

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day of
March, 2007.

In the Matter of the Application of Missouri Gas Energy,)
a Division of Southern Union Company, for a Certificate)
of Public Convenience and Necessity Authorizing It to)
Construct, Install, Own, Operate, Control, Manage and) **Case No. GA-2007-0289**
Maintain a Natural Gas Distribution System to Provide)
Gas Service in Platte County, Missouri, as an Expansion)
of Its Existing Certified Area)

ORDER GRANTING INTERVENTION

Issue Date: March 13, 2007

Effective Date: March 13, 2007

On January 31, 2007, Missouri Gas Energy (“MGE”), a Division of Southern Union Company, filed an application with the Missouri Public Service Commission, pursuant to Section 393.170, RSMo 2000, requesting that the Commission grant it authority to “construct, install, own, operate, control, manage and maintain a system for the provision of natural gas service to the public pursuant to its approved rates, rules and regulations, in Sections 13 and 14 , Township 52 North, Range 35 West in Platte County, Missouri.” MGE states that it already has a certificate from the Commission to serve adjacent Sections 11 and 12 in the same Township and Range, and in adjacent Section 18 of Township 52 North, Range 34 West. MGE states that developers have requested it to provide natural gas service in this area for three new residential subdivisions and two commercial buildings.

On February 21, The Empire District Gas Company (“Empire”) filed a timely application to intervene. Empire claims that it, not MGE, has a certificate for adjacent sections 11 and 12 Township 52 North, Range 35 West. Empire further states that it already has facilities in Section 12, which is adjacent to Sections 13 and 14 for which MGE is seeking a certificate. Therefore, Empire concludes that MGE is encroaching into its certificated territory, that Empire is fully capable of providing natural gas service to these two sections, and that the facts do not support granting a certificate to MGE. Empire further asserts that MGE’s failure to provide construction plans for its new facilities, and identify where the new facilities would be located in relation to Empire’s existing facilities, results in a public safety concern.

MGE responded to Empire’s request to intervene reiterating that it has a certificate for Sections 11 and 12, as well as adjacent Section 18. MGE believes it is in the public interest for it to serve Sections 13 and 14 and notes that Empire has no pending application to serve these sections. MGE further observes that there is no requirement in the application process to provide construction plans for future facilities.

Commission rule 4 CSR 240-2.075(4) provides that the Commission may grant an application to intervene on a showing that the proposed intervenor has an interest that is different than that of the general public and which may be adversely affected by a final order arising from the case, or when granting the proposed intervention would be in the public interest.

The Commission finds that Empire has an interest in this matter that is different than that of the general public, and that its interest may be adversely affected by a final order arising from this case. Empire’s application to intervene will be granted.

IT IS ORDERED THAT:

1. The Empire District Gas Company's Application for Intervention is granted.
2. This order shall become effective on March 13, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Stearley, Regulatory Law Judge