

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of September, 2010.

In the Matter of Union Electric Company)
d/b/a AmerenUE for Authority to File Tariffs)
Increasing Rates for Natural Gas Service)
Provided to Customers in the Company's)
Missouri Service Area)

File No. GR-2010-0363

ORDER DENYING MOTION FOR RECONSIDERATION

Issue Date: September 22, 2010

Effective Date: September 22, 2010

On July 28, 2010, the Commission issued an order granting intervention to MoGas Pipeline LLC. Upon a motion filed by Union Electric Company d/b/a AmerenUE, the Commission reconsidered its order granting intervention, reversed its decision and denied intervention to MoGas. On September 10, MoGas filed a Motion for Rehearing. Although MoGas has filed what is titled, "Motion for Rehearing," the Commission will treat the pleading as a Motion for Reconsideration. The former is applicable to final orders of the Commission; the latter, to interlocutory orders.

In support of its motion, MoGas first states that the Commission erred when it concluded that MoGas' participation will result in increased litigation cost. The Commission disagrees. In fact, AmerenUE has already incurred additional cost by having to defend MoGas' attempt to intervene.

Secondly, MoGas argues that the Commission erred when it concluded that MoGas' participation cannot possibly serve the public interest. It is not the public's interest that

MoGas seeks to protect but rather its own. MoGas states that it “wanted to participate to protect *its* interest and ensure that the Commission was fully informed on the numerous FERC cases involving MoGas that Ms. Cruthis cited.”¹ (emphasis added). Nonetheless, any interest that may be served by the Commission being informed on matters before FERC may be served by MoGas filing *amicus curiae* brief(s) as the company sees fit.

Finally, MoGas argues that the Commission erred when it concluded that MoGas has failed to show that its interest will be affected by an outcome in this case. In support of this position, MoGas cites to 4 CSR 240-2.075(2), which requires an applicant seeking intervention to state its interest, reasons for seeking intervention, and the applicant’s position in the case. The conclusion, that the Commission erred, does not follow the premise, the requirements of 2.075(2). The rule cited by MoGas has to do with what is to be included in the application to intervene, not the standard upon which the Commission is to act.

However, under 2.075(4):

The Commission may on application permit any person to intervene on 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.

This is the standard under which the Commission is to act. MoGas states that its interest is to ensure that the Commission is properly informed about matters at the FERC. This interest cannot be adversely affected by a final order arising out of this case. The Commission will therefore deny MoGas’ Motion for Reconsideration.

¹ Motion for Rehearing, page 2, last sentence of last full paragraph

THE COMMISSION ORDERS THAT:

1. MoGas Pipeline LLC's Motion for Reconsideration is denied.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.
Kenney, C., abstains.

Jones, Senior Regulatory Law Judge