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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of December, 1997.

In the Matter of Union Electric Company's)	
Filing to Revise its Tariff Sheets)	
Applicable to Underground Distribution)	<u>Case No. ET-98-110</u>
System Extensions)	

ORDER DENYING INTERVENTION

On July 22, 1997, Union Electric Company (UE or Company) filed proposed tariff sheets to revise its standards for underground distribution system extensions. On September 8 Laclede Gas Company (Laclede) filed a motion to reject or, in the alternative, suspend tariff sheets and application to intervene. On September 9 UE filed substitute tariff sheets and extended the effective date of the tariff sheets to September 19. On September 12 the International Brotherhood of Electrical Workers, AFL-CIO, Local No. 1439 (Local No. 1439)), filed a motion to reject or suspend tariff sheets and application to intervene.

On September 18 the Commission ordered the suspension of the proposed tariff sheets until March 17, 1998, granted intervention to Laclede and Local No. 1439, and directed the parties to file a proposed procedural schedule on or before October 20, 1997. On October 20 the parties filed a proposed procedural schedule, and on October 28 the Commission issued an order establishing procedural schedule. The parties filed direct testimony on December 1 and rebuttal testimony on December 22. The due date for the hearing memorandum is January 9, 1998, and the hearing is set for January 15-16.

On December 10, 1997, Local Union No. 2, International Brotherhood of Electrical Workers, AFL-CIO (Local No. 2) filed direct testimony and an application to intervene. Local No. 2 states in its application to intervene that it is the exclusive representative for employees of UE covered by a collective bargaining agreement between Local No. 2 and UE. Local No. 2 states this case will impact future jobs held by employees represented by Local No. 2 and that it seeks to protect the interests of the employees it represents. Local No. 2 claims its intervention in this proceeding will serve the public interest and asserts that it does not seek any delay in the procedural schedule.

On December 19 UE filed its objection to Local No. 2's application to intervene. UE argues that Local No. 2's application should be denied because it is untimely and was filed after the deadline expired for filing direct testimony. UE points out that Local No. 2's application does not provide any excuse or justification for delaying until this late date to seek to intervene. In addition, UE stated that the proposal to intervene and file direct testimony appears calculated to gain an unfair advantage by providing similar and related parties, Local No. 2 and Local No. 1439, two opportunities to address the direct testimony of the other parties.

UE further argues in its objection that Local No. 2's application is defective and incomplete because it does not reference the statutory provision or other authority under which relief is requested and because it does not include a clear and concise statement of the relief requested pursuant to 4 CSR 240-2.060(1)(D) and (E). According to UE, the claim made in the direct testimony of Local No. 2's witness, Gene Peterson, that the tariff will result in layoffs of bargaining unit employees, is legally and factually unsupported and incorrect. UE requests that if Local

No. 2 is permitted to intervene and submit testimony, then UE should be granted an extension to file rebuttal to Local No. 2 until a date not less than five business days after the Commission's order is issued.

The Commission has reviewed the application for intervention filed by Local No. 2 and the objection filed by UE. The Commission finds that Local No. 2's application to intervene is untimely and should be denied. The application for intervention was filed only 36 days before the hearing which has been set in this case, and only 30 days before the hearing memorandum is due. Therefore, the Commission determines that granting intervention at this late date would be unduly prejudicial to the remaining parties and would not allow the remaining parties to complete their discovery and prepare appropriate responses to prefiled testimony and other evidence presented by Local No. 2. The Commission finds that Local No. 2's application for intervention fails to state good cause for intervention at this late date.

IT IS THEREFORE ORDERED:

1. That the application to intervene filed by Local Union No. 2, International Brotherhood of Electrical Workers, AFL-CIO, on December 10, is denied.

2. That this order shall become effective on December 30,
1997.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

G. George, Regulatory Law Judge