

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 2nd day of
September, 2009.

In the Matter of Union Electric Company, d/b/a)	<u>File No. ER-2010-0036</u>
AmerenUE's Tariffs to Increase Its Annual)	Tariff Nos. YE-2010-0054
Revenues for Electric Service)	and YE-2010-0055

**ORDER GRANTING THE APPLICATION TO INTERVENE OF
MISSOURI-ACORN**

Issue Date: September 2, 2009

Effective Date: September 2, 2009

On July 24, 2009, Union Electric Company, d/b/a AmerenUE, filed a tariff designed to increase its annual revenues for electric service. The Commission suspended that tariff and established August 17 as the deadline for interested parties to apply to intervene.

The Missouri Association of Community Organizations for Reform Now (MO-ACORN) applied to intervene on August 14. MO-ACORN is a non-governmental, nonpartisan, nonprofit membership organization of low and moderate-income families working for social justice and stronger communities. Many of its members are customers of AmerenUE. More than ten days have passed since MO-ACORN applied to intervene. No party has objected to that application, but on August 24, AmerenUE filed a response to MO-ACORN's application. MO-ACORN answered that response on August 28, and at the same time filed an amended application to intervene,¹ clarifying that it is a not-for-profit corporation organized under the laws of the State of Arkansas.

¹ MO-ACORN also filed a motion seeking leave to amend its application to intervene. The Commission will grant that motion.

AmerenUE does not oppose MO-ACORN's application to intervene but expresses concern that MO-ACORN's application does not comply with the Commission's rule on intervention in that as an association it is required by 4 CSR 240-2.075(3) to file a list of all its members. The Commission's rule does indeed require an association seeking to intervene to list its members. However, while MO-ACORN includes the word "association" in its title, it is not the type of association to which the regulation is aimed. The purpose of the regulation is to require informal associations of companies or individuals who wish to participate in a case as a group to identify their members. Examples of such associations who are already parties to this case include the Missouri Energy Group and the Missouri Industrial Energy Consumers. The limited membership of those associations changes from case to case and it is helpful to the Commission, and to the other parties, to know which companies are part of the association in a particular case.

In contrast, MO-ACORN, which is a corporation, has a permanent existence apart from its individual members. Requiring such a membership organization to provide a list of its members would be unduly burdensome, and could unconstitutionally chill the first amendment rights of its members. Therefore, the Commission will not require MO-ACORN to provide a list of its members.

AmerenUE also expresses concern that MO-ACORN will violate the Commission's rule regarding conduct during proceedings, 4 CSR 240-4.020, and asks the Commission to specifically order MO-ACORN to comply with that rule. As a party, MO-ACORN will be required to comply with applicable Commission rules to the same extent as any other party. No further order is necessary.

The Commission finds that the interest of MO-ACORN in this case is different from that of the general public, and may be adversely affected by a final order arising from this

case. Furthermore, the Commission finds that allowing MO-ACORN to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant the application to intervene.

THE COMMISSION ORDERS THAT:

1. The Application to Intervene by the Missouri Association of Community Organizations for Reform Now is granted.
2. Missouri Association of Community Organizations for Reform Now's Motion for Leave to Amend Application to Intervene is granted.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Gunn, and Kenney, CC., concur.
Davis, C., concurs, with separate concurring
opinion to follow.

Jarrett, C., dissents, with separate dissenting
opinion to follow.

Woodruff, Chief Regulatory Law Judge