

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2011-0100
	)	
Missouri Gas Energy, a Division of Southern Union Company	)	
	)	
	)	
Respondent.	)	

**FIRST AMENDED ANSWER BY INTERLINEATION**

COMES NOW Respondent Missouri Gas Energy (“MGE”) a division of Southern Union Company, and for its First Amended Answer by Interlineation, states as follows:

1. On November 12, 2010, MGE filed an Answer responsive to a Complaint filed by the Staff of the Missouri Public Service Commission. By order dated March 21, 2011, the Commission granted MGE leave to amend an affirmative defense. The Answer is hereby amended in the following particulars.

2. Paragraph 17 of the Answer set forth the following affirmative defense:

Staff is estopped from making a complaint concerning the lawfulness and reasonableness of Respondent’s Tariff Sheet R-34.

3. Paragraph 17 should be amended to read as follows:

Staff is estopped from making a complaint concerning the lawfulness and reasonableness of Respondent's Tariff Sheet R-34. The Commission approved the tariff sheet question only after Staff filed a recommendation on March 30, 2007 in Case No. GR-2006-0422 that the Commission do so. Staff's supporting memorandum stated that it "is of the opinion that these sheets are in compliance with the Commission's Order." The memorandum specifically refers to a Fourth Revised Sheet No. R-34, cancelling Third Revised Sheet No. R-34 along with other compliance tariffs. Staff should not be permitted to contend just several years later that MGE's Commission-approved Tariff Sheet R-34 is unlawful or unreasonable.

4. In all other respects, MGE's Answer is hereby restated, ratified and confirmed.

WHEREFORE, having amended paragraph 17 of its Answer as aforesaid, MGE again request the Commission grant the relief requested therein.

Respectfully submitted,

/s/ Paul A. Boudreau  
Paul A. Boudreau MBE #33155  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
Phone: (573) 635-7166  
Fax: (573) 634-7431  
[paulb@brydonlaw.com](mailto:paulb@brydonlaw.com)

Todd J. Jacobs      MBE #52366  
Senior Attorney  
Missouri Gas Energy,  
a division of Southern Union Company  
3420 Broadway  
Kansas City, MO 64111  
Phone: (816) 360-5976  
Fax: (816) 360-5903  
[todd.jacobs@sug.com](mailto:todd.jacobs@sug.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to all counsel of record on this 11<sup>th</sup> day of April, 2011.

Kevin Thompson  
Public Service Commission  
200 Madison Street  
Jefferson City, MO 65102

Robert Berlin  
Public Service Commission  
200 Madison Street  
Jefferson City, MO 65102

Lewis Mills  
Office of Public Counsel  
200 Madison Street  
Jefferson City, MO 65102

/s/ Paul A. Boudreau  
Paul A. Boudreau