

ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

ATTORNEYS AT LAW

TERRY M. EVANS
ERWIN L. MILNE
JACK PEACE
CRAIG S. JOHNSON
RODRIC A. WIDGER
GEORGE M. JOHNSON
BEVERLY J. FIGG
WILLIAM S. LEWIS
VICTOR S. SCOTT
COREY K. HERRON
MATTHEW M. KROHN
LANETTE R. GOOCH
SHAWN BATTAGLER

700 EAST CAPITOL AVENUE
COL. DARWIN MARMADUKE HOUSE
P.O. BOX 1438
JEFFERSON CITY, MISSOURI 65102-1438
TELEPHONE 573-634-3422
FAX 573-634-7822

JOSEPH M. PAGE
LISA C. CHASE
JUDITH E. KOEHLER
ANDREW J. SPORLEDER
JASON A. PAULSMEYER
BRYAN D. LADE
CONNIE J. BURROWS
R. AARON MARTINEZ
MARVIN L. SHARP, Of Counsel

September 17, 2004

FILED

SEP 17 2004

EUGENE E. ANDERECK (1923-2004)
GREGORY C. STOCKARD (1904-1993)
PHIL HAUCK (1924-1991)

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

**Missouri Public
Service Commission**

Re: Application to Intervene in the Union Electric Company d/b/a Ameren UE
Proposed Tariff Filed Under Tariff NO. JG-2005-0145

Dear Secretary:

Enclosed for filing please find an original and eight copies of the ProLiance Energy, L.L.C., Application to Intervene in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely,

Lisa Chase
Lisa Cole Chase

LCC:lw

Encl.

CC: General Counsel, OPC
General Counsel, PSC
Steve Sullivan, Ameren UE
Briane House, ProLiance

FILED

SEP 17 2004

Missouri Public
Service Commission

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Application to Intervene in the)
Union Electric Company d/b/a)
AmerenUE proposed tariff filed)
under Tariff No. JG-2005-0145)

Case No. _____

APPLICATION TO INTERVENE

COMES NOW ProLiance Energy, LLC, by and through its counsel of record, Andereck, Evans, Milne, Peace & Johnson, L.L.C., and pursuant to 4 CSR 240-2.075 presents this Application to Intervene:

1. On August 31, 2004, Union Electric Company d/b/a AmerenUE ("AmerenUE") filed proposed revisions to its Schedule No. 2, Schedule of Rates for Gas Service. As a part of these proposed revisions, in response to changes being adopted by Panhandle Eastern Pipe Line Company ("PEPL"), AmerenUE is proposing a new "Group Balance" to take the place of the "Burner Tip Balancing" provided by PEPL and requiring its Missouri transportation customers who do not receive "Burner Tip Balancing" from their interstate pipeline company under conditions acceptable to AmerenUE to comply with AmerenUE's methods set forth in 1st Revised Sheet No. 13.1, 5th Revised Sheet No. 14, 4th Revised Sheet No. 15, 4th Revised Sheet No. 16, and 1st Revised Sheet No. 16.1.

2. ProLiance Energy, LLC ("ProLiance") is an Indiana Company authorized to do business in Missouri. Contact information for ProLiance is as follows:

Briane House
Counsel
ProLiance Energy, LLC
111 Monument Circle, Ste. 2200
Indianapolis, IN 46204
Telephone: (317) 231-6824
Facsimile: (317) 231-6900
Email: BHouse@ProLiance.com

Victor S. Scott Mo. Bar #42963
Lisa Cole Chase Mo. Bar #51503
The Colonel Darwin Marmaduke House
700 East Capitol
P.O. Box 1438
Jefferson City, MO 65102
Telephone: 573-634-3422
Facsimile: 573-634-7822
Email: VScott@aempb.com
Email: lisachase@aempb.com

3. ProLiance jointly administers four gas supply portfolios for Indiana Gas Company and Citizens Gas and Coke Utility. ProLiance does not use or control any state regulated distribution assets in the State of Missouri. ProLiance is a transportation customer of AmerenUE. ProLiance delivers gas via interstate pipelines on behalf of its Missouri customers. ProLiance customers, in conformance with their contractual relationship with the applicable local distribution companies, assume title to the gas on the customer's side of the city gate meter and the gas is delivered to the customer's facility via the LDC distribution system.

4. AmerenUE states that PEPL currently balances the Company's transportation customers on a "Group Balance" basis, and that its tariff filing is an effort to continue this practice and that "no changes to existing rates or miscellaneous charges will occur with the proposed changes." However, AmerenUE proposes in tariff Sheet No. 15, Third Revised to conduct balancing based on daily imbalances of five percent (5%) with daily negative imbalances of 5% or more subject to the applicable service area's firm sales service PGA factor plus 10%, and daily positive imbalances of 5% or more purchased at 90% of the indexed commodity price. This 5% daily imbalance factor, together with the 10% penalty charges for negative and positive imbalances, is different

from that imposed by PEPL, and does effectively change the rates and charges to be imposed.

5. As a transportation customer of AmerenUE, ProLiance Energy, LLC's interests are different from that of the general public, for which reason intervention allowing ProLiance's participation in this docket would serve the public interest.

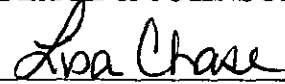
6. At this time, ProLiance is not opposed to the concept of "Group Balancing", but ProLiance does oppose the 5% daily imbalance factor, as well as the buy-back rate on daily positive imbalances of 5% or more at 90% of the indexed commodity price which is not just and reasonable. Such a factor is too narrow and the 90% purchase price is unreasonable. This tariff is not in the public interest given that it will effectively change the charges currently assessed and burden the Missouri customers of ProLiance, who do not have metering facilities sufficient to monitor gas level consumption on a real-time basis, and will have to make costly investments to acquire such facilities or risk incurring the increased charges resulting from the proposed narrow daily imbalance rate and charges.

WHEREFORE, on the basis of the foregoing, ProLiance Energy, LLC respectfully requests that it be allowed to intervene and protect its interests in this proceeding, as set forth above.

Respectfully Submitted,

**ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, L.L.C.**

By:



Victor S. Scott Mo. Bar #42963
Lisa Cole Chase Mo. Bar #51503
The Colonel Darwin Marmaduke House
700 East Capitol
P.O. Box 1438
Jefferson City, MO 65102
Telephone: 573-634-3422
Facsimile: 573-634-7822
Email: VScott@aempb.com
Email: lisachase@aempb.com

**ATTORNEYS FOR
PROLIANCE ENERGY, LLC**

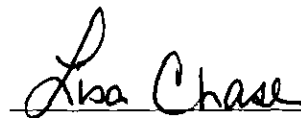
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was mailed, U.S. Mail, postage pre-paid, this 17 day of September, 2004 to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

General Counsel
Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

Steven Sullivan
Union Electric Company, d/b/a AmerenUE
One Ameren Plaza
1901 Chouteau Ave., P.O. Box 66149
St. Louis, MO 63166-6149



Lisa Chase, Mo Bar No. 51502