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February 6, 2001

VIA UPS

FILED

FEB 7 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

Missouri Public
Service Commission

Re: Missouri Gas Energy Application for Variance
Case No.: GE-2001-393

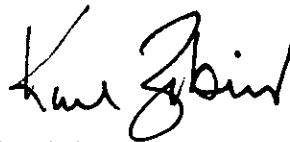
Dear Secretary Roberts:

Enclosed for filing in this proceeding is an original and eight copies of the Mid-America Assistance Coalition, Inc.'s Motion for Leave to Intervene Out of Time and Statement of Position.

Please file-stamp the enclosed extra copy and return it to me in the enclosed self-addressed, stamped envelope.

If you have any questions concerning this matter, please let me know.

Very truly yours,



Karl Zobrist

KZ/sm
Enclosures

cc: All Parties of Record
Ms. Jan Marcason

KC-834909-1

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED

FEB 7 2001

Missouri Public
Service Commission

In the Matter of Missouri Gas Energy's)
Application for a Variance from Sheet)
Nos. 24.18 and 61.4 to Permit the Use)
of Certain Federal Refunds and Unauthorized)
Use Charge Collections for the Benefit of)
Low-Income Customers in the Company's)
Service Area)

Case No.: GE-2001-393

**MOTION FOR LEAVE TO INTERVENE OUT OF TIME AND
STATEMENT OF POSITION OF MID-AMERICA ASSISTANCE COALITION, INC.**

Mid-America Assistance Coalition, Inc. ("MAAC") respectfully moves to intervene out of time and to provide a Statement of Position with regard to the Application for Variance of Missouri Gas Energy ("MGE") which will speed much needed dollars to programs administered by MAAC.

I. MOTION FOR LEAVE TO INTERVENE OUT OF TIME

Pursuant to 4 C.S.R. 240-2.075, MAAC seeks to intervene out of time and become a party to this proceeding. In support thereof, MAAC respectfully states:

1. The Mid-America Assistance Coalition, Inc. is a Missouri not-for-profit corporation based in Kansas City, Missouri. As Attachment 2 to MGE's Application indicates, MAAC is an experienced and sophisticated facilitator of social services to individuals in need. MGE proposes to use MAAC's services to distribute over \$1 million to assist those in greatest need.

2. As the Commission will recall, MAAC served as the administering agent for the settlements in Case Nos. GC-97-33 and GC-97-497, which consisted of funds donated by MGE to MAAC for distribution to low income and needy ratepayers.

3. MAAC understands that the Commission had set January 26, 2001 as the date by which timely intervention applications should be filed. Given the press of business, MAAC, which does not usually appear before the Commission, only retained counsel on February 5, 2001.

4. Because of the important public interest in the issues raised by MGE's Application and the role which MAAC would play in the disbursement of any funds described in MGE's Application, MAAC is in a special position of representing interests which will not and cannot be adequately represented by any other party, and which interests are direct, immediate and different from those of the general public.

5. MAAC, therefore, believes that good cause exists to permit this intervention, and that its failure to file a timely Application to Intervene will not prejudice any of the other parties to this action or otherwise delay the Commission from consideration of these issues.

II. STATEMENT OF POSITION

1. MAAC urges the Commission to grant the variance requested by Missouri Gas Energy, and it urges the Commission to reject the narrow and technical position taken by Staff and by the Office of the Public Counsel.

2. Under normal circumstances the positions of Staff and Public Counsel might be given deference, but these are not ordinary times. Whereas barely two months ago natural gas producers were predicting unheard of price levels at \$6.00 per thousand cubic feet (MCF), those levels now seem modest in comparison to today's. Indeed, the \$4.00 gas levels of the winter of 1996-1997, once viewed as severe and extraordinary, actually bring on nostalgia.

3. MAAC can attest that while the general public has certainly been adversely affected by the spike of natural gas prices in conjunction with sub-zero weather, there are

elements of the general public whose needs far and away exceed those of the average person. These are the individuals on the lower rungs of the economic ladder. These are the individuals whose "public interest" must now be served. Indeed, for some of these people life could hang in the balance. Reliance upon the usual principles that might apply in the context of a refund are inapplicable, if not clearly irrelevant.

4. Under Chapter 393 of the Missouri Revised Statutes, the Public Service Commission is vested with statutory authority to oversee the safe and adequate provision of heat through use of natural gas, at rates that are just and reasonable. See § 393.130.1, Mo. Rev. Stat. (1996). This Commission has taken steps to assure the adequacy and reliability of the service through this winter of discontent. It undoubtedly will take steps to assure that, within its power, those rates are as reasonable as possible. One small step that can be taken is approving the variance which Missouri Gas Energy now seeks. To the extent that such a variance would be viewed as discriminatory or granting a preference to a discrete group of ratepayers, the law only prevents the Commission from approving "undue or unreasonable" preferences or advantages. See § 393.130.1.

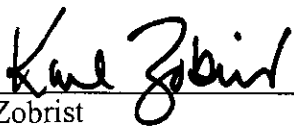
5. Staff and Public Counsel seem to say that the business of public utility regulation mandates that this Commission spread a million droplets of water upon the desert, rather than concentrate them upon the areas where the need is most. Under these circumstances the business of public utility regulation should bend to that of the interest of the public most in need.

6. To quote Charles Dickens, as the Ghost of Jacob Marley replied to Ebenezer Scrooge: "Mankind was my business. The common welfare was my business; charity, mercy,

forbearance and benevolence, were, all my business. The dealings of my trade were but a drop of water in the comprehensive ocean of my business!"¹

7. The Commission should take a bold step, exercising its discretion and expertise, and grant MGE's Application for Variance. By such action, it will fulfill its role as guardian of the public interest.

WHEREFORE, the Mid-America Assistance Coalition, Inc. asks that its Motion to Intervene Out of Time be granted and that the Commission consider its Statement of Position.


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail, postage prepaid, this 6th day of February, 2001, to:

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¹ Charles Dickens, A Christmas Carol at 22 (Alfred A. Knopf, 1994).

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