

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re: Union Electric Company's 2005)	
Utility Resource Filing Pursuant to)	Case No. EO-2006-0240
4 CSR 240—Chapter 22)	

**LATE-FILED APPLICATION TO INTERVENE OF ASSOCIATION OF
COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN)**

Comes now ACORN (the Association of Community Organizations for Reform Now), and pursuant to 4 CSR 240-2.075, applies to intervene herein and become a party for all purposes in respect to AmerenUE's ("UE") 2005 Resource Filing Pursuant to 4 CSR 240—Chapter 22.

1. ACORN is a nonprofit organization organized and existing under the nonprofit corporation laws of the state of Arkansas and registered in Missouri since 1977. ACORN has more than 10,000 members in Missouri, many of whom reside in St. Louis City and County and St. Charles County and are UE ratepayers. ACORN represents low-income customers and has been a party to rate cases for the last several years; its primary interest is to protect these low-income ratepayers from unnecessary or excessive rate increases. To the best of ACORN's knowledge, no other intervener including the Office of Public Counsel will address the issues affecting this particular segment of the population. Due to AmerenUE's classification of its Integrated Resource Plan ("IRP") as "highly confidential," ACORN is unsure of the position it will take on the IRP.

2. According to PSC regulation 4 CSR 240-2.010, highly confidential information includes "[1] material or documents that contain information relating directly

to specific customers; [2] employee-sensitive information; [3] marketing analyses or other market-specific information relating to services offered in competition with others; [4] reports, work papers or other documentation related to work produced by internal or external auditors or consultants; [5] strategies employed, to be employed, or under consideration in contract negotiations.” A utility is required to distinguish between the highly confidential and public information and separately mark the information. It seems unlikely that a large utility’s 20-year plan would contain only highly confidential information. The ways in which a regulated utility will meet energy demand do not necessarily include information meeting the above restrictions, and therefore the entire IRP should not be classified as highly confidential. Indeed, if certain plants are proposed it is possible that other members of the public will become interested and would like to intervene at that time. Therefore, the PSC should consider re-opening the intervention deadline after parts of the IRP become public.

3. It will serve the interests of justice for the PSC to grant this application to intervene.

SHOWING OF GOOD CAUSE FOR LATE INTERVENTION

4. This application is filed one day after the deadline set by the PSC. Undersigned counsel only learned of ACORN’s desire to intervene after the close of business on Dec. 28, 2005, and could not file the application that evening because of the need to register ACORN. John Cross, political director of ACORN in St. Louis, was unable to get permission to intervene earlier because of the difficulty in contacting ACORN’s board members during the holiday season.

5. ACORN believes that the preceding reasons constitute good cause under 4 CSR 240-2.075(5). No prejudice will result from granting this application because there will be no delay and no additional counsel, as the undersigned already represent three other interveners (Sierra Club, Missouri Coalition for the Environment, and Mid-Missouri Peaceworks).

WHEREFORE, ACORN respectfully requests the Public Service Commission to grant the application to intervene.

/s/Henry B. Robertson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 29th day of December, 2005, to the following:

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