## BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

| In the Matter of the Application of     | ) |                    |
|---|---|--------------------|
| Union Electric Company to Sell Electric | ) | •                  |
| Distribution Facilities, Related        | ) | Case No. EM-98-391 |
| Equipment and Easements to the City of  | ) |                    |
| Rolla, Missouri.                        | ) |                    |

## ORDER GRANTING INTERVENTION AND DIRECTING FILING OF PROCEDURAL SCHEDULE

On March 13, 1998, Union Electric Company, d/b/a AmerenUE (AmerenUE or Company) filed an application with the Commission requesting an order authorizing the sale, transfer, and assignment of certain electric distribution facilities, related equipment and easements generally constituting Company's electric utility business associated with said structures. The Commission issued an order and notice directing interested parties to file applications to intervene no later than June 19.

The City of Kirkwood filed a timely application to intervene. Pursuant to Commission Rule 4 CSR 240-2.075(4)(B), the Commission may permit intervention by a municipality whether or not the municipality makes a showing that it has an interest in the proceeding which is different from that of the general public or that granting intervention would serve the public interest. The City of Kirkwood is a municipality. Nevertheless, the City of Kirkwood asserts that it has an interest in this matter because it is a competitor of AmerenUE in providing utility service.

160 W The Commission has reviewed the application filed by the City of Kirkwood and finds that it is in substantial compliance with Commission rules regarding intervention. The Commission concludes that the request for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement. If no party requests a hearing, the Commission may grant the authority requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

## IT IS THEREFORE ORDERED:

- 1. That the City of Kirkwood is granted intervention in this case in accordance with 4 CSR 240-2.075(4).
- 2. That the parties shall file a proposed procedural schedule no later than September 2, 1998. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.
  - That this order shall be effective on August 13, 1998.

BY THE COMMISSION

Hole Hred Roberts

(SEAL)

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

Amy E. Randles, 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 3rd day of August, 1998.

