

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

In the Matter of the Application of Union)
Electric Company d/b/a AmerenUE for an)
Order Authorizing the Sale and Transfer)
of Certain Assets of AmerenUE to St.)
James Municipal Utilities and Rolla)
Municipal Utilities.)

Case No. EO-2010-0263

RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission and for its response to the Commission's *Order Directing Filing* states:

1. On May 18, 2010, the Commission issued its *Order Directing Filing* wherein it ordered Staff to respond by June 1, 2010, to the intervention request of Donna D. Hawley and the objections of the City of St. James and the City of Rolla to that request. At this time the Commission has not granted the intervention requests of St. James and Rolla.

2. Commission Rule 4 CSR 240-2.075 governs interventions. It provides that one seeking to intervene is to state his interest in the case, why he is seeking intervention, and whether he supports, opposes, or is unsure if he supports or opposes the relief being sought. It also provides, "The commission may on application permit any person to intervene on a showing that—(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or (B) Granting the proposed intervention would serve the public interest."

3. Among the relief AmerenUE seeks in this case is authorization from the Commission for AmerenUE to sell to Rolla for Four Million Seven Hundred Seventy Eight Thousand Eight Hundred Twenty One Dollars and Ninety Three Cents (\$4,778,821.93) "certain

AmerenUE transformers, distribution facilities, and related property rights,” and “property rights, privileges, immunities, and obligations of AmerenUE applicable to the Phelps Substation and related equipment, including, but not limited to, works, or systems or franchises.”

4. In her application to intervene Donna D. Hawley states she is a “citizen of Rolla,” and supplies an address of 2602 Brook Dr., Rolla, MO 65401, which according to a map of Rolla at the following website: <http://rollacity.org/images/maps/street-names.pdf>, is located within the corporate boundaries of Rolla. As a resident of Rolla, Ms. Hawley has an interest in this transaction different from that of the general public (which is not limited to the residents of Rolla), which interest may be adversely affected by a final Commission order authorizing AmerenUE to sell assets to Rolla—Rolla is to pay to AmerenUE Four Million Seven Hundred Seventy Eight Thousand Eight Hundred Twenty One Dollars and Ninety Three Cents (\$4,778,821.93) if the transaction is consummated, which will affect the residents of Rolla, including Ms. Hawley.

5. Ms. Hawley states in her application she is seeking to intervene for the purpose of disclosure and inquiry into the need and propriety of Rolla acquiring these facilities and equipment from AmerenUE.

6. By requesting disclosure and inquiry it is clear Ms. Hawley opposes the relief sought based on the application as filed, but it is not clear that she would oppose the relief sought if the disclosures she requests are made. Staff is not suggesting by the foregoing sentence that the Commission grant Ms. Hawley’s request the R.W. Beck power system study performed for Rolla, or any other document, be disclosed to her or to the public.

7. Regardless of Rolla's allegations of misconduct by Ms. Hawley in other forums, her conduct in this case has been appropriate; therefore, Staff perceives no reason the Commission should not grant her application to intervene.

Wherefore, Staff responds to the application to intervene of Donna D. Hawley and the objections to that request made by City of St. James and City of Rolla as set forth above.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams
Deputy Staff Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
e-mail: nathan.williams@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record this 21st day of May 2009.

/s/ Nathan Williams