

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

Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Missouri Pipeline Company, LLC,  
Missouri Gas Company, LLC, et. al.

Respondents.

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**Case No. GC-2006-0491**

**STAFF’S RESPONSE TO REQUEST FOR REHEARING**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel and, for its Response to Request for Rehearing states:

1. On August 28, 2007, the Missouri Public Service Commission issued its Report and Order in this matter with an effective date of September 7.
2. On September 6, Missouri Pipeline Company and Missouri Gas Company filed an application for rehearing and later filed a Corrected Application for Rehearing.
3. Also on September 6, the Municipal Gas Commission of Missouri- (MGCM) and Union Electric Company d/b/a AmerenUE (Ameren) filed Requests for Rehearing.
4. Section 386.500.1 provides that “an application for rehearing shall not excuse any corporation or person or public utility from complying with or obeying any order or decision of the commission . . .’

5. The same section also provides the Commission shall grant an application for rehearing if “in its judgment sufficient reason therefore be made to appear.”

6. The Commission has jurisdiction over the rates MPC and MGC charge their affiliate Omega, it is **those** charges that resulted in the operation of MPC’s and MGC’s tariffs to reduce the maximum tariff rates to that charged to an affiliate.

7. Both AmerenUE and MGCM propose an analysis of Respondent’s tariffs at Sections 3.2, 3.2(a) and 3.2(b)(1)(2) and (4) that Staff recommends the Commission consider. Both suggest the tariff must be read in *pari materia* and such a reading leads to the conclusion Section 3.2(b) serves a purpose that is separate and independent from Section 3.2(c), and actually applies at a different time than does Section 3.2(c).

8. Both suggest that Section 3.2(c) has no application so long as Section 3.2(b) remains in effect. Section 3.2(c) would apply once Staff files notice and Section 3.2(b) would no longer be effective and Section 3.2(c) would take effect.

9. Turning to Respondent’s claim of due process errors, Commission rule 4 CSR 240-2.140 states “[t]he commission or presiding officer shall determine whether the parties may file briefs or present oral argument or, **or both**, in any case. There was nothing improper about the Commission scheduling oral argument, it is contemplated by Commission rules. There was nothing improper about the conduct of the oral argument.

10. Various proposed orders contained Citations to the record for specific findings of fact, which could be used by the Commission.

Respectfully submitted,

/s/ Lera L. Shemwell

Lera L. Shemwell  
Deputy General Counsel  
Missouri Bar No. 43792

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7431 (Telephone)  
(573) 751-9285 (Fax)  
[lera.shemwell@psc.mo.gov](mailto:lera.shemwell@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 17th day of September, 2007.

/s/ Lera L. Shemwell