

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 5<sup>th</sup> day  
of November, 2014.

In the Matter of Union Electric Company, d/b/a	)	<b><u>File No. ER-2014-0258</u></b>
Ameren Missouri's Tariff to Increase Its	)	Tariff No. YE-2015-0003
Revenues for Electric Service	)	

**ORDER REGARDING APPLICATIONS TO INTERVENE OUT OF TIME**

Issue Date: November 5, 2014

Effective Date: November 5, 2014

On July 3, 2014, Union Electric Company, d/b/a Ameren Missouri, submitted proposed tariff sheets designed to implement a general rate increase for retail electric service. In an order issued on July 11, the Commission directed parties wishing to intervene to apply to do so no later than July 31. Several entities filed timely applications and were allowed to intervene.

In the last several weeks, the Commission has received applications to intervene out of time from three different organizations. On October 17, the United Steelworkers Union applied to intervene. The Steelworkers Union explains that it represents most of the persons employed at Noranda Aluminum, Inc.'s New Madrid aluminum smelter. It wants to be involved in the case to represent the interest of its members regarding Noranda's request for special rate relief. On October 20, Wal-Mart Stores East, LP, and Sam's East, Inc. applied to intervene. Wal-Mart is already in the case as a member of the Midwest Energy Consumers Group (MECG), but wants to independently address the question of a special rate for Noranda. On October 24, United For Missouri, Inc., applied to intervene out of time. United For Missouri is a nonprofit mutual benefit corporation organized under the laws of Missouri

that exists to promote the American free enterprise system as the best method to ensure prosperity for all Missourians. United For Missouri is interested in the possibility of a special electric rate for Noranda, but is also interested in the rate design question the Commission directed the parties to address on October 20.

Each of the applicants explains that they became interested in the case when the possibility that the question of whether Noranda should be given a reduced electric rate would again be addressed in the general rate case. At the time these parties applied to intervene, several existing parties were asking the Commission to implement an expedited procedural schedule to consider that question apart from the other issues in the case. The Commission has since denied that request, but the question of the rate structure to be accorded to Noranda will likely remain an issue in the rate case. No existing party has opposed the applications to intervene out of time filed by the Steelworkers or Wal-Mart, but on November 4, the Missouri Industrial Energy Consumers opposed United for Missouri's application to intervene.

Commission rule 4 CSR 240-2.075(3) provides that the Commission may grant an application to intervene if it finds that the proposed intervenor has an interest in the case that differs from that of the general public and that may be adversely affected by a final order arising from the case. In the alternative, the Commission may grant an application to intervene if it finds that granting the intervention would serve the public interest. In addition, 4 CSR 240-2.075(10) provides that the Commission may grant late-filed applications to intervene upon a showing of good cause.

The Commission establishes a deadline for intervention early in a case so that all parties can promptly know who will be involved and so an appropriate procedural schedule can be established. None of the applicants complied with the established deadline to

intervene and for that reason must show good cause for its failure to apply to intervene on time.

Each of the applicants was interested in the question of a reduced electric rate for Noranda when that matter was before the Commission in the complaint brought by Noranda in File No. EC-2014-0224. On July 31, the deadline for intervention in this case, that complaint had not yet been resolved and it was reasonable for the applicants to be unaware that the same issue might once again arise in the general rate case. Furthermore, United for Missouri applied to intervene as soon as it reasonably could to express its interest in the underutilization-of-existing-infrastructure rate design issue, which the Commission directed the parties to address only on October 20. Each of the applicants will enter the case as it now stands, and their presence will not disrupt the established procedural schedule.

The Commission finds that the interest of each of the applicants in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing the applicants to intervene will serve the public interest. Finally, the Commission finds that each of the applicants has shown good cause to intervene out of time. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(3) and (10), the Commission will grant the applications to intervene out of time.

**THE COMMISSION ORDERS THAT:**

1. The Application to Intervene Out-of-Time of the United Steelworkers Union is granted.
2. Wal-Mart Stores East, LP and Sam's East, Inc.'s Motion to Intervene After Intervention Date is granted.
3. The Application to Intervene After Intervention Date of United For Missouri, Inc., is granted.

4. Each party allowed to intervene by this order is bound by the established procedural schedule.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

R. Kenney, Chm., Stoll, and Rupp, CC., concur,  
W. Kenney, and Hall, CC., dissent.

Woodruff, Chief Regulatory Law Judge