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RICHARD T. CIOTONE

June 9, 2000

Mr. Dale Hardy Roberts  
Executive Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>2</sup>**  
JUN 09 2000  
Missouri Public  
Service Commission

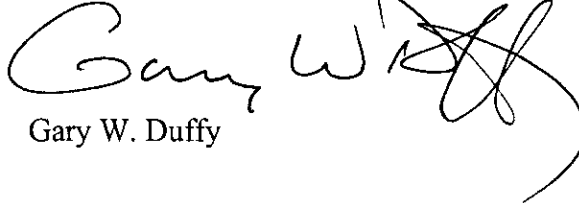
**RE:** Case No. EO-2000-774  
AmerenUE/Intercounty Electric Territorial Agreement

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of an Application to Intervene by the City of Rolla, Missouri.

If you have any questions, please give me a call.

Sincerely yours,

  
Gary W. Duffy

Enclosures  
cc w/encl:

Office of Public Counsel  
Office of General Counsel  
William Bobnar  
William Gladden  
Dan Watkins

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

**FILED<sup>3</sup>**

JUN 09 2000

Missouri Public  
Service Commission

In the matter of the Application of Union )  
Electric Company d/b/a AmerenUE and )  
Intercounty Electric Cooperative )  
Association for approval of a Written )  
Territorial Agreement Designating the )  
Boundaries of Each Electric Service )  
Supplier Within Portions of Gasconade, )  
Maries and Phelps Counties in Missouri. )

Case No. EO-2000-774

**APPLICATION TO INTERVENE**

Comes now the City of Rolla, Missouri, by and through Rolla Municipal Utilities, by counsel, and for its application to intervene pursuant to 4 CSR 240-2.075, respectfully states as follows:

1. On May 26, 2000, the Commission issued an "Order and Notice" in this proceeding which described a Territorial Agreement entered into between Intercounty Electric Cooperative Association and Union Electric Company d/b/a AmerenUE. It established an intervention deadline of June 15, 2000. The Commission directed that notice be sent to the municipal government of the City of Rolla and other cities located within the territory described in the Territorial Agreement. The City of Rolla owns and operates a municipally-owned electric utility which serves the City of Rolla in Phelps County. The City has made a preliminary inquiry into this matter and has determined that it should seek intervention to protect its interests.

2. Based upon a preliminary review of the proposal, the City is not aware of any provision which would be adverse to the City and therefore, on a preliminary basis, does not oppose the Territorial Agreement in its present form. The City is aware, however, that territorial

agreements previously filed with the Commission have been changed during the Commission review process. Therefore, to ensure by its participation that no changes are made which would be adverse to the City's interest, the City seeks to intervene as a party to monitor and protect its interests.

3. The City is a political subdivision of the State of Missouri. The City provides electric service through its municipally-owned and operated Board of Public Works. The principal office and place of business of Rolla Municipal Utilities is 102 West 9<sup>th</sup> Street, Rolla, Missouri 65402-0767.

4. All pleadings, correspondence, communications, notices, and orders in regard to this proceeding should be addressed to the following:

Gary W. Duffy, Attorney at Law  
Brydon, Swearngen & England, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Telephone: 573 635-7166  
Facsimile: 573 635-3847

Dan Watkins, General Manager  
Rolla Municipal Utilities  
102 West 9<sup>th</sup> Street  
P.O. Box 767  
Rolla, Missouri 65402-0767  
Telephone: 573 364-1572  
Facsimile: 573 364-1540

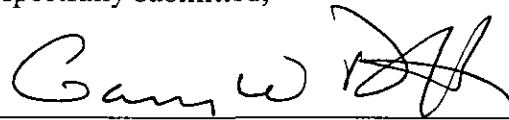
5. The City has an interest in this proceeding which is different from that of the general public since the City is an electric service supplier located within the territory covered by the Territorial Agreement. The City is also specifically mentioned in paragraph 6 of the Territorial Agreement and therefore the City assumes that the agreement establishes certain rights between the parties pertaining to the City.

6. The Commission's rules provide for intervention on a showing that (A) the applicant for intervention has an interest in the proceeding which is different from that of the general public; or (B) granting intervention would serve the public interest. Only one of the above is required to be demonstrated for intervention. The City respectfully submits that it meets the first test because of the foregoing. It also submits that it meets the second test because it will serve the public interest to have as a party a municipal electric supplier to monitor the review process.

7. For purposes of 4 CSR 240-2.075(2), the City states that, on a preliminary basis, it does not oppose the approval of the Territorial Agreement in its present form. However, this shall not be considered to preclude the City from identifying objectionable provisions later in the course of this proceeding.

WHEREFORE, having stated its grounds for seeking intervention, the City of Rolla requests an order from the Commission granting it intervention in this proceeding.

Respectfully submitted,



Gary W. Duffy MBE #24905  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 635-3847 facsimile  
ATTORNEYS FOR THE CITY OF ROLLA,  
MISSOURI

#### VERIFICATION

State of Missouri     )  
                              )ss  
County of Cole        )

Gary W. Duffy, being first duly sworn, states upon his oath that he has read the foregoing

document and the statements contained therein are true and correct to the best of his knowledge, information and belief and the above-indicated attorneys are authorized to file this document on behalf of the City of Rolla, Missouri.

  
\_\_\_\_\_  
Gary W. Duffy

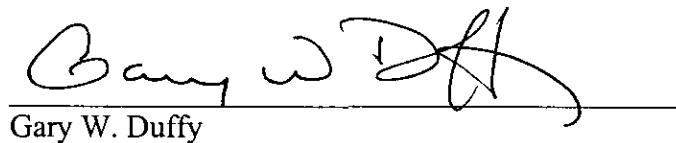
Subscribed and sworn to before me this 9<sup>th</sup> day of June, 2000.

**ROBBIN HENLEY GRIFFITH**  
A Notary Public of  
Miller County, Missouri  
My Commission Expires 12/28/2001

  
\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was either hand-delivered or mailed by first class mail on June 9, 2000, to counsel as shown below:

  
\_\_\_\_\_  
Gary W. Duffy

William B. Bobnar, Esq.  
AmerenUE  
One Ameren Plaza  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149

William E. Gladden, Esq.  
P.O. Box 217  
Houston, MO 65483

Office of the Public Counsel  
Truman State Office Building  
Jefferson City, Missouri

Office of the General Counsel  
Missouri Public Service Commission  
Truman State Office Building  
Jefferson City, Missouri

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