

# SUELTHAUS PC

ATTORNEYS AND COUNSELORS AT LAW

7733 FORSYTH BOULEVARD, TWELFTH FLOOR  
ST. LOUIS, MISSOURI 63105  
(314) 727-7676  
FACSIMILE (314) 727-7166  
www.suelthaus.com

Stuart H. Zimbalist  
szimbalist@suelthaus.com



April 7, 2004

## VIA FEDERAL EXPRESS

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, Missouri 65102

**FILED<sup>2</sup>**  
APR 08 2004  
Missouri Public  
Service Commission

Re: *Case No. EE-2004-0267*

Dear Mr. Roberts:

Enclosed for filing are an original and eight (8) copies of the Request by Intervenor for a Hearing Before the Commission with Respect to the Application for a Variance.

Thank you for your assistance in bringing this filing to the attention of the Commission.

Very truly yours,

A handwritten signature in cursive script that reads "Stuart H. Zimbalist" followed by a stylized flourish.

Stuart H. Zimbalist

A handwritten signature in cursive script that reads "Richard G. Byrd" followed by a stylized flourish.

Richard G. Byrd

SHZ:dgw

Enclosures

cc: Dana K. Joyce  
John B. Coffman  
Joseph Raybuck (Union Electric Company)

349575

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED<sup>2</sup>**

APR 08 2004

Missouri Public  
Service Commission

In the Matter of the Application of Union )  
Electric Company, doing business as )  
AmerenUE, for a Variance from the )  
Separate Metering Requirement of the )  
Commission's Rule for the Brentmoor )  
at Oaktree project located at 363 )  
Jungermann Road, St. Peters, Missouri. )

Case No. EE-2004-0267

**REQUEST BY INTERVENOR FOR A HEARING BEFORE THE  
COMMISSION WITH RESPECT TO THE APPLICATION FOR A VARIANCE**

COME NOW St. Catherine Retirement Community, LLC and DeSmet Retirement Community, LLC, (collectively, "***Intervenor***"), and respectfully present and submit to the Missouri Public Service Commission (the "***Commission***"), this request for a hearing before the Commission with respect to the above referenced Application of Union Electric Company for a variance from the Separate Metering Requirements.

1. On March 30, 2004, the Staff's Submittal of the Electric Meter Variance Committee's Second Recommendation was issued with an attached Memorandum containing the non-unanimous recommendation that the Commission deny Union Electric Company d/b/a Ameren UE a variance from the Separate Metering Requirements of 4 CSR 240-20.050 for master metering the residential units of the senior living facility known as Brentmoor Oak Tree at 363 Jungermann Road, St. Peters, Missouri.

2. Since this pending Application for a variance for Brentmoor Oak Tree from the Separate Metering Requirements involves questions of law and fact similar to those asserted in another Application for a Variance pending in Case No. EE-2004-0268,

Intervenor suggests that the Commission consider a joint hearing on both Applications in order to avoid unnecessary costs or delay.

WHEREFORE Intervenor respectfully requests the Commission to grant the Application for a Variance made by Union Electric Company or grant a hearing before the Commission with respect to the Application for a Variance.

Respectfully Submitted,

SUELTHAUS PC

By: Stuart H. Zimbalist / sll  
Stuart H. Zimbalist Mo. Bar #19831

By: Richard G. Byrd / sll  
Richard G. Byrd Mo. Bar #33473  
Attorneys for Owner (Intervenor)  
7733 Forsyth Boulevard, 12<sup>th</sup> Floor  
St. Louis, Missouri 63105  
(314) 727-7676  
(314) 727-7166 (Facsimile)

### Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mailed to all counsel of record this 7<sup>th</sup> day of April, 2004.

