

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 14th day
of May, 2014.

Noranda Aluminum, Inc., et al,)	
)	
Complainants,)	
)	
v.)	<u>File No. EC-2014-0224</u>
)	
Union Electric Company, d/b/a)	
Ameren Missouri)	
)	
Respondent.)	

ORDER REGARDING APPLICATION TO INTERVENE OUT OF TIME

Issue Date: May 14, 2014

Effective Date: May 14, 2014

On February 12, 2014, Noranda Aluminum, Inc. and 37 other individual customers filed a complaint against Union Electric Company, d/b/a Ameren Missouri, alleging that the company is earning money at an excessive rate. The complaint asks the Commission to review Ameren Missouri’s rates and to revise those rates to just and reasonable levels. In response to that complaint, the Commission directed parties wishing to intervene to apply to do so no later than March 7. Several entities filed timely applications and were allowed to intervene.

On April 18, United For Missouri, Inc., filed a motion to intervene out of time. The motion explains that United For Missouri is a nonprofit mutual benefit corporation organized under the laws of Missouri. United For Missouri explains that it exists to promote the American free enterprise system as the best method to ensure prosperity for all Missourians.

United For Missouri contends that its interest in this matter relates to the electric rates for Ameren Missouri's industrial, commercial, and residential customers and the effect of those rates on achieving a strong economic environment in Missouri. United For Missouri indicates it will accept the case in its current state. It takes no position on the complaint at this time, but may do so in the future.

United For Missouri explains that it failed to meet the intervention deadline because it was not initially aware of the complaint or how it could participate. At the suggestion of some of its members that intervention might be appropriate, the organization contacted legal counsel on March 24, and legal counsel "sat in" at the procedural conference on March 28. United Missouri then considered its ability and usefulness in pursuing intervention and obtained corporate approval to pursue intervention, leading to the filing of its motion to intervene on April 18.

On April 28, the Complainants objected to United For Missouri's application to intervene out of time. The Complainants contend that United For Missouri has no interest in this complaint apart from the interest of the general public in just and reasonable rates. Its belief that it knows the right way to achieve a strong economic environment does not make that interest different from that of the general public. The Complainants further contend that United For Missouri has failed to demonstrate good cause for its failure to file a timely application to intervene.

United For Missouri replied to the Complainants' objection on May 6. In that reply, United For Missouri reiterates its claim that it has a substantial interest in representing the free-market viewpoint of its members and asserts that neither Public Counsel nor Staff can represent that interest. It also claims that its inability to intervene quickly enough to meet the

intervention deadline is understandable because it has never before sought to intervene in a matter before the Commission.

Public Counsel also filed a reply to the Complainants' objection on May 6. Public Counsel supports that objection and urges the Commission to deny United For Missouri's application to intervene. Staff filed its own reply on May 6, indicating it has no objection to United For Missouri's intervention.

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. United For Missouri did not comply with the established deadline to intervene and for that reason must show good cause for its failure to apply to intervene on time. It has not done so.

United For Missouri could have known about the existence of the case in time to comply with the intervention deadline. However, it became interested in the case only after it began to move toward a hearing and began to draw public attention. Allowing new parties to jump into a case under that circumstance tends to disrupt the orderly consideration of the issues. United For Missouri has not shown good cause for its failure to file a timely application to intervene and for that reason its application to intervene out of time will be denied.

THE COMMISSION ORDERS THAT:

1. The Motion to Intervene Out-of-Time by United for Missouri, Inc., is denied.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

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

Woodruff, Chief Regulatory Law Judge