

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri Gas Utility,)
Inc., for a Certificate of Convenience and Necessity)
Authorizing It to Construct, Install, Own, Operate,)
Control, Manage and Maintain a Natural Gas Distribution) **Case No. GA-2008-0348**
System to Provide Gas Service in Daviess County,)
Missouri, as a Further Expansion of Its Existing)
Certified Area.)

ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION **OF INTERVENTION REQUESTS**

Issue Date: April 29, 2008

Effective Date: April 29, 2008

On April 22, 2008, Missouri Gas Utility, Inc., 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 Jamesport, Missouri. MGU asks for a certificate to serve certain sections of Township 59 North, Range 26 West, and Township 60 North, Range 26 West in Daviess County, Missouri. MGU states that as of the date of filing its application, some 63 residential and 8 commercial customers have committed to take service from MGU should the Commission grant the certificate.

In compliance with Commission Rule 4 CSR 240-3.205, MGU has provided a full legal description of the location for the proposed service area, a plat map, an estimate of the cost of construction and estimated annual margin to be received from the proposed

customers in the development, and the names and addresses of ten residents or property owners of the proposed service area. MGU also attached a franchise from the Town of Jamesport, and asserts that there are no municipalities, public utilities or other governmental entities operating or rendering service within its proposed service area, and that it will not require any other franchises or permits other than the usual and customary state highway, railroad and county road permits, which will be acquired prior to construction.

The Commission finds that notice of this application should be given to the general public and interested parties and a date for intervention of proper parties should be set. The Commission's Data Center shall mail a copy of this notice to the County Commission of Daviess County, and to the Department of Natural Resources of the State of Missouri. In addition, the Commission's public information officer shall make notice of this order available to the media serving Daviess County and to the members of the General Assembly representing Daviess County.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.¹

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.

¹ *State ex rel. Deffenderfer v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo App. 1989).

2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.

3. Any proper person wishing to intervene in this matter shall file an application no later than May 19, 2008. Such applications shall be filed with:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

with a copy served on:

Dean L. Cooper, Esq.
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102-0456

and

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. This order shall become effective on April 29, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory Law
Judge, by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of April, 2008.