

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 8, 2001**

CASE NO: GE-2001-393

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Enclosed find certified copy of an Order in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

OF THE STATE OF MISSOURI

Case No. GE-2001-393

ORDER GRANTING MOTION TO INTERVENE OUT OF TIME

On January 18, 2001, Missouri Gas Energy (MGE), a division of Southern Union Company, filed an Application for Variance and Motion for Expedited Treatment. MGE requested that the Commission grant as expeditiously as possible, and preferably no later than early February 2001, a variance of its approved tariff regarding the treatment within the Purchased Gas Adjustment (PGA) of certain federal refunds and certain unauthorized use charge collections.

On January 22, 2001, the Commission issued a Notice and Order Directing Filing, directing all interested persons to file an application to intervene no later than January 26, 2001. Midwest Gas Users' Association (Midwest) filed a timely application requesting intervention, which was granted on February 1, 2001.

On February 7, 2001, Mid-America Assistance Coalition, Inc. (MAAC), filed a Motion for Leave to Intervene Out of Time and Statement of Position. MAAC acknowledges that the Commission imposed deadline for submission of requests to intervene expired on January 26, 2001. However, MAAC states that it does not usually

appear before the Commission, and it only retained counsel on February 5, 2001. MAAC indicates that because of the important public interest in the issues raised by MGE's application for variance, and the role which MAAC would play in the distribution of any funds described in MGE's application, MAAC is in a special position of representing interests which will not be adequately represented by any other party. MAAC also states that its interest is different from that of the general public. MAAC contends that good cause exists to permit its intervention, and that its failure to file a timely application to intervene will not prejudice any of the other parties to the action or otherwise delay the Commission from consideration of the issues.

Because MAAC's application to intervene was not timely filed, 4 CSR 240-.075(5) provides that the Commission may grant the application upon a showing of good cause. MAAC has shown good cause to permit its late intervention in that its participation will serve the public interest by allowing for a more full and complete consideration of the issues. However, in order for the Commission to consider MGE's application for variance in an expeditious manner, the Commission will grant MAAC's application for intervention immediately. By separate order to be issued contemporaneously with this order, the Commission is scheduling a hearing for February 15, 2001. The Commission will address any objections to MAAC's late intervention at the start of that hearing.

IT IS THEREFORE ORDERED:

1. That the Motion for Leave to Intervene Out of Time, filed by Mid-America Assistance Coalition, Inc., on February 7, 2001, is granted.

2. That this order shall become effective on February 14, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 8th day of February, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 8th day of February 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

