

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

Midwest Independent Transmission
System Operation, Inc.
Ameren Services Company

Docket No. ER04-571-000

ORDER GRANTING MOTION FOR CLARIFICATION

(Issued May 13, 2004)

I. Background

1. On February 19, 2004, Midwest Independent Transmission System, Inc. (Midwest ISO) and Ameren Services Company (Ameren) (collectively, Applicants) jointly filed, pursuant to section 205 of the Federal Power Act (FPA),¹ an executed Agreement for the Provision of Transmission Service to Bundled Retail Load (Service Agreement) between Midwest ISO and Ameren, as agent for Union Electric Company, d/b/a AmerenUE (AmerenUE). By order issued on March 25, 2004 (March 25 Order),² the Commission accepted the proposed Service Agreement for filing, to become effective on May 1, 2004.

2. On April 13, 2004, the Illinois Commerce Commission (Illinois Commission) filed a motion for late intervention and clarification or, alternatively, request for rehearing. The Illinois Commission states that the March 25 Order refers to AmerenUE's "bundled retail load" but that the order does not make a distinction between Ameren UE's provision

¹ 16 U.S.C. § 824d (2001).

² Midwest Independent Transmission System Operator, Inc. and Ameren Services Co., 106 FERC ¶ 61,293 (2004).

of retail service in Missouri and its provision of retail service in Illinois. The Illinois Commission states that the Service Agreement at issue in this proceeding has not been filed with or approved by the Illinois Commission. Thus, the Illinois Commission requests that the Commission clarify that its acceptance of the Service Agreement only extends to the bundled retail electric service provided by AmerenUE to its retail customers in Missouri.

II. Discussion

A. Procedural Matter

3. When late intervention is sought after the issuance of a dispositive order, the prejudice to other parties and burden upon the Commission of granting the late intervention may be substantial. Thus, movants bear a higher burden to demonstrate good cause for granting such late intervention. The Commission has determined to grant the Illinois Commission's intervention because it is unopposed and raises a concern about potential ambiguity concerning the scope of the March 25 Order. The resolution of this issue will not impact the other parties to this proceeding or place any additional burdens on them.

B. Analysis

4. We will grant the Illinois Commission's motion for clarification. As the Illinois Commission notes, the Service Agreement provides that it is applicable to AmerenUE's bundled retail load in Missouri. Further, the March 25 Order's acceptance of the Service Agreement for filing applied to AmerenUE's bundled retail load in Missouri only; it does not apply to AmerenUE's retail load in Illinois.

The Commission orders:

The Illinois Commission's motion for late intervention and clarification is hereby granted.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.