

5

On April 22, MRT Energy Marketing Company (MEM) filed an application to intervene out of time. MEM stated that it is a marketer engaged in the marketing of natural gas and power in the service area of Laclede and that it provides natural gas sales and energy management services to its customers in several states, including Missouri. According to MEM, its business interests may be directly affected by the changes proposed by Laclede, and so MEM has a substantial interest in this proceeding which is different from that of the general public. MEM states that good cause exists for filing its application out of time in that MEM originally filed an application to intervene on April 15 that was returned because it was not filed by an attorney licensed to practice law in Missouri, as required by 4 CSR 240-2.040. MEM asserts that no party will be prejudiced by granting its application.

On May 4, Laclede filed its response to MEM's application. Laclede opposes MEM's application because the application was untimely filed only as a result of MEM's failure to follow the Commission's rules regarding practice before the Commission. Laclede argues that this does not constitute good cause to file out of time. Moreover, Laclede suggests that MEM has failed to articulate an interest sufficient to justify its intervention in this case, citing the Commission's order of March 15, 1996 in Laclede's last rate case (Case No. GR-96-193).

The Commission has reviewed MEM's application to intervene out of time as well as Laclede's response, and finds that MEM's application is in substantial compliance with the Commission rules regarding intervention. The Commission determines that participation by MEM will aid the Commission in resolving the issues raised in this proceeding and that MEM's intervention will serve the public interest. MEM has stated that its business interests may be affected by the proposed rate increase because it markets natural gas in the service area of Laclede.

In addition, the Commission finds that MEM's intervention will not prejudice any party at this early stage of the proceeding, and that good cause exists to permit MEM to apply for intervention out of time. MEM's application is distinguishable from the application that the Commission rejected in Case No. GR-96-193 because MEM attempted to file its application on time and MEM corrected its error only six days after the deadline and prior to the May 12, 1998 deadline for proposing alternative test year recommendations. The applicant in GR-96-193 filed 42 days late, did not state a reason for its late filing, and filed after the deadline for proposing alternative test year recommendations.

The Commission concludes that the request for intervention filed by MEM should be granted.

IT IS THEREFORE ORDERED:

1. That the application to intervene filed by MRT Energy Marketing Company is granted.
2. That this order shall become effective on May 21, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 11th day of May, 1998.