

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 31, 2000**

CASE NO: GR-2000-512

Office of the Public Counsel
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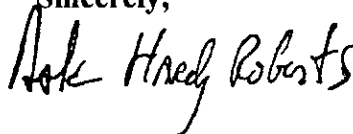
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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)	Case No. GR-2000-512
Tariffs Increasing Rates for Gas Service)	Tariff No. 200000747
Provided to Customers in the Company's)	
Missouri Service Area.)	

ORDER GRANTING APPLICATION TO INTERVENE OUT OF TIME

On February 18, 2000, Union Electric Company d/b/a AmerenUE (Company) submitted to the Missouri Public Service Commission (Commission) tariffs reflecting increased rates for natural gas service provided to customers in the Missouri service area of the Company. The proposed tariffs were assigned tariff number 200000747 and bear a requested effective date of April 2, 2000.

On March 3, 2000, the Commission entered its order which, *inter alia*, suspended the effective date of AmerenUE's tariff until January 27, 2001, and ordered that anyone wishing to intervene should do so by March 23, 2000.

On March 8, 2000, AmerenUE filed its motion for the issuance of a protective order which was granted on March 13, 2000.

On March 28, 2000, Midwest Gas Users' Association (Midwest) filed its application out of time to intervene. Midwest stated that it was an unincorporated non-profit association consisting of and representing its

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membership of business concerns and corporations which are substantial users of natural gas at their plants situated in such states as Kansas, Missouri, and Oklahoma. Midwest attached a list of its members to the application and noted that some, but not all, of its members support the intervention effort. Midwest stated that it was attempting to gain authorization from other members and it promised to "...promptly advise the Commission and AmerenUE of additional participants in Midwest's intervention as they are added."

There are three issues to decide:

- (1) Is Midwest a group which falls under Commission Rule 4 CSR 240-2.075(4)(A), i.e., a group having an interest in the proceeding which is different from that of the general public?

Midwest stated that its interest on behalf of its members and participants in proceedings affecting the rates, terms and conditions of natural gas service has been repeatedly recognized by the Commission in permitting Midwest's intervention in various other cases. Thus, the Commission finds that Midwest is a group having an interest in the proceeding which is different from that of the general public.

- (2) Has Midwest shown good cause why it filed its motion to intervene out of time?

Pursuant to Commission Rule 4 CSR 240-2.075(4)(D), "[a]pplications to intervene filed after the intervention date set by the commission may be granted upon a showing of good cause." Midwest stated that the late-filing was because of

...unavailability of personnel necessary to analyze the impact of that filing and make decisions regarding intervention due to the previously scheduled leave and business travel and leave has delayed receipt of formal authorization for this intervention.

Although this reasoning is rather murky, the Commission finds that Midwest has stated good cause for its delay since the application was filed only two (2) business days after the expiration of the intervention deadline and the filing was apparently done in good faith.

(3) Would granting Midwest intervention serve the public interest?

Commission Rule 4 CSR 240-2.075(4)(C) states in part: "The [public service] commission may permit intervention on a showing that... [g]ranteeing the proposed intervention would serve the public interest...." Midwest stated that it is in the special position of representing interests which will not and cannot be represented adequately by any other party and which interest is direct and immediate and different than those of the general public. Therefore, Midwest stated, it would aid the Commission and protect the public interest if Midwest were allowed to intervene. The Commission finds that granting Midwest intervention would serve the public interest.

Midwest also stated AmerenUE has stated that it has no objection to Midwest's application to intervene being late-filed. Midwest stated that it did not know of any significant action which has occurred in this case so that the granting of this intervention would not disrupt, delay or impede the progress of the case. Midwest maintained that no prejudice to any party could or would result from granting Midwest the intervention it seeks.

Midwest did not state in its application the position of the Staff of the Commission nor the position of the Office of the Public Counsel regarding Midwest's late-filing of its application to intervene. Neither party responded.

The Commission has reviewed the application to intervene late-filed by Midwest and finds that it is in substantial compliance with Commission Rules 4 CSR 240-2.075(4)(C) and (D), in that granting the proposed intervention would serve the public interest and that Midwest has shown good cause why its application to intervene was not timely filed.

IT IS THEREFORE ORDERED:

1. That the application to intervene late-filed by the Midwest Gas Users' Association is granted on a finding that the applicant has shown good cause why its application to intervene was not timely filed and a finding that granting the applicant's application to intervene would serve the public interest.

2. That this order shall become effective on March 31, 2000.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
4 CSR 240-2.120(1) (November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 31st day of March, 2000.

**STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 31st day of March 2000.

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

