

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

Paul Brown and Debra Brown	)	
	)	
Complainants,	)	
	)	
v.	)	<b><u>Case No. GC-2017-0199</u></b>
	)	
Summit Natural Gas of Missouri, Inc.,	)	
	)	
Respondent.	)	
	)	
CERTIFIED MAIL	)	

**NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING**

Issue Date: January 24, 2017

Effective Date: January 24, 2017

The Commission is giving notice of a contested case and ordering responses. On January 20, 2017, Paul Brown and Debra Brown filed a complaint against Summit Natural Gas of Missouri, Inc. (Summit).

For any formal complaint, the Commission's regulation 4 CSR 240-2.070(7) provides:

Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve by certified mail, postage prepaid, a copy of the complaint upon the person, corporation or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the date of the notice.

In addition to this required notice, the Commission finds that Laclede Gas Company (Laclede) should also be notified of this case. The complaint notes that the Complainants actually live in an area that is in the Laclede service territory. The

Commission will also direct the Staff of the Missouri Public Service Commission to investigate this complaint and file a report.

This is a contested case. A contested case is a formal hearing procedure, including discovery, for which the provisions are set forth at Commission regulation 4 CSR 240-2.090. However, contested case procedure allows for waiver of procedural formalities and a decision without an evidentiary hearing, including by stipulation and agreement.

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to the respondent at:

Andrew S. Hagler  
Sr. Legal Counsel  
Summit Natural Gas  
7810 Shaffer Parkway, Suite 120  
Littleton, CO 80127

2. The Commission's Data Center shall send, by regular U.S. mail, a copy of this notice and order to:

Laclede Gas Company  
Attn: In-House Attorney Representative  
700 Market Street  
St. Louis, MO 63101

3. The respondent shall file an answer no later than February 23, 2017.

4. The Staff of the Missouri Public Service Commission shall file a report no later than March 13, 2017.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Nancy Dippell, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 24<sup>th</sup> day of January, 2017.

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

Paul Brown and Debra Brown,	)	
	)	
Complainants,	)	
	)	Case No. GC-2017-_____
vs.	)	
	)	
Summit Natural Gas of Missouri, Inc.,	)	
	)	
Respondents.	)	

**COMPLAINT**

**COMES NOW** Paul Brown and Debra Brown, by and through counsel, pursuant to Section 386.390, RSMo<sup>1</sup>, and for their Complaint states as follows:

***Introduction***

1. This Complaint concerns Respondent's violation of its tariff and misrepresentations made to Complainants between February 2016 and August 2016.

***Complainants***

2. Complainants are residents of the State of Missouri with their principle place of residence located at 21650 Lawrence 1170, Verona, Lawrence county, Missouri 65769, acting by and through counsel as authorized by Commission Rule 4 CSR 240-2.070(1).

***Respondents***

3. Respondents, Summit Natural Gas of Missouri, Inc. ("Summit Gas") is a wholly owned subsidiary of Summit Utilities, Inc., and is a corporation duly incorporated under the laws of the State of Colorado with its principal offices located at 7810 Shaffer Parkway, Suite 120, Littleton Colorado 80127. Summit Gas is a Gas Corporation as defined in Section 386.020(18), engaged in the business of owning, operating, controlling or managing any gas plant operating

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<sup>1</sup>Unless otherwise specified, all statutory references are to the Revised States of Missouri ("RSMo").

for public use in Missouri. Summit Gas is a public utility subject to the jurisdiction of this Commission.

4. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this matter should be directed to:

Terry M. Jarrett  
Penny M. Speake  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
Phone: (417) 864-7018  
Fax: (417) 864-7018  
Email: [terry@healylawoffices.com](mailto:terry@healylawoffices.com)  
[penny@healylawoffices.com](mailto:penny@healylawoffices.com)

#### *Jurisdiction*

5. Summit Gas is a “gas corporation” within the intent of Section 386.020(18), and a “public utility” within the intent of Sections 386.020(43), and thus subject to the jurisdiction of this Commission and to the provisions of the Public Service Commission Laws at Chapter 386 and 393, RSMo.

#### *Violation of Tariff*

6. Summit Gas’ Tariff, specifically P.S.C. MO No. 3, Sheet No. 4J sets out the authorized service territory for Summit Gas within Lawrence County. A copy of P.S.C. MO No. 3, Sheet No. 4J is attached hereto as Exhibit 1.

7. Complainants’ residence is not within the authorized service territory for Summit Gas within Lawrence County.

8. Summit Gas’ Tariff, specifically P.S.C. MO No. 3, sheet no. 61, provides that Summit Gas “...will not offer any natural gas service (sales or transportation) to any person or legal entity who is not an end-user of natural gas on [Summit Gas’] distribution system.” A copy of P.S.C. MO No. 3, Sheet No. 61 is attached hereto as Exhibit 2.



