

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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)	

**MOVANTS' RESPONSE TO AMERENUE'S REPLY IN OPPOSITION TO
LATE-FILED APPLICATION TO INTERVENE OF MISSOURI COALITION
FOR THE ENVIRONMENT AND MISSOURI NUCLEAR WEAPONS
EDUCATION FUND, d/b/a/ MISSOURIANS FOR SAFE ENERGY**

Come now Missouri Coalition for the Environment (MCE) and Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy (MSE), and, pursuant to 4 CSR 240-2.075, respond to AmerenUE's reply opposing their motion to intervene as follows.

1. Movants have shown good cause for late intervention. AmerenUE argues in effect that MCE and MSE have an obligation to comb through the initial pleadings in a rate case looking for issues of concern to them, such as the short passage cited in AmerenUE's reply from the testimony of Gary Weiss. MCE and MSE do not believe they have a duty to search for a needle in a haystack but acted reasonably in filing for leave to intervene as soon as the particular matter in issue became known to them.

2. MCE and MSE have asserted interests distinct from those of the public at large: their interest in protecting the environment from power plant pollution and their interest as active participants in the 1976 campaign to pass Proposition 1, now § 393.135, RSMo, the no-CWIP law.

3. MCE and MSE pledge not to delay the procedural schedule for this case but seek only to present arguments on the two legal issues raised in their motion to intervene:

the legality under § 393.135 of AmerenUE's attempt to recover expenses of the COLA filing in the NRC and of attempting to recover those costs without a showing of public convenience and necessity under § 393.170. They will not seek to file testimony outside the existing procedural schedule.

WHEREFORE, MCE and MSE respectfully request the Public Service Commission to grant the late-filed application to intervene.

/s/Henry B. Robertson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 8th day of October, 2008, to all parties of record.

/s/Henry B. Robertson
Henry B. Robertson