

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

FEB 10 2004

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.)

Missouri Public
Service Commission

Case No. EE-2004-0267

APPLICATION TO INTERVENE

COMES NOW St. Catherine Retirement Community, LLC and DeSmet Retirement Community, LLC, the Owner (the "**Owner**") of the Brentmoor at Oaktree, a senior adult housing community at 363 Jungermann Road in the City of St. Peters, County of St. Charles, State of Missouri, (the "**Property**") to request the opportunity to intervene in the above captioned proceeding pending before the Missouri Public Service Commission (the "**Commission**") and states the following:

(1) Owner is the owner of the Property and the Landlord of the senior adult residential community. The Property located on 13.245 acres of land includes 166 senior adult residential units. The units are leased and occupied by senior adults pursuant to residential leases which require the Property of the Owner to provide to the tenants a wide variety of services including electrical service, telephone service and HVAC service.

(2) As developed, the cost of electric service is not, in fact, separately metered and the charges for electrical service are paid by the Owner and not by any tenants. The electrical usage by any tenant is not separately metered and usage of electricity by any tenant is not metered or measured.

(3) The senior adult communities serve only elderly residents, and one feature which makes residents want to live in a senior adult community is the simplification of life's burdens and the availability of a wide variety of special services to meet the needs of older adults. Providing utility services is viewed by senior adults as an important benefit. It means writing less checks and paying less bills each month.

(4) As Intervenor, Owner will support the granting of the variance applied for by AmerenUE.

(5) The Owner believes that it has a substantial and material financial interest in the matter pending before the Commission because the Owner, in fact, is the party who will be directly and adversely effected by a decision of the Commission not to grant the requested variance. Also, allowing the Owner to intervene would serve the public interest.

WHEREFORE, Owner respectfully requests to intervene and be accorded party status, with all rights thereto, and such other and further relief as deemed equitable and just.

Respectfully Submitted,

SUELTHAUS & WALSH, P.C.

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

By: Richard G. Byrd
Richard G. Byrd Mo. Bar #33473
Attorneys for Owner (Intervenor)
7733 Forsyth Boulevard, 12th 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 6th day of February, 2004.

Stuart H. Zimbalist