

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri Gas )  
Energy, a Division of Southern Union Company, for )  
a Certificate of Public Convenience and Necessity ) **Case No. GA-2007-0289, et al.**  
Authorizing it to Construct, Install, Own, Operate, ) Tariff No. YG-2008-0691  
Control, Manage and Maintain a Natural Gas ) Tariff No. YG-2008-0703  
Distribution System to Provide Gas Service in Platte )  
County, Missouri, as an Expansion of its Existing )  
Certified Area )

### **ORDER DIRECTING FILING AND RECOMMENDATION**

Issue Date: September 11, 2008

Effective Date: September 11, 2008

On August 25, 2008, MGE filed substitute tariff sheets in this matter and on August 29, the Commission's Staff filed its recommendation for approval of the tariff filings. Staff is no longer seeking additional language to be added to the tariff filings that it had suggested in its July 15 recommendation (See Order Approving Missouri Gas Energy's Compliance Tariff Filings issued on this same date).

On September 2, Empire filed a response to Staff's recommendation. Empire stated that it believes that Staff's original recommendation should be followed and that the additional language should be included in the tariff filings. Empire notes that it included that language in its May 23 compliance filings and further notes that if MGE is not required to include this additional language that it should not be required to include it.<sup>1</sup>

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<sup>1</sup> The Commission's July 17, 2008 suspension order set September 4, 2008 as the deadline for requesting a hearing concerning Staff's original proposal for inclusion of this language. No party requested a hearing on this issue within the deadline set by the Commission.

On September 4, MGE responded to Empire's response to Staff's recommendation. MGE represented that it has corrected the tariff discrepancies identified by the Commission's Staff, that inclusion of the additional language originally proposed by Staff does not alter the legal status of Commission approved tariffs, and that any future issue identified with regard to discrepancies in the identified service areas of MGE and Empire can, if necessary, be addressed in a subsequent complaint action.

The Commission reviewed MGE's substitute compliance tariff filings, Staff's recommendation and the parties' responses and found them to be in compliance with the Commission's February 14 Report and Order in this matter and approved them to become effective on September 24. The Commission further notes that it finds Empire's May 23 tariff filings to be in compliance with the Commission's February 14 Order; however, if Empire wishes to substitute that tariff filing, removing the language that Staff recommended in its July 15 recommendation that it included, it shall do so no later than September 17. The Commission's Staff will be directed to review any subsequent tariff filing deleting such language and file a recommendation regarding the tariff's approval no later than September 19.

**IT IS ORDERED THAT:**

1. No later than September 17, 2008, The Empire District Gas Company may file, at its discretion, any substitute tariff sheets reflecting the potential deletion of the language identified in the body of this order.

2. Should The Empire District Gas Company file substitute tariff sheets pursuant to ordered paragraph number 1 above, the Commission's Staff shall file a

recommendation regarding approval of the tariff filings no later than September 19, 2008

3. This order shall become effective immediately upon issue.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 11th day of September, 2008.