

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

JUN 10 2002

Missouri Public  
Service Commission

In the matter of proposed rulemaking )  
4 CSR 240-2.075, Intervention ) Case No. AX-2002-157

COMMENTS OF THE MISSOURI ENERGY GROUP

COMES NOW Barnes-Jewish Hospital, Continental Cement Company, Emerson Electric Company, Lone Star Industries Inc., River Cement Company, and SSM HealthCare (hereinafter known as the "Missouri Energy Group" or "MEG" and respectfully submits the following as its comments in opposition to the proposed rule regarding Intervention.

1. The MEG believes that Subsection (7) of this proposed rule makes the intervention process more difficult and requires useless paperwork and time and expense for the parties involved in cases. Administrative agencies such as the Commission are designed to be less formal and technical rules of evidence are not applied. Section 536.070 RSMo. 2000.

2. Subsection (7) of the proposed rule requires intervenors to file a "responsive pleading" within thirty days of the granting of its intervention. The information in this pleading would be duplicative of the information which is already required under subsection 2 of this statute. In most cases it is impossible to take a position on the issues in a case until testimony is filed and discovery is completed so the requirement to file a responsive pleading before testimony is submitted or other discovery is performed would serve no useful purpose.

3. Subsection (7) of this proposed rule puts more obstacles in the path of interested parties wanting to participate in the regulatory process. This is in contradiction to the general administrative principle of promoting decisions which are based on evidence derived from

proceedings where all interested parties have had an opportunity to present their views and evidence. This rule would serve to deter interested parties from intervening in cases.

4. The public interest would be better served by deleting the proposed subsection (7) and relying upon the current subsection (2).

WHEREFORE, the Missouri Energy Group asks the Commission to consider these comments and reject the proposed rule.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

Pursuant to 4CSR 240-2.080 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused a copy of the foregoing to be served on all persons on the official service list in Case No.'s AX-2002-157, AX-2002-158, AX-2002-159

Dated at St. Louis, Missouri this 7th day of June, 2002

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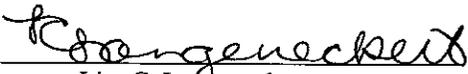
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