

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the matter of Union Electric Company       )  
d/b/a AmerenUE's Tariffs to Increase its       )       File No. ER-2010-0036  
Annual Revenues for Electric Service.       )

**APPLICATION TO INTERVENE OUT OF TIME**  
**OF THE CITY OF O'FALLON, THE CITY OF UNIVERSITY CITY,**  
**THE CITY OF ROCK HILL AND THE ST. LOUIS COUNTY**  
**MUNICIPAL LEAGUE**

COME NOW the City of O'Fallon, the City of University City, the City of Rock Hill and the St. Louis County Municipal League (collectively "The Municipal Group" or "Applicants"), pursuant to 4 CSR 240-2.075 of the Missouri Public Service Commission's Rules of Practice and Procedure and the Commission's July 27, 2009 *Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filing*, and for their Application to Intervene Out of Time respectfully state as follows:

1.       The City of O'Fallon ("O'Fallon") is a Missouri Constitutional Home Rule Charter City under Article 6 Section 19 of the Missouri Constitution organized and existing under the laws of the State of Missouri with its principal office located at 100 North Main Street, O'Fallon, Missouri 63366. O'Fallon is located in St. Charles County and has a population of approximately 76,000 residents. O'Fallon is a customer of Ameren UE and specifically is a large street lighting customer of Ameren UE.

2.       The City of University City ("University City") is a Missouri Constitutional Home Rule Charter City under Article 6 Section 19 of the Missouri Constitution organized and existing under the laws of the State of Missouri with its principal office located at 6801 Delmar Boulevard, University City, Missouri 63130. University City is located in St. Louis County and has a population of approximately 37,000 residents. University City is a customer of Ameren UE and specifically a large street lighting customer of Ameren UE.

3. The City of Rock Hill (“Rock Hill”) is a Fourth Class City organized and existing under the laws of the State of Missouri with its principal office located at 9511 Manchester Road, Rock Hill, Missouri 63119. Rock Hill is located in St. Louis County, Missouri and has a population of approximately 4,700 residents. Rock Hill is a customer of Ameren UE and specifically a street lighting customer of Ameren UE.

4. The St. Louis County Municipal League (“Municipal League”) is a 501(c)(4) not for profit organization organized and existing under the laws of the State of Missouri with its principal office located at 121 S. Meramec Avenue, Clayton, Missouri 63105. The Municipal League has in its membership eighty-nine (89) of the 91 municipalities in St. Louis County as well as St. Louis County and the City of St. Louis. While the Municipal League cannot at this time commit to the intervention of each and every one of its members (See paragraph 8 below), the Municipal League’s intervention in this case will enable and assist it in keeping its members fully apprised of the proceedings in this case.

5. As street lighting customers of Ameren UE the interests of The Municipal Group are different than that of the general public and may be adversely affected by a final order in this case.

6. The Municipal Group generally opposes the increase proposed for street lighting in this case, but reserves its rights to take positions on other specific issues as the case proceeds.

7. The intervention by The Municipal Group will serve the public interest by assisting and informing the Commission on certain issues in this case.

8. For its showing of good cause for its intervention out of time pursuant to 4 CSR 240-2.075(5) The Municipal Group states that they have been in discussions with many other cities who are street lighting customers of Ameren UE regarding this intervention, but given the

varied meeting times for the City Councils and Boards of Aldermen of other municipalities it has been difficult and cumbersome for the municipalities to become fully informed on the recently filed Ameren UE rate case and to reach formal consensus on interventions without further delaying this filing.

9. The Municipal Groups' Application to Intervene is filed only seventeen (17) days after the Commission's August 17, 2009 deadline for interventions. The Municipal Group's intervention will not prejudice any party nor will it impair the progress of these proceedings. The Municipal Group will accept all decisions regarding the procedural schedule, test year and any other decisions made by the parties and the Commission prior to this Application to Intervene.

10. Municipalities are facing serious budget difficulties due to the recession's impact on tax revenues. Street lighting is intrinsically linked to public safety which is a high priority for all municipalities. The Municipal Group wants to be satisfied that Ameren UE's street lighting rates are fair and reasonable for all concerned.

11. Correspondence and communications regarding this application, including service of all notices and orders of this Commission should be addressed to:

Leland B. Curtis  
Carl J. Lumley  
Kevin M. O'Keefe  
Curtis, Heinz, Garrett & O'Keefe, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)  
[kokeefe@lawfirmamil.com](mailto:kokeefe@lawfirmamil.com)

WHEREFORE, having stated the grounds for intervention and the position and interests of The Municipal Group in these proceedings, The Municipal Group asks that the Commission

grant this Application to Intervene Out of Time, and thereby entitle The Municipal Group to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on the argument, and all other respects to be made parties to this proceeding.

