

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
March, 2006.

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

ORDER GRANTING APPLICATION TO INTERVENE

Issue Date: March 28, 2006

Effective Date: March 28, 2006

Union Electric Company d/b/a AmerenUE filed its Integrated Resource Plan (IRP) on December 5, 2005. The Commission issued notice of that filing on December 7, and established a December 28 deadline for the submission of applications to intervene. On March 10, 2006, the Missouri Industrial Energy Consumers (MIEC)¹ filed an application to intervene out of time.

MIEC indicates that it is a group of large industrial energy consumers who are served by AmerenUE. As such, MIEC asserts that its interests are different than those of the general public. MIEC also asserts that its intervention will serve the public interest by assisting the development of the record for the Commission's decision. MIEC acknowledges that it missed the deadline for intervention, but argues that good cause exists for allowing it to intervene because it was unaware of the Commission's order

¹ The members of MIEC are Anheuser-Busch, Boeing, DaimlerChrysler, Ford, General Motors, Hussmann Refrigeration, J.W. Aluminum, Monsanto, Pfizer, Precoat, Procter & Gamble, Nestlé Purina, and Solutia.

establishing an intervention deadline. MIEC indicates that it has already participated in several meetings of the parties, and that it will accept the record as it stands.

AmerenUE responded in opposition to MIEC's application to intervene on March 20. AmerenUE argues that MIEC has been aware of this case for several months and has already participated in informal meetings regarding the IRP. During that time MIEC should have been aware of the deadline for intervention and, if it wished to intervene, should have done so months ago. AmerenUE contends that MIEC has not shown good cause to allow it to intervene out of time and urges that Commission to deny the request to intervene.

MIEC replied to AmerenUE's response on March 23. MIEC again argues that allowing it to intervene would serve the public interest by affording the Commission another viewpoint regarding AmerenUE's IRP. MIEC points out that it is already participating in discussions about the IRP and contends that allowing it to formally intervene will not harm any party, nor will it disrupt the ongoing proceedings.

Commission rule 4 CSR 240-2.075 provides that the Commission may grant an application to intervene if the proposed intervenor has an interest that is different than that of the general public, and which may be adversely affected by a final order arising from the case. In the alternative, the Commission may grant an application to intervene if doing so would serve the public interest. That regulation also provides that the Commission may grant an application to intervene filed after the intervention date if good cause is shown.

The Commission finds that MIEC has an interest that is different than that of the general public and that its interest may be adversely affected by a final order arising from this case. The members of MIEC are major customers of AmerenUE, and have an interest in the appropriate development of that company's IRP. As MIEC indicates, its intervention

will allow the Commission an opportunity to consider one more viewpoint when examining the IRP, thus serving the public interest. The Commission is troubled by MIEC's failure to file a timely application to intervene, but since allowing a late intervention will not disrupt the ongoing proceedings, the Commission finds that MIEC has shown good cause to grant its application. Therefore, in accordance with 4 CSR 240-2.075, the Commission will grant the application to intervene.

IT IS ORDERED THAT:

1. The Missouri Industrial Energy Consumers' Application to Intervene is granted.
2. This order shall become effective on March 28, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., concurs, concurrence to follow;
Clayton and Appling, CC., concur;
Murray, C., dissents;
Gaw, C., absent

Woodruff, Deputy Chief Regulatory Law Judge