9. Complainants' are not end-users of natural gas on Summit Gas' distribution system.

10. In January 2016, Complainants were contacted by David Wilson, a manager for Summit Gas who advised Summit Gas would provide natural gas to Complainants' residence.

11. David Wilson provided Complainants with a Summit Natural Gas Residential and Commercial Application and Usage/Sales Agreement (hereafter "the Application") which Complainants executed on or about February 18, 2016. The executed Application is attached hereto as Exhibit 3.

12. Summit Gas subsequently installed approximately 400 feet of gas lines on and across Complainants' property to allow for the aforesaid service of natural gas. The gas lines laid by Summit Gas run under Complainants' driveway and within approximately twelve (12) inches of Complainants' house.

13. In good faith reliance on the representations made by David Wilson and having executed the Application, Complainants installed appliances to accommodate natural gas.

14. In August 2016, more than six (6) months after executing the Application and less than thirty (30) days before Complainants were to occupy their new residence, Summit Gas advised Complainants their new residence was in Laclede Gas' tariffed territory and outside Summit Gas' tariffed territory.

15. Summit Gas advised Complainants that Summit Gas could not provide natural gas service to Complainants' new residence.

16. It would be cost prohibitive for Laclede Gas to provide natural gas service to Complainants' residence, even though they are within Laclede Gas' territory.

17. Laclede Gas has offered to do whatever it can to see that Summit Gas can serve Complainants, including supporting a Certificate of Convenience and Necessity expanding Summit Gas' certificated territory to include the Complainants' property.

18. Despite repeated requests, Summit Gas has refused to request a Certificate of Convenience and Necessity.

19. Complainants incurred costs to install appliances and gas lines for the promised natural gas service.

20. In September 2016, Complainants filed an informal complaint against Summit Gas with the PSC.

21. Complainants remain without any gas service at this time.

22. Complainants' total damages are in excess of three thousand (\$3,000.00) dollars.

23. Complainants still seek natural gas service from Summit Gas.

24. Summit Gas has a main transmission pipeline that runs perpendicular to Complainants' new residence.

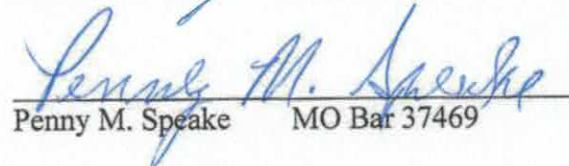
25. It is economically feasible and advantageous to both Summit Gas and Complainants for Summit Gas to provide service to Complainants.

**WHEREFORE**, Complainants pray that the Commission find and order that Summit Gas has violated its Tariff, and also grant a Certificate of Convenience and Necessity to allow Summit Gas to provide natural gas service to Complainants, and for such further relief as the Commission deems just and proper.

Respectfully submitted,

HEALY LAW OFFICES, LLC

  
Terry M. Jarrett MO Bar 45663

  
Penny M. Speake MO Bar 37469

3010 E. Battlefield, Suite A  
Springfield, MO 65804

Telephone: (417) 864-7018

Facsimile: (417) 864-7018

Email: [terry@healylawoffices.com](mailto:terry@healylawoffices.com)

[penny@healylawoffices.com](mailto:penny@healylawoffices.com)



VERIFICATION

COUNTY OF GREENE     )  
                                      ) ss  
STATE OF MISSOURI    )

Paul Brown and Debra Brown, of lawful age, being duly sworn, depose and state that they are the Complainants in the foregoing Complaint, that they have knowledge of the facts stated therein, and that said facts are true to the best of their knowledge, information and belief.

  
\_\_\_\_\_  
Paul Brown

  
\_\_\_\_\_  
Debra Brown

Subscribed and sworn to me this 19<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Notary Public

My commission expire:

CANDACE K. NGUYEN Notary Public - Notary Seal STATE OF MISSOURI Greene County My Commission Expires Oct. 15, 2018 Commission #14630743
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## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed this 20<sup>th</sup> day of January, 2017 to:

Kevin Thompson  
Chief Staff Counsel  
Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Office of the Public Counsel  
P.O. Box 2330  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Andrew S. Hagler  
Sr. Legal Counsel  
Summit Utilities  
7810 Shaffer Pkwy, #120  
Littleton, CO 80127  
[ahagler@summitutilitiesinc.com](mailto:ahagler@summitutilitiesinc.com)

  
Terry M. Jarrett

**EXHIBIT**1

exhibitsticker.com

P.S.C. MO No. 3

Cancels

P.S.C. MO No. 2

Original

Original

Sheet No. 4JSheet No. xi

Summit Natural Gas of Missouri, Inc.+  
Name of Issuing Company

For: Branson Division+  
Community, Town or City

**LEGAL DESCRIPTION \*****Branson Route and Service Area**

**Branson Route Only:** Includes areas where the 8-inch main line will be located but no local distribution service is anticipated.

