond his desire to intervene. To give Mr. Gholston an opportunity to explain the basis for his request to intervene, the Commission issued an order on May 7, allowing him until May 16 to file a pleading explaining why his interest in this case is different from that of the general public and how his interest would be adversely affected by

a final order, or why allowing him to intervene would serve the public interest. Mr. Gholston did not respond.

Commission Rule 4 CSR 240-2.075(4) provides that the Commission may allow a person to intervene upon a showing that:

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.

Mr. Gholston has not established that he has an interest that is different from that of the general public and does not meet the first prong of the intervention rule.

The second prong of the intervention rule would allow the Commission to grant Mr. Gholston's intervention request if it found that doing so would serve the public interest. However, for many years, the Commission has not allowed individual residential customers to intervene in rate cases. Instead, the interests of such customers are represented by the Office of the Public Counsel, as well as by other consumer organizations.<sup>1</sup>

As the Missouri Supreme Court has recognized, allowing every customer to participate as a party in this or any rate case, would overwhelm the system and prevent the Commission from functioning efficiently.<sup>2</sup> Instead, the Commission conducts numerous local public hearings around the state at which individual ratepayers may make their views known to the Commission.

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<sup>1</sup> In this case, the Commission has granted intervention requests by AARP and the Consumers Council of Missouri.

<sup>2</sup> *State ex rel Consumers Public Serv. Co. v. Pub. Serv. Comm'n*, 352 Mo 905, 919, 180 S.W. 2d 40, 45 (Mo. banc 1944)

**IT IS ORDERED THAT:**

1. George R. Gholston, Jr.'s Application to Intervene is denied.
2. This order shall become effective on May 20, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Jarrett,  
and Gunn, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge