

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

Michael Stark,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2014-0202</u></b>
	)	
Summit Natural Gas of Missouri, Inc.,	)	
	)	
Respondent.	)	

**JOINT STATEMENT OF UNDISPUTED FACTS**

**COMES NOW**, the Staff of the Missouri Public Service Commission, by and through counsel, and on behalf of all of the parties, submits the following *Joint Statement of Undisputed Facts*:

1. Michael Stark is a resident of Camden County, Missouri, residing at 44 Sycamore Road, Camdenton, Missouri 65020. Mr. Stark is not now nor has he ever been a customer of Summit Natural Gas of Missouri, Inc.

2. Summit Natural Gas of Missouri, Inc., (SNG) is a Colorado corporation engaged in the business of selling retail natural gas service in the state of Missouri. SNG is a public utility under the jurisdiction of the Missouri Public Service Commission.

3. On July 17, 2012, the Missouri Public Service Commission granted SNG a certificate of convenience and necessity (CCN) authorizing it to construct, install, own, operate, control, manage and maintain a distribution system to provide gas service in Benton, Morgan, Camden and Miller counties in Missouri, as a Certificated Area ("Lake Ozark Division").

4. SNG relied on maps from the Camden County geographic information systems (GIS) website to create its map book for the Lake Ozark Division.

5. Camden County does not have a consolidated map depicting county property and/or county rights-of-ways prepared by a surveyor. Maps on the Camden County GIS website give approximate locations of parcels of property for real estate tax purposes, but the locations on these maps have not been located by a surveyor. Maps printed from this site have a disclaimer that they may or may not be accurate, current, or reliable.

6. On June 18, 2013 Priority Communications, contractors working for SNG entered upon a portion of Mr. Stark's property and installed a section of gas piping approximately 1000 feet in length, along a road located in Camden County Missouri, which was intended to be part of SNG's initial build-out of the Lake Ozark Division under their CCN. The property is owned by Mr. Stark and Paul Goss, as joint tenants with rights of survivorship.

7. At some point during the morning of June 18, 2013, while the gas piping was being installed, Michael Stark spoke with the contract employees of SNG and notified them that they were installing the gas piping on his private property, which he stated they had no authority to be doing.

8. When SNG's contract employees left Mr. Stark's property on June 18, 2013, the gas piping had been laid, backfilled, and some length of gas piping was intentionally left unburied at each end for connecting the section of piping to other sections on a later date.

9. No work was performed by or on behalf of SNG on Mr. Stark's property after June 18, 2013.

10. On June 19, 2013 Mr. Stark met with Mr. Graves and stated that the property on which the gas piping was being installed belonged to him.

11. SNG had a title search conducted of the property in question to determine the validity of Mr. Stark's claims that the road that SNG had installed its gas piping on was his private road and not a public right-of-way. On July 18, 2013, SNG received the results of the title search, which indicated that the road was on property owned by Mr. Stark and Mr. Goss and that it was not a public right-of-way.

12. On some date after SNG's contractors installed the gas piping on Mr. Stark's property a storm washed out sections of the backfill where the pipe was installed.

13. The gas piping on Mr. Stark's property does not now, nor has it ever had gas flowing through it.

14. On September 17, 2013, John Kottwitz and Rick Fennel of the Staff Safety/Engineering Section met with Mr. Stark and observed that portions of the backfill had washed out where the piping was installed.

15. On November 4, 2013, Mr. Stark filed a petition for trespass and property damage against SNG in the Circuit Court for Camden County, Missouri, Case No. 13CM-CC00262.

16. On December 27, 2013, Mr. Stark filed a formal complaint against SNG with the Missouri Public Service Commission alleging trespass and damage to his

property, and requesting the Commission revoke SNG's certificate of convenience and necessity.

17. The gas piping is still installed along a portion of Mr. Stark's property as of the date of this filing.

18. SNG and Mr. Stark have both made settlement proposals, but none have been satisfactory to both of the parties as of the date of this filing.

**WHEREFORE**, Staff submits this *Joint Statement of Undisputed Facts* for the Commission's consideration.

Respectfully submitted,

**/s/Alexander Antal**

Alexander Antal  
Assistant Staff Counsel  
Missouri Bar No. 65487

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751- 8517 (Telephone)  
(573) 751-9285 (Fax)  
[Alexander.Antal@psc.mo.gov](mailto:Alexander.Antal@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 22<sup>nd</sup> day of August 2014, to all counsel of record in this proceeding.

**/s/Alexander Antal**