

FILED

OCT 27 1997

MISSOURI
PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Union Electric Company for Approval) Case No. EO-98-95
of an Experimental Retail Wheeling)
Pilot.)

APPLICATION FOR LEAVE TO INTERVENE OUT OF TIME

COMES NOW Laclede Gas Company, by and through its counsel, pursuant to Rule 4 CSR 240-2.075 of the Public Service Commission of Missouri (the "Commission"), and in support of its Application For Leave To Intervene Out Of Time in the above-captioned docket respectfully states as follows:

1. The exact legal name of the applicant is Laclede Gas Company ("Laclede"), and its principal place of business is located at 720 Olive Street, St. Louis, Missouri 63101.

2. The names, titles and addresses of the persons to whom correspondence, communications, orders and decisions in this matter are to be sent are as follows:

Mr. Michael C. Pendergast
Assistant General Counsel
Thomas M. Byrne
Associate Counsel
Laclede Gas Company
720 Olive Street
St. Louis, MO 63101

3. Laclede is a natural gas distribution company, subject to the Commission's jurisdiction, which operates as a retail distributor and transporter of natural gas in the State of Missouri. More than one-half million residential, commercial and industrial gas users in Missouri rely on

Laclede for reasonably priced, dependable supplies of natural gas.

4. On September 2, 1997, Union Electric Company ("UE") initiated this proceeding by filing an application with the Commission requesting approval of a proposed retail wheeling pilot program ("Proposed Pilot Program"). UE's filing was required as part of the Stipulation and Agreement approved by the Commission in Case No. EM-96-149, in which the Commission authorized the merger of UE and Central Illinois Public Service Company. Laclede was a party to Case No. EM-96-149, and, in accordance with the terms of the Stipulation and Agreement approved in that proceeding, participated in the process established to develop the Proposed Pilot Program.

6. On September 16, 1997, the Commission issued its "Order Granting Waiver and Providing Notice" ("Order") in this proceeding. In its Order, the Commission established an intervention deadline of October 14, 1997 for this proceeding. The Commission also directed that a copy of the Order be sent to all parties to Case No. EM-96-149.

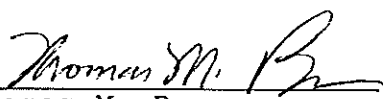
7. Laclede did not receive a copy of the Commission's Order, and as a consequence, was not in a position to intervene by the deadline established in the Order. Had Laclede received such Order, as required, it would have sought intervention by the deadline established by the Commission. Therefore, Laclede requests authority to intervene in this proceeding out of time.

8. Laclede has a direct and substantial interest in this proceeding which is different from that of the general

public and any other party to this proceeding in that: (a) Laclede is the natural gas utility and primary alternative energy provider in the St. Louis metropolitan area and other areas in Missouri where UE provides electric service; (b) Laclede was a participant in Case No. EM-96-149 which led to the creation of this docket; and (c) Laclede actively participated in the process established to develop the Proposed Pilot Program which is the subject of this proceeding. Laclede's late intervention will not prejudice any party given the fact that this proceeding has only recently commenced, and the fact that Laclede has been involved in all prior proceedings related to the Proposed Pilot Program.

WHEREFORE, for the foregoing reasons, Laclede respectfully requests that the Commission grant its application to intervene in this proceeding.

Respectfully submitted,


Thomas M. Byrne
Associate Counsel
Laclede Gas Company
720 Olive Street, Room 1524
St. Louis, MO 63101
(314) 342-0536 Phone
(314) 421-1979 Fax
Missouri Bar #33340

CERTIFICATE OF SERVICE

Thomas M. Byrne, Associate Counsel for Laclede Gas Company, hereby certifies that the foregoing Application to Intervene Out of Time in this case has been duly served upon all parties of record to this proceeding by placing a copy thereof in the United States mail, postage prepaid, on this 27th day of October, 1997.


Thomas M. Byrne