

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 18th day of
June, 2009.

In the Matter of the Application of U.S. Energy	)	
Services, Inc. for Certification as a Seller of Energy	)	<u>File No. GA-2009-0384</u>
Services in the State of Missouri	)	

ORDER DISMISSING APPLICATION

Issue Date: June 18, 2009

Effective Date: June 28, 2009

On April 24, 2009, using a form obtained from the Commission's internet website, U.S. Energy Services, Inc., filed an Application for Certification as a Seller of Energy Services in the State of Missouri. On May 7, Staff filed a recommendation advising the Commission to dismiss that application because U.S. Energy Services does not need to be certified as a seller of energy services.

The statute under which U.S. Energy seeks certification is section 393.299, RSMo. That statute requires persons who provide energy services in a political subdivision that has business license taxes in effect to apply to the Commission for certification as an energy seller. The statute also requires certified energy sellers to agree to pay the business license taxes imposed by the political subdivisions in which they operate.

Staff explains that the statute applies only to energy sellers who transfer title to gas downstream of an LDC's city gate. Gas marketers, such as U.S. Energy, are not authorized to transfer title of gas downstream of the city gate. Therefore, Staff concludes U.S. Energy does not need to be certified as an energy seller under the statute.

No other party has responded to Staff's recommendation and the Commission finds

that recommendation persuasive. On the basis of Staff's recommendation, the Commission concludes that U.S. Energy does not need to be certified as an energy seller. For that reason, the Commission will dismiss U.S. Energy's application.

THE COMMISSION ORDERS THAT:

1. U.S. Energy Services, Inc.'s Application for Certification as a Seller of Energy Services in the State of Missouri is dismissed.
2. This order shall become effective on June 28, 2009.
3. This file shall be closed on June 29, 2009.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, illegible stamp.

Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge