

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 9th day of October, 2008.

In the Matter of Union Electric Company, d/b/a)
AmerenUE's Tariffs to Increase Its Annual) **Case No. ER-2008-0318**
Revenues for Electric Service) **Tariff Nos. YE-2008-0605**

ORDER GRANTING LATE-FILED APPLICATION TO INTERVENE

Issue Date: October 9, 2008

Effective Date: October 9, 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.

On October 1, Missouri Coalition for the Environment and Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy, filed an application to intervene. The Commission ordered any party wishing to object to the late-filed application to intervene to do so no later than October 7. AmerenUE filed an objection on October 7.

Commission Rule 4 CSR 240-2.075(4) provides that the Commission may grant an application to intervene upon a showing that the applicant has an interest in the case that is different from that of the general public and that may be adversely affected by the Commission's final order in the case. In the alternative, the Commission may grant an application to intervene if doing so would serve the public interest. Subsection (5) of that same rule indicates the Commission may grant a late-filed application to intervene upon a showing of good cause.

The Commission established an intervention deadline in this case of April 28. Missouri Coalition for the Environment and Missourians for Safe Energy filed their application to intervene on October 1, more than five months late. In their application, the prospective intervenors explain that they did not file a timely application to intervene because they only became aware that AmerenUE was seeking recovery of expenditures related to development of the proposed Callaway 2 nuclear reactor from a newspaper article published on September 20. They now want into the case to oppose the inclusion of those expenditures in AmerenUE's rates.

In opposing Missouri Coalition for the Environment and Missourians for Safe Energy's application to intervene, AmerenUE argues the proposed intervenors failed to show good cause for their delay in applying to intervene. As AmerenUE points out, the information about AmerenUE's desire to recover approximately \$50 million in Callaway 2 costs was included in the company's direct testimony filed on April 4, and so was available to the public at that time. However, it is certainly understandable that these environmental groups, who do not frequently appear before the Commission, would not become aware of this particular issue until AmerenUE's proposal was reported in the press. Missouri Coalition for the Environment and Missourians for Safe Energy have provided a reasonable explanation for their failure to apply to intervene within the allotted time, and have shown good cause to intervene after the established intervention date.

Having found that Missouri Coalition for the Environment and Missourians for Safe Energy have shown good cause for their late filing to intervene, the Commission must still address the question of whether those groups have an interest that is different than that of

the general public and whether that interest may be adversely affected by a final order arising from this case.

Missouri Coalition for the Environment and Missourians for Safe Energy are nonprofit corporations that advocate on behalf of their members for protection of Missouri's environment. As such, they have interests that differ from those of the general public, and offer expertise beyond that possessed by the general public.

The Commission concludes that Missouri Coalition for the Environment and Missourians for Safe Energy have an interest that is different than that of the general public and that their interest may be adversely affected by a final order arising from this case. Furthermore, allowing these organizations to intervene will serve the public interest by encouraging a full and open discussion of all relevant issues. Therefore, in accordance with 4 CSR 240-2.075(4), the Commission will grant the application to intervene.

Since the hearing in this case will begin in approximately five weeks, Missouri Coalition for the Environment and Missourians for Safe Energy must accept the remaining procedural schedule and the established record as it now exists. They are free to file rebuttal and surrebuttal testimony and otherwise participate in the case from this point forward.

THE COMMISSION ORDERS THAT:

1. The Late-Filed Application to Intervene of Missouri Coalition for the Environment and Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy is granted.

2. This order shall become effective immediately upon issuance.

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., Clayton, Jarrett, and Gunn, CC., concur;
Murray, C., dissents.

Woodruff, Deputy Chief Regulatory Law Judge