UNION ELECTRIC COMPANY
1901 GRATIOT STREET - ST. LOUIS

September 23, 1980

MAILING ADDRESS:
P. O. BOX 149
ST. LOUIS, MO. 63166

Mr. D. Michael Hearst
Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Case No. ER-80-190

Dear Mr. Hearst:

Enclosed is an original and nine (9) conformed copies of a Statement In Opposition to Motion to Intervene in the above numbered case.

Very truly yours,

Michael F. Barnes

Michael F. Barnes
Attorney For
Union Electric Company

Enclosure

cc: Kent M. Ragsdale, General Counsel
Dennis F. Kay, Esq., Attorney for University City, Missouri
Edward Cadieux, Hearing Examiner

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Union Electric Company of St. Louis, Missouri for Authority to File Revised Tariffs for Incandescent Lighting Service Provided to Customers in the Missouri Service Area of the Company	)	Case No. ER-80-190

STATEMENT IN OPPOSITION TO MOTION TO INTERVENE

Comes now Union Electric Company ("Applicant") and moves the Commission to deny University City, Missouri, a municipal corporation of the State of Missouri ("University City") Motion to Intervene and as grounds therefor states as follows:

1. On July 24, 1980 the Commission issued an order setting August 22, 1980 as the deadline to intervene in Case No. ER-80-190;

2. A copy of the Commission Order dated July 24, 1980 was sent by the Commission to Mayor Joseph W. Mooney, Mayor of University City, 6801 Delmar, University City, Missouri 63130;

3. University City did not file a motion to intervene until September 16, 1980 which was twenty-five (25) days after said deadline set by the Commission;

4. Motion filed by University City was not received by Applicant until September 22, 1980, as it was sent to Francis X. Duda, Esquire, of Schlafly, Griesedieck, Ferrell and Toft, Attorneys at Law, who was never employed to represent Applicant in this case, and it was not sent to Stewart W. Smith, Jr. as was required by Commission Order dated July 24, 1980;

5. Motion filed by University City did not state why said motion was not timely filed or should be allowed to be filed past the deadline established by the Commission;

(1)

6. Motion further did not state good cause shown pursuant to late filed intervention regulation 4 CSR 240-2.110 (14) in that:

A. University City through its Mayor, City Manager, and various Council members, did in fact have the opportunity and did testify before the Commission at the St. Louis public hearing held on September 16, 1980 at 7:00 p.m. in the St. Louis County Council Chambers;

B. The Commission did in fact notify University City on July 24, 1980 and said City failed to intervene within the deadline set by the Commission in its Order of that date;

7. Motion did not comply with the requirements of 4 CSR 240-2.080 (2) in that:

A. University City failed to properly serve Applicant with a copy of its Motion as is required by the above-named regulation and the Commission's Order dated July 24, 1980;

8. Motion improperly states that: ". . . A COPY OF THE FOREGOING WAS MAILED TO ALL ATTORNEYS OF RECORD OF ALL PARTIES AT THEIR BUSINESS ADDRESSES . . .";

9. Upon learning of this Motion by indirect means, Applicant now files this Statement.

WHEREFORE, because of the foregoing, Applicant moves that the Commission deny University City, Missouri's Motion to Intervene.

Respectfully submitted,

UNION ELECTRIC COMPANY

By Michael F. Barnes

Michael F. Barnes
Attorney for Union Electric Co.
P.O. Box 149
St. Louis, Missouri 63166
(314) 621-3222

Dated at St. Louis, Missouri
this 23rd day of September, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the aforegoing Statement In Opposition To Motion To Intervene upon all parties of record in Missouri Public Service Commission Case No. ER-80-190 by mailing, by first class mail postage prepaid, a copy thereof to each such party as follows:

Kent M. Ragsdale
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

James L. Carl
7110 Washington Avenue
University City, Missouri 63130

Dennis F. Kay, Esquire
Attorney for University City
6801 Delmar Boulevard
University City, Missouri 63130

Dated at St. Louis, Missouri
this 23rd day of September, 1980.

/s/ Michael F. Bowes