

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                                        )

**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 and Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy, and, pursuant to 4 CSR 240-2.075, apply to intervene herein and become parties for all purposes in respect to AmerenUE's 2008 rate case. In support of their motion, Missouri Coalition for the Environment and Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy, state as follows.

1. Missouri Coalition for the Environment (MCE) is a nonprofit corporation with approximately 1,200 members. MCE and many of its members are AmerenUE ratepayers. MCE and its members have a strong interest in protecting Missouri's environment, including advocating for the reduction of air pollution from electric utilities, ensuring that nuclear plants do not contaminate the environment, avoiding damage to water quality and the environment from hydroelectric or pumped storage facilities, and advocating for other generating facilities to have as low an environmental impact as possible. In addition, MCE was a leader in 1976 in the statewide campaign to prevent utility companies from charging ratepayers for construction work in progress (Proposition 1), which the voters passed by a 2 to 1 margin.

2. MCE opposes that portion of the rate increase which is for costs associated with Callaway 2, because those charges violate Missouri's Construction Work in Progress (CWIP) law. In addition, MCE opposes that portion of the rate increase on the ground that AmerenUE has not received a certificate of convenience and necessity for Callaway 2 as required by RSMo § 393.170.

3. Missouri Nuclear Weapons Education Fund, d/b/a Missourians for Safe Energy (MSE), is a Missouri nonprofit corporation located in Columbia, Missouri. It has approximately 500 members. MSE is deeply concerned with the creation of a sustainable future. It has worked for many years to educate the public as to the need to make our economy as energy efficient as possible, so as to reduce environmental pollution, reverse the degradation of air and water quality, address the very pressing issue of global climate change, and assure a supply of energy from renewable sources to meet the needs of our progeny. MSE has strong concerns over nuclear weapons and their proliferation, and is therefore an advocate of a non-nuclear weapons future. As nuclear power and nuclear weapons are inexorably tied to each other, this makes any expansion of nuclear power generation a concern of MSE in terms of its proliferation impact. Many of MSE's members are ratepayers of AmerenUE and therefore have an economic interest in the company pursuing the most cost-effective, long-run strategy for meeting energy needs.

4. MSE opposes that portion of the rate increase which is for costs associated with Callaway 2, because those charges violate Missouri's Construction Work in Progress (CWIP) law. In addition, MSE opposes that portion of the rate increase on the ground that AmerenUE has not received a certificate of convenience and necessity for

Callaway 2 as required by RSMo § 393.170.

5. It will serve the public interest for these parties to be allowed to intervene.

**SHOWING OF GOOD CAUSE FOR LATE INTERVENTION**

6. On April 4, 2008, AmerenUE filed its application for a rate increase, including the testimonies of some twenty-one witnesses. Buried within the testimony of Mr. Gary Weiss was the admission that AmerenUE had spent almost \$47 million on Callaway 2, and expects to spend an additional \$4.4 million through the true-up period, and is seeking recovery for these costs.

7. MCE and MSE first learned that AmerenUE had spent these funds on Callaway 2 after the St. Louis Post Dispatch reported in an article on September 20, 2008, that Ameren's proposed rate increase seeks recovery for costs associated with Callaway 2.

8. In the 11-day period between September 20 and October 1, MCE and MSE hastened to gain requisite approvals for intervention from their nonprofit boards.

9. MCE and MSE believe that the preceding reasons constitute good cause under 4 CSR 240-2.075(5).

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

/s/Kathleen G. Henry  
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Attorneys for MCE and MSE

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 1st day of October, 2008, to all parties of record.

/s/Kathleen G. Henry  
Kathleen G. Henry