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April 29, 2002

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Union Electric d/b/a AmerenUE
Case No. EO-2002-351

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **PUBLIC COUNSEL'S REQUEST FOR HEARING AND EXTENSION OF INTERVENTION PERIOD**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "JBCoff", with a long horizontal flourish extending to the right.
John B. Coffman
Deputy Public Counsel

JBC:jb

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

In the Matter of the Application of Union Electric)	
Company for Permission and Authority to)	
Construct, Operate, Own, and Maintain a 345)	
Kilovolt Transmission Line in Maries, Osage,)	<u>Case No. EO-2002-351</u>
and Pulaski Counties, Missouri ("Callaway-Franks)	
Line").)	

**PUBLIC COUNSEL'S REQUEST FOR HEARING AND
EXTENSION OF INTERVENTION PERIOD**

Comes Now the Office of the Public Counsel (Public Counsel) and for its Request for Hearing and Additional Intervention Period states as follows:

1. On April 22, 2002 the Missouri Public Service Commission (Commission) issued an order which set a deadline of April 29, 2002 for any recommendation, objection, or request for hearings in this case.
2. Also on April 22, 2002 the Commission held a local public hearing in Linn, Missouri and received testimony from over thirty public witnesses regarding the potential impact of Union Electric Company d/b/a AmerenUE's (Company's) Application for a certificate to build a transmission line (the "Callaway-Franks Line").¹ Numerous concerns were raised about the location of the proposed transmission line, certain environmental and health issues, and significant concerns about the impact that the construction and maintenance of such a transmission line may have on affected property owners. Many public witnesses raised concerns and asked questions regarding the access that AmerenUE would have to their property, the steps that would be taken to control erosion, the extent that spraying and other maintenance activities

¹ The transcript of this local public hearing has not yet been prepared and so specific citations cannot be provided.

would have on their property, and other related issues. Several public witnesses stated that they believed that the public notice provided by the Commission regarding this case has not yet been adequate.

3. Many of the concerns raised at the local public hearing involved the property rights and concerns of individuals who live along the proposed route of the Callaway-Franks Line. Most of these concerns were made by many witnesses who were not testifying as customers of AmerenUE. The Office of the Public Counsel has traditionally focused its representation and advocacy upon the interests of regulated **utility consumers**, and as such, may not be able to adequately or consistently represent the valid **property interests** of the witnesses testifying at the local public hearing. Public Counsel has been contacted by several property owners who are currently seeking their own legal representation for purposes of intervening in this case. Therefore, Public Counsel believes that it would be reasonable for the Commission to extend the intervention period in this case for at least ten days to allow affected property owners to seek other legal counsel who could intervene in this case on their behalf.

4. Testimony at the local public hearing raised significant legal and policy issues which Public Counsel is now exploring through discovery. Company responses to Public Counsel data requests in this case are expected in May 2002. Depending on how soon Company can respond to these data requests, Public Counsel should be able to develop specific recommendations to make later in this case. At this point, Company should be required to respond to the questions and concerns raised at the local public hearing in a pleading filed within thirty days.

5. On April 26, 2002, legal counsel for one property owner, Mary Claire Kramer, filed an Application for Intervention. Ms. Kramer has interests as a property owner along the route of the Callaway-Franks Line which are unique and separate from those of the general public. In this

respect, Public Counsel cannot fully represent those interests in this case, and thus supports this Application to Intervene.

6. Although Public Counsel does not yet have adequate information at this time to formulate a recommendation to the Commission, sufficient issues have been raised by testimony at the local public hearing that Public Counsel believes a hearing should be set and a reasonably short procedural schedule established to allow these issues to be resolved. It would be reasonable for the Commission to establish a prehearing conference to allow the parties to discuss these issues and determine what further procedural dates should be established.

WHEREFORE, Public Counsel respectfully requests that the Commission:

- A. Extend the deadline for intervention for a ten-day period;
- B. Require Company to file a response to the issues raised by testimony at the local public hearing within 30 days;
- C. Establish a hearing for the Commission to receive further evidence and resolve any issues raised in this case; and
- D. Schedule a prehearing conference to allow the parties to discuss possible settlement, or alternately, recommend a procedural schedule for this case.

Respectfully submitted,

OFFICE OF THE Public Counsel

By: 

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 29th day of April 2002:

JOSEPH H RAYBUCK ESQ

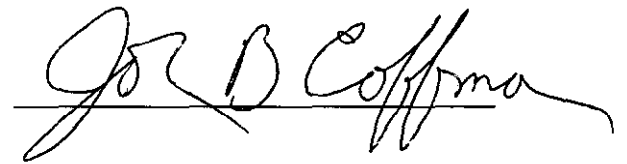
Union Electric Company d/b/a AmerenUE
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GENERAL COUNSEL

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JAMES B DEUTSCH

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A handwritten signature in cursive script, appearing to read "J B Coffman", is written over a horizontal line.