Respectfully Submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Leland B. Curtis

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Leland B. Curtis, #20550  
Carl J. Lumley, #32869  
Kevin M. O'Keefe, #23381  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
Email: [lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)  
[kokeefe@lawfirmemail.com](mailto:kokeefe@lawfirmemail.com)

Attorneys for The City of O'Fallon,  
City of University City, City of Rock Hill  
and St. Louis County Municipal League  
("The Municipal Group")

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing documents was either faxed, emailed, or mailed persons listed on the attached list on the 3<sup>rd</sup> day of September, 2009.

/s/ Leland B. Curtis

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General Counsel  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Lewis Mills  
Office of Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Nathan Williams  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
[Nathan.williams@psc.mo.gov](mailto:Nathan.williams@psc.mo.gov)

John B. Coffman  
871 Tuxedo Blvd.  
St. Louis, MO 63119  
[john@johncoffman.net](mailto:john@johncoffman.net)

Thomas G. Glick  
Association of Community  
Organizations for Reform Now  
7701 Forsyth Blvd., Suite 800  
St. Louis, MO 63105  
[tglick@dmfirm.com](mailto:tglick@dmfirm.com)

John C. Dodge  
Charter Communications  
1919 Pennsylvania Ave., NW  
Washington D.C. 20006  
[johndodge@dwt.com](mailto:johndodge@dwt.com)

Mark Comley  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Sherrie A. Schroder  
IBEW Local Union 1439  
7730 Carondelet, Suite 200  
St. Louis, MO 63105  
[saschroder@hstly.com](mailto:saschroder@hstly.com)

Michael A. Evans  
IBEW Local Union 1439  
7730 Carondelet, Suite 200  
St. Louis, MO 63105  
[mevans@hstly.com](mailto:mevans@hstly.com)

Michael C. Pendergast  
Laclede Gas Company  
720 Olive Street, Suite 1520  
St. Louis, MO 63101  
[mpendergast@lacledegas.com](mailto:mpendergast@lacledegas.com)

Rick E. Zucker  
Laclede Gas Company  
720 Olive Street  
St. Louis, MO 63101  
[rzucker@lacledegas.com](mailto:rzucker@lacledegas.com)

David Woodsmall  
428 E. Capitol Ave., Suite 300  
Jefferson City, MO 65101  
[dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

Shelley A. Woods  
Missouri Department of Natural Resources  
P.O. Box 899  
Jefferson City, MO 65102-0899  
[shelley.woods@ago.mo.gov](mailto:shelley.woods@ago.mo.gov)

Sarah B. Mangelsdorf  
Missouri Department of Natural Resources  
P.O. Box 899  
Jefferson City, MO 65102  
[sarah.mangelsdorf@ago.mo.gov](mailto:sarah.mangelsdorf@ago.mo.gov)

Lisa C. Langeneckert  
Missouri Energy Group  
One City Centre, 15<sup>th</sup> Floor  
515 North Sixth Street  
St. Louis, MO 63101  
[llangeneckert@sandbergphoenix.com](mailto:llangeneckert@sandbergphoenix.com)

Diana M. Vuylsteke  
Missouri Industrial Energy Consumers  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
[dmuvuylsteke@bryancave.com](mailto:dmuvuylsteke@bryancave.com)

Douglas Healy  
Missouri Joint Municipal Electric Utility  
939 Boonville, Suite A  
Springfield, MO 65802  
[dhealy@mpua.org](mailto:dhealy@mpua.org)

James B. Deutsch  
Missouri Retailers Association  
308 E. High Street, Suite 301  
Jefferson City, MO 65101  
[jdeutsch@blitzbardgett.com](mailto:jdeutsch@blitzbardgett.com)

Sam Overfelt  
Missouri Retailers Association  
618 E. Capitol Ave.  
P.O. Box 1336  
Jefferson City, MO 65102  
[moretailers@aol.com](mailto:moretailers@aol.com)

Thomas R. Schwartz  
Missouri Retailers Association  
308 E. High Street, Suite 301  
Jefferson City, MO 65101  
[tschwarz@blitzbardgett.com](mailto:tschwarz@blitzbardgett.com)

Henry B. Robettson  
Natural Resources Defense Council  
705 Olive Street, Suite 614  
St. Louis, MO 63101  
[hrobertson@greatriverslaw.org](mailto:hrobertson@greatriverslaw.org)

James B. Lowery  
Union Electric Company  
111 South Ninth Street, Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
[lowery@smithlewis.com](mailto:lowery@smithlewis.com)

Steven R. Sullivan  
Union Electric Company  
1901 Chouteau Avenue  
P.O.Box 66149 (MC 1300)  
St. Louis, MO 63166-6149  
[amerenueservice@ameren.com](mailto:amerenueservice@ameren.com)

Thomas M. Byrne  
Union Electric Company  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149  
[Amerenueservice@ameren.com](mailto:Amerenueservice@ameren.com)