

**FILED<sup>4</sup>**

**SEP 06 2006**

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**Missouri Public  
Service Commission**

In the Matter of the Application of Union     )  
Electric Company, d/b/a AmerenUE,     )     Case No. EE-2006-0524  
for a Metering Variance to Serve Crestview     )  
Senior Living.     )

**SPECTRUM ACQUISITION PARTNERS, LLC'S  
APPLICATION TO INTERVENE AND MOTION FOR RECONSIDERATION  
BY ELECTRIC METER VARIANCE COMMITTEE, OR,  
IN THE ALTERNATIVE, REQUEST FOR HEARING**

COMES NOW Spectrum Acquisition Partners, LLC ("SAP") and, pursuant to Missouri Public Service Commission ("Commission") Rules 4 CSR 240-2.075 and 4 CSR 240-20.050(5)(C), files its application to intervene in this proceeding. In support of its application, SAP respectfully states as follows:

1. SAP is a Colorado Limited Liability Company and is the developer of the Crestview Senior Living ("Crestview") project to be located at 8800 Watson Road (updated and currently referred to as 8660 Grant Road), Crestwood, Missouri, the subject of the application for variance herein.

2. Pleadings, notices, orders and other correspondence concerning this proceeding should be addressed to:

Larry W. Dority  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
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3. By its original application and subsequent first amended application (collectively "Application"), filed with the Commission on June 27 and July 28, 2006,

respectively, Union Electric Company d/b/a AmerenUE ("AmerenUE") seeks three variances for Crestview, to-wit: (a) from Commission Rule 4 CSR 240-20.050, (b) from Subpart II.K of Union Electric Company's Tariff Schedule 5, 6<sup>th</sup> Revised Sheet No. 144 and (c) from Subpart V.L. of Union Electric Company's Tariff Schedule 5, 3<sup>rd</sup> Revised Sheet No. 174.

4. As set forth in AmerenUE's Application, the Crestview project is a purpose-built community of 132 units specially designed for frail elderly residents, whose average age will be approximately 83 years.

5. On July 17, August 25 and August 28, 2006, the Commission's Electric Meter Variance Committee ("Committee") met regarding the Application. On August 29, 2006, the Committee issued a recommendation for denial of the requested variances. However, as set forth in the Committee's Recommendation:

The Committee does not foreclose the possibility that AmerenUE **or the developer** may be able to adduce additional facts that would establish good cause shown for granting variances from Commission Rule 4 CSR 240-20.050 and Subpart V.L. of Union Electric Company's Tariff Schedule 5, 3<sup>rd</sup> Revised Sheet No. 174 or that the building may be an exempt "transient multiple-occupancy building;" however, the Committee finds the facts here do not establish good cause shown. (Emphasis added).<sup>1</sup>

6. As set forth above, SAP has a direct interest in this case and seeks to intervene in support of the relief sought in the Application. SAP clearly 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. In addition, permitting SAP, as the developer, to adduce additional facts for the Committee's and the Commission's consideration as suggested above, will serve the public interest.

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<sup>1</sup> Electric Meter Variance Committee Recommendation, page 2.

7. SAP requests not only that it be permitted to intervene in this matter, but also requests that the Committee reconsider its recommendation for denial of the Application. SAP has not had the opportunity to meet with the Committee and has had only limited input in this case. As set forth above, it appears that key facts regarding the Crestview project which would be pertinent to the Committee's decision can be presented. Reconsideration would permit SAP to present facts relevant to the Application which were not previously considered by the Committee.

8. The presentation of additional facts to the Committee, and reconsideration by the Committee of its August 29, 2006 recommendation, would assist the Commission by permitting development of a full record as a basis for the Committee's recommendation. Reconsideration would conserve the Commission's and the parties' resources by potentially preventing an unnecessary evidentiary hearing by the Commission, or at least would conserve resources by ensuring that the Committee's recommendation to the Commission encompasses all relevant facts.

WHEREFORE, Spectrum Acquisition Partners, LLC respectfully requests that (1) it be permitted to intervene with full rights as a party to this case; and (2) the Committee reconsider its August 29, 2006 written recommendation of its findings and permit SAP the opportunity to present additional facts in support of the Application, or, in the alternative, that the Commission grant a hearing in this case.

Respectfully submitted,

FISCHER & DORITY, P.C.

/s/ Larry W. Dority  
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Attorneys for Spectrum Acquisition  
Partners, LLC

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, to all counsel of record this 6<sup>th</sup> day of September, 2006.

/s/ Larry W. Dority  
Larry W. Dority