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LELAND B. CURTIS

FILED

JAN 20 1999

Missouri Public
Service Commission

January 19, 1999

Mr. Dale Hardy Roberts
Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, MO 65101

RE: Case Nos.: GA-99-¹⁰⁷197 and GA-99-236

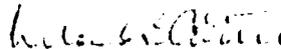
Dear Judge Roberts:

Enclosed for filing is an original and fifteen copies of the City of Wentzville's Application to Intervene Out of Time.

Please stamp "filed" on the extra copy and return the copy to me in the enclosed self-addressed stamped envelope.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,



Leland B. Curtis

LBC:tm

cc: Parties of Record



FILED

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

JAN 20 1999

Missouri Public
Service Commission

In the Matter of the Application of)
Union Electric Company d/b/a AmerenUE)
For a Certificate of Public Convenience)
and Necessity Authorizing It to Construct,)
Install, Own, Operate, Control, Manage,)
and Maintain Natural Gas Pipeline Facilities)
and a Gas Distribution System for the Public)
In a Portion of St. Charles County, Missouri,)
As an Expansion of Its Presently Certificated Area.)

Case No. GA-99-107

In the Matter of the Application of Laclede Gas)
Company for a Certificate of Public Convenience)
and Necessity Authorizing It to Construct,)
Install, Own, Operate, Control, Manage, and)
Maintain a Gas Distribution System for the)
Public in a Portion of the City of Wentzville,)
Missouri, as an Expansion of Its Presently)
Certificated Area.)

Case No. GA-99-236

**CITY OF WENTZVILLE'S
APPLICATION TO INTERVENE OUT OF TIME**

Comes now the City of Wentzville, Missouri, pursuant to 4CSR 240-2.075 and for its Application to Intervene states to the Commission:

1. The City of Wentzville, Missouri, is a fourth class municipality situated in St. Charles County, Missouri. The City Hall is located at 310 West Pearce, Wentzville, Missouri 63385.

2. All communications and pleadings in this docket should be directed to:

Leland B. Curtis
Carl J. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 South Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 (Fax)

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with copy to:

Robert M. Wohler, City Attorney
225 South Main Street
O'Fallon, Missouri 63366
(314) 272-6601
(314) 272-3405 (Fax)

3. On September 15, 1998, Union Electric Company d/b/a AmerenUE (UE) filed an application with the Commission requesting authority to construct, own and operate natural gas pipeline facilities and a gas distribution system for the public in a portion of St. Charles County south of Interstate 70, and southwest of U.S. Highway 40/61. This case was docketed as Case No. GA-99-107. The area UE proposed for certification includes a small portion of the City of Wentzville and a large portion of unincorporated St. Charles County.

4. On November 24, 1998, Laclede filed an application with the Commission requesting authority to construct, own and operate a gas distribution system for the public in a portion of the City of Wentzville, Missouri. This case was docketed as Case No. GA-99-236. The Wentzville area which Laclede seeks to serve, overlaps the area for which UE seeks certification.

5. On December 3, 1998, upon motion, the Commission issued its Order to Consolidate Proceedings and Provide Notice in the instant case, which order, in part, provided that any interested party should file its intervention no later than December 21, 1998.

6. The City of Wentzville has a unique interest in these consolidated proceedings in that both applications request new gas service authority for a geographic portion of the City south of Interstate 70. UE currently provides gas service to the City of Wentzville under a twenty-year gas and electric franchise dated November 10, 1986. Laclede has requested that the City authorize placement on the April 6, 1999 municipal election a ballot proposition asking the voters whether the City should grant Laclede a twenty-year franchise for gas service to that area of the City, south of Interstate 70. Laclede appears to have been previously authorized by this Commission to serve the area in question when it was an unincorporated area of St. Charles County.

7. The City requests leave of the Commission to have its Application for Intervention granted out of time due to the intervention decision falling over the Christmas/New Year holiday season and the City's difficulty in sorting out the legal, economic and long-term ramifications that the competing applications pose for the City and its citizens.

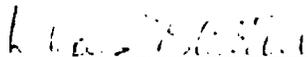
8. The City states that at this time it is unable to state a definitive position on either applications. However, the City, upon being granted intervention by this Commission, intends to study the evidence and arguments advanced by each applicant and develop positions that will serve in the best interests of its citizens and the economic well-being of the City of Wentzville.

9. If granted intervention by this Commission, the City is willing and able to abide by the procedural schedule adopted by the Commission in its order dated December 10, 1998.

WHEREFORE, the City of Wentzville respectfully requests the Commission grant its Application to Intervene Out of Time.

Respectfully submitted.

CURTIS, OETTING, HENIZ,
GARRETT & SOULE, P.C.



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Attorneys for the City of Wentzville

CERTIFICATE OF MAILING

A true and correct copy of the foregoing was mailed this 19th day of January, 1999, by placing same in the U.S. Mail, postage prepaid to:

Douglas H. Yaeger
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W. L. O'Sullivan