

**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 for Electric Service Provided to Customers) Case No. ER-2010-0036
In the Company's Missouri Service Area)

**DISSENTING OPINION OF
COMMISSIONER TERRY M. JARRETT**

Once again this Commission has granted an application for intervention despite a deficient application, specifically counsel's failure to file a verified application pursuant to 4 CSR 240-2.060.

As stated in my previous dissent in this case regarding the granting of intervention when applications are deficient, I again renew and restate my position. That position is that this Commission should follow its rules. Because Commissions rules are law they should be followed. Just because this Commission may have liberally granted intervention in past practice does not make the Commission's current action any more defensible. The majority's continuing actions to ignore the law for the alleged purpose of economy and consistency make it no more acceptable.

My prior suggestion in dissent was that applicants presenting deficient applications should be issued a notice of deficiency or that the Commission should allow the applicant time to seek a rule waiver. This would allow an applicant an opportunity to comply with the Commission rules and, where compliance could not be achieved, seek a waiver.

The result reached here by the majority again could have been achieved in a lawful manner, but it was not. Practitioners will continue to be lax until this Commission requires them to follow the Commission's rules. Therefore I dissent from the grant of intervention.



Terry M. Jarrett, Commissioner

Submitted this 3rd day of December, 2009