

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

Missouri Propane Gas Association,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2016-0083
)	
Summit Natural Gas of Missouri, Inc.,)	
)	
Respondent.)	

**RESPONSE OF SUMMIT NATURAL GAS OF MISSOURI TO REPLY OF
MISSOURI PROPANE GAS ASSOCIATION**

COMES NOW Summit Natural Gas of Missouri, Inc. (“Summit”), and for its Response to Reply in Support of its Motion for Partial Summary Disposition filed by the Missouri Propane Gas Association (“MPGA”) on June 17, 2016 states:

1. MPGA’s reply does not support any of the three requirements for summary determination: a) that there are no disputed facts; b) that the requested relief must be granted as a matter of law, and c) that granting summary determination serves the public interest.

(a) MPGA claims its interpretation of the phrase “applicable ... manufacturers’ specifications” in the Partial Stipulation and Agreement as to Dual Fuel and Conversion of Appliances (the “Agreement”) entered into in Case No. GR-2014-0083 is undisputed; however, its own response establishes that is not true. MPGA disputes the expert testimony of David Meyer as to the meaning of “manufacturers’ specifications in this context, and argues against Summit’s interpretation of manufacturer’s specifications—both of which definitively establish that there is a dispute that necessarily precludes summary determination. MPGA also continues to argue that it is an undisputed fact that

unvented conversions are prohibited by the Agreement despite the fact that unvented appliances *are not even mentioned* in the Agreement and that the Agreement clearly contemplates that *conversions will be performed*. Notwithstanding MPGA's argument to the contrary, MPGA's own response shows that disputes of material fact abound, which preclude summary judgment.

(b) MPGA fails to even address the requirement in the Commission's rules that its requested relief **must** be granted under the law and has done nothing to establish its relief may in fact be ordered.

(c) MPGA also fails to even address the requirement that it show that the public interest would be served by granting summary determination and does nothing to address Summit's showing that the public interest would be harmed by granting a summary determination.

2. Summit submits that, on all three requirements, MPGA fails to support its plea for summary determination and respectfully requests to be allowed to fully support its case in opposition to the unfounded allegations in MPGA's Complaint.

WHEREFORE, Summit respectfully requests that the Commission deny MPGA's Motion for Partial Summary Determination.

Respectfully Submitted,

By: /s/ Lewis Mills

Lewis Mills MO Bar No. 35275
BRYAN CAVE LLP
221 Bolivar Street, Suite 101
Jefferson City, Missouri 65101
573-556-6627 - Telephone
573-556-7447 - Facsimile
lewis.mills@bryancave.com

**ATTORNEY FOR SUMMIT NATURAL
GAS OF MISSOURI, INC.**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed to all parties of record this 27th day of June, 2016.

/s/ Lewis Mills
Lewis Mills