

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

Earth Island Institute d/b/a	)	
Renew Missouri, et al.	)	
	)	
Complainants,	)	
	)	
v.	)	<u>File No. EC-2013-0378</u>
	)	
The Empire District Electric Company	)	
	)	
Respondent.	)	

**ORDER GRANTING THE APPLICATION TO INTERVENE OUT OF TIME
OF THE MISSOURI INDUSTRIAL ENERGY CONSUMERS**

Issue Date: March 26, 2013

Effective Date: March 26, 2013

On March 14, 2013, the Missouri Industrial Energy Consumers (MIEC) applied to intervene in this complaint brought by Earth Island Institute d/b/a Renew Missouri and other complainants against The Empire District Electric Company. That complaint alleges that Empire is in violation of certain provisions of the Commission's Renewable Energy Standard (RES) rules. More than ten days have passed since MIEC applied to intervene and no party has opposed that proposed intervention.

Commission Rule 4 CSR 240-2.075(4) allows the Commission to grant an application to intervene if the proposed intervenor has an interest in this case that is different from that of the general public, and that may be adversely affected by a final order arising from this case. The Commission finds that the members of MIEC are large industrial customers who have an interest in the Commission's interpretation and

enforcement of the RES rules that is different from the interest of the general public. Therefore, MIEC's intervention is appropriate.

The Commission's rule on intervention provides that applications to intervene are to be filed within 30 days after the Commission issues notice of the filing of the case, unless the Commission establishes some other deadline.¹ The Commission gave notice of the filing of this complaint to the utility on January 31, 2013, but did not establish a date for intervention. More than 30 days passed before MIEC applied to intervene, so, as it acknowledges, MIEC's motion to intervene was filed out of time.

Because it was filed late, MIEC's intervention is only proper if the Commission finds good cause for that late intervention under Commission Rule 4 CSR 240-2.075(10). The Commission finds good cause in this case. It is unusual for third parties to intervene in complaints before the Commission as typically such complaints are brought to assert a customer's rights or claims against a utility. However, this complaint asserts a public interest in the proper interpretation of the Commission's regulation. The Commission did not provide notice of the filing of the complaint except to the respondent utility. As a result, MIEC's delay in applying to intervene is excusable. MIEC accepts the record as it has been established thus far and allowing it to intervene will not cause harm to any party.

The Commission finds good cause for MIEC to late-file its application to intervene, and will grant that application.

THE COMMISSION ORDERS THAT:

1. The Application to Intervene Out of Time of the Missouri Industrial Energy Consumers is granted.

¹ 4 CSR 240-2.075(1).

2. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of March, 2013.