<u>County*</u>	<u>Township*</u>	<u>Range*</u>	<u>Sections*</u>
Christian*	27 North	24 West	19, 30 & 31 +
Barry*	25 North	25 West	1, 2, 3, 11, 12, 13 +
Barry*	26 North	25 West	33, 34 +
Lawrence*	26 North	25 West	19, 20, 28, 29, 30 +
Lawrence*	26 North	26 West	9, 14, 15, 16, 23, 24 +
Stone*	26 North	24 West	6, 7, 18, 19, 30, 31 +
Stone*	25 North	24 West	6, 7, 17, 18, 20, 21, 27, 28, 34, 35 +
Stone*	24 North	24 West	2, 3, 4, 11, 12, 13 +
Stone*	24 North	23 West	18, 19, 20, 28, 29, 33, 34 +
Stone*	23 North	23 West	2, 3, 11, 14, 23 +

\* Indicates New Rate or Text

+ Indicates Change

Issue Date: November 14, 2014  
Month/Day/Year

Effective Date: December 14, 2014  
Month/Day/Year

Issued By: Timothy R. Johnston  
Executive Vice President  
Name and Title of Issuing Officer

7810 Shaffer Parkway, Ste. 120  
Littleton, Colorado 80127  
Company Mailing Address

FILED  
Missouri Public  
Service Commission  
GR-2014-0086; YG-2015-0207

**EXHIBIT**2

exhibitsticker.com

P.S.C. MO No. 3

Cancels

P.S.C. MO No. 1

Original

1st Revised

Sheet No. 61

Sheet No. 57

Summit Natural Gas of Missouri, Inc.+  
Name of Issuing Company

For: All Towns and Communities  
Within SNG-MO Certificated Service Areas+  
Community, Town or City

**RULES AND REGULATIONS****(1) Definitions+**

**Company.** The word "Company" as used herein means Summit Natural Gas of Missouri, Inc., acting through its duly authorized officers, employees, or other agents within the scope of their regular duties.\*

**Customer.** Any person or legal entity responsible for payment for service at any single specified location on Summit Natural Gas of Missouri, Inc.'s distribution system, except one denoted as a guarantor. A customer of Summit Natural Gas of Missouri, Inc. must be the end-user of natural gas at any single specified location on its distribution system. Summit Natural Gas of Missouri, Inc. will not offer any natural gas service (sales or transportation) to any person or legal entity who is not an end-user of natural gas on Summit Natural Gas of Missouri, Inc.'s distribution system.\*

**Gas Service.** The availability of gas at delivery characteristics, irrespective of whether any gas is actually used.

**Gas Main.** The term "Main" shall mean a gas pipe, owned, operated and maintained by the company but does not include "gas service pipes".

**Gas Service Facilities.** The facilities joining the gas main to the point of delivery. These facilities include:

- (a) Gas Service Pipe
- (b) Gas Meter
- (c) Gas Regulator

**Gas Service Pipe.** The piping including valves and fittings joining the gas main to the inlet of the gas meter, but exclusive of gas regulators.

**Gas Meter.** The meter, or meters, together with any required auxiliary devices installed to measure the quantity of gas delivered to any individual customer at a single point of delivery.

**Gas Regulator.** The regulator, or regulators, if required, together with any auxiliary devices, installed to reduce or regulate the pressure of gas.

\* Indicates New Rate or Text

+ Indicates Change

Issue Date: November 14, 2014  
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Issued By: Timothy R. Johnston  
Executive Vice President  
Name and Title of Issuing Officer

7810 Shaffer Parkway, Ste. 120  
Littleton, Colorado 80127  
Company Mailing Address

FILED  
Missouri Public  
Service Commission  
GR-2014-0086; YG-2015-0207

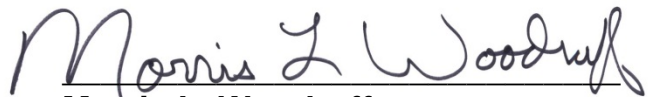
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 24<sup>th</sup> day of January 2017.**



  
**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**January 24, 2017**

**File/Case No. GC-2017-0199**

**Missouri Public Service  
Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
James Owen  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Debra Brown**  
Terry M Jarrett  
514 E. High Street, Suite 22  
Jefferson City, MO 65101  
terry@healylawoffices.com

**Debra Brown**  
Penny Speake  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
penny@healylawoffices.com

**Laclede Gas Company**  
ATTN: In-House Attorney  
Representative  
Legal Department  
700 Market Street  
St. Louis, MO 63101

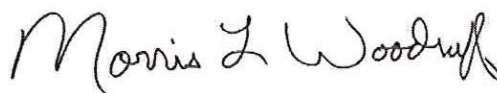
**Paul Brown**  
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514 E. High Street, Suite 22  
Jefferson City, MO 65101  
terry@healylawoffices.com

**Paul Brown**  
Penny Speake  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
penny@healylawoffices.com

**Summit Natural Gas of  
Missouri, Inc.**  
Legal Department  
7810 Shaffer Parkway #120  
Littleton, CO 80127

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff**  
**Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.