

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 2nd day of  
February, 2006.

Application of Union Electric Company d/b/a AmerenUE )  
for an Order Authorizing Applicant (if and to the Extent )  
the Transaction Described Herein Would Constitute the )  
Issuance of an Evidence of Indebtedness by Applicant )  
under Sections 393.180 and 393.200, RSMo) to Execute, )  
Deliver and Perform the Agreements and Instruments )  
Necessary to Assume a Lease and Related Documents )  
Pertaining to the NRG Audrain Combustion Turbine )  
Generator Facility Owned by Audrain County, Missouri, )  
Which Was Constructed as Part of a Revenue Bond )  
Project under Chapter 100, RSMo. )

**Case No. EF-2006-0278**

**ORDER DENYING APPLICATION FOR INTERVENTION**

Issue Date: February 2, 2006

Effective Date: February 12, 2006

This order denies the Missouri Joint Municipal Electric Utility Commission's Application for Intervention.

On December 27, 2005, Union Electric Company d/b/a AmerenUE asked for permission to assume a lease that NRG Audrain Generating LLC holds in Audrain County's NRG Audrain Facility. Within that application, AmerenUE asked that the Commission give public notice of the application and to set an intervention deadline of 15 days after AmerenUE filed its application. The Commission granted that request, and on January 12, 2006, the Missouri Joint Municipal Electric Utility Commission filed its Application to Intervene.

MJMEUC represents municipalities that have wholesale contracts with AmerenUE, and also represents municipalities in AmerenUE's transmission system that are

served through the Midwest Independent System Operator (MISO). MJMEUC claims that its municipalities are directly affected by power flow from AmerenUE, and that those municipalities may be adversely affected by an order in this case. MJMEUC claims its interests are different from those of the general public and cannot be adequately represented by any other party. Further, MJMEUC claims that the public interest would be served by the Commission allowing MJMEUC to intervene.

On January 23, AmerenUE objected to MJMEUC's application. AmerenUE states that this case is merely a financing case, and does not affect MJMEUC's rates or ability to access transmission from AmerenUE or the MISO. The MISO will dispatch the NRG Audrain Facility the same way, regardless of who the owner, operator, or lessee is. The sole purpose of AmerenUE's petition is to realize tax savings, which would be passed on to its ratepayers.

Commission Rule 4 CSR 240-2.075 governs interventions. Section (4) of that rule states that the Commission may allow a person to intervene if the proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case, or if granting the proposed intervention would serve the public interest.

The Commission finds that MJMEUC does not have an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case. If the Commission grants AmerenUE's application, then AmerenUE should realize tax savings, which it can pass on to its ratepayers. MJMEUC's rates and ability to receive transmission from the MISO will not be affected. Consequently, MJMEUC will not be adversely affected by a final order arising from the case.

Furthermore, the Commission finds that granting the proposed intervention would not serve the public interest. According to its Asset Purchase and Sale Agreement, AmerenUE must close on this transaction quickly.<sup>1</sup> AmerenUE needs a quick answer from this Commission to be able to plan how to meet its upcoming summer demand. MJMEUC's intervention would likely unduly delay this Commission's decision, and, as discussed above, with no benefit to MJMEUC. Therefore, granting the proposed intervention would not serve the public interest.

Because MJMEUC does not meet the standards listed in Commission Rule 4 CSR 240-2.075(4), the Commission will deny MJMEUC's Application for Intervention.

**IT IS THEREFORE ORDERED:**

1. That the Missouri Joint Municipal Electric Utility Commission's Application for Intervention is denied.
2. That this order shall become effective on February 12, 2006.

( S E A L )

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

Murray and Appling, CC., concur.  
Davis, Chm., concurs, with separate  
concurring opinion to follow.  
Gaw and Clayton, CC., dissent.

Pridgin, Regulatory Law Judge

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<sup>1</sup> The exact date is highly confidential, and is protected by this Commission's December 29, 2005 Order Granting Protective Order.