

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a )  
AmerenUE for Authority to File Tariffs Increasing Rates ) **Case No. GR-2007-0003**  
for Natural Gas Service Provided to Customers in the ) **Tariff No. YG-2007-0008**  
Company's Missouri Service Area. )

### **ORDER GRANTING APPLICATION TO INTERVENE**

Issue Date: November 8, 2006

Effective Date: November 8, 2006

On July 10, 2006, Union Electric Company d/b/a AmerenUE submitted to the Missouri Public Service Commission certain proposed tariff sheets to implement a general rate increase for natural gas service to customers in its Missouri service area. Concurrent with its natural gas service rate increase request, AmerenUE filed tariff sheets to implement a general rate increase for its retail electric service. The Commission is considering that request in Case No. ER-2007-0002.

The Commission issued notice of those filings on July 11, and established July 31 as the deadline for submission of requests to intervene in each case. On September 8, 2006, the Missouri Retailers Association (MRA) filed an application to intervene out of time in Case No. ER-2007-0002, which was granted by the Commission.

On October 12, 2006, the MRA filed an application to intervene out of time in Case No. GR-2007-0003 pursuant to 4 CSR 240-2.075.<sup>1</sup> The MRA is composed of retailers who represent a cross section of businesses within the state of Missouri. In support of its application, the MRA states that, because its member companies utilize a substantial

---

<sup>1</sup> MRA's requested intervention under 4 CSR 240-2.070, however, that Commission rule governs complaint case procedure. Accordingly, the Commission believes MRA intended to request intervention under 4 CSR 240-2.075.

amount of natural gas, determinations made by the Commission in this case could have a direct and significant impact on the MRA's cost of energy service and the manner in which that service is supplied. The MRA also contends that, as large and small customers of AmerenUE, the MRA has a direct and immediate interest in these proceedings that is different from that of the general public. The MRA further states that its interests could be adversely affected by Commission decisions in this case.

In support of its request for the Commission to accept its filing out of time, the MRA states that it was unable to determine whether or not it should intervene in this rate case proceeding prior to the initial intervention deadline. The MRA further states that it filed its intervention request as soon as possible after determining that it should intervene.

On October 19, 2006, AmerenUE filed a reply in opposition to the MRA's late-filed application to intervene on the basis that the MRA failed to state good cause for filing out of time in this case. Specifically, AmerenUE contends that in its motion to intervene filed in this case, the MRA fails to offer any explanation as to why it was unable to determine whether to intervene in this rate case until over a month after filing for intervention in Case No. ER-2007-0002. The Commission agreed with AmerenUE's position on this issue and on October 20, 2006, ordered the MRA to supplement its intervention request with an explanation as to why it filed for intervention in this case over a month after filing for intervention in Case No. ER-2007-0002.

On October 31, 2006, the MRA filed the requested supplement to its application to intervene. In that pleading, the MRA states that it initially sought intervention in only the electric portion of AmerenUE's rate case, ER-2007-0002, to minimize litigation costs. The MRA explained that it does not have budgeted funds for such interventions, and must solicit fund from its members to intervene. After the Commission granted the MRA intervention in

ER-2007-0002, the MRA polled its members. Those members then decided that it was worth the extra cost to also seek intervention in this case, because it would permit the MRA to join in settlement discussions which involve both ER-2007-0002 and GR-2007-0003.

Having reviewed the MRA's application and supplemental filing, as well as AmerenUE's reply, the Commission finds that the MRA has an interest in this case that is different from that of the general public and that its interests may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing the MRA to intervene will serve the public interest. Therefore, in accordance with 4 CSR 240-2.075(4), the Commission will grant the application to intervene.

**IT IS ORDERED THAT:**

1. The Missouri Retailers Association's Application to Intervene Out of Time is granted.
2. This order shall become effective on November 8, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Cherlyn D. Voss, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 8th day of November, 2006.