

240-2.075(3), states, in part, that:

- The commission may grant a motion to intervene or add new member(s) if—
- (A) The proposed intervenor or new member(s) 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; or
 - (B) Granting the proposed intervention would serve the public interest.

The Joint Applicants state in opposition to the intervention that (1) although LiUNA may represent workers in various fields that live in the service area of the Joint Applicants, LiUNA does not have a collective bargaining agreement or any other business relationship with the Joint Applicants; (2) LiUNA has not sufficiently demonstrated that its interests are different from those of the general public or that it has any interest that will be affected by this case; (3) LiUNA has failed to explain how its intervention and participation in this case would serve the public interest, and (4) LiUNA's interests will be adequately represented by the Office of the Public Counsel.

LiUNA responds by arguing that (1) while LiUNA does not currently have a collective bargaining agreement with Empire, the utility may have unorganized employees with the types of skills that LiUNA does organize and with whom LiUNA may wish to organize in the future; (2) LiUNA and its members have significant connections to the regulated utility operations of Empire, including past labor contracts and potential future contract relationships; (3) allowing intervention would serve the public interest by permitting LiUNA to explore the potential impact of the merger upon employment availability at Empire facilities; and (4) LiUNA's interest in the future employment status of its members at Empire's facilities and the conditions of that future employment is an interest that is different from that of the general public and would not be adequately represented by the Office of the Public Counsel, which focuses its representation on the impact to ratepayers.

“[N]o direct pecuniary or property rights, or infringement of civil rights of a person, must be involved before [an applicant] could be a party to a proceeding before the Commission”.³ It has been the Commission’s practice to liberally grant intervention to organizations that promote various public policy positions in order to consider a full range of views before reaching a decision. LiUNA’s arguments are persuasive that it has an interest different than that of the general public, that it may be adversely affected by a final order in this case, and that its participation as a party would serve the public interest. The Commission concludes that LiUNA’s application satisfies all requirements of Commission Rule 4 CSR 240-2.075, and intervention will be granted.

THE COMMISSION ORDERS THAT:

1. The application to intervene filed by the Laborers’ International Union of North America is granted.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge

³ *State ex rel. Consumers Pub. Serv. Co. v. Pub. Serv. Commission*, 352 Mo. 905, 919, 180 S.W.2d 40, 45 (1944).