



2. Applications for intervention are due “thirty (30) days after the Commission gives notice of the case, unless otherwise ordered by the Commission.” 4 CSR 240-2.075(1). The Commission issued notice on February 13, 2014, and ordered interventions to be filed “no later than March 7, 2014.” After March 7, intervention may be permitted only “where the failure to act was the result of excusable neglect or for other good cause shown.” 4 CSR 240-2.050. UFM’s application to intervene out-of-time does not establish excusable neglect nor does it establish good cause for allowing UFM’s late-filed intervention. UFM acknowledge that it did not consult with counsel until seventeen (17) days after intervention was due, yet waited another twenty-five (25) days to determine whether it would seek to intervene. UFM has not established that its neglect was excusable, and has not otherwise provided any explanation to establish good cause to allow UFM to circumvent the Commission’s order and the Commission’s rules.

3. The Complainant’s Objection cites to multiple instances where the Commission denied late-filed interventions under similar circumstances. In those cases, the Commission recognized that to grant applications to intervene well beyond the due date for interventions, and without excusable neglect or good cause shown, would lead to a rule with no substance.<sup>1</sup> In those cases the Commission found that good cause did not exist where the party requesting intervention was sophisticated and cognizant of the Commission’s regulations. UFM is also a sophisticated party, and UFM’s counsel has many years of experience before this Commission as counsel for Ameren. Denying intervention to UFM would strengthen and maintain the substance of the Commission’s rules, and for this reason, denying intervention to UFM is in the public interest.

WHEREFORE, the Office of the Public Counsel respectfully submits this response in support of the Complainant's Objection to Motion to Intervene Out of Time.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 6<sup>th</sup> day of May 2014:

**/s/ Marc Poston**

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<sup>1</sup> Case No. GR-2006-0422, Order Denying Applications to Intervene, August 28, 2006; Case No. GM-2013-0254, Order Regarding Motion for Reconsideration, May 29, 2013; and Case No. ER-2012-0135, Order Denying Application to Intervene.

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