

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 Authorizing it to)
Construct, Install, Own, Operate, Control, Manage and) **Case No. GA-2007-0289**
Maintain a Natural Gas Distribution System to Provide)
Gas Service in Platte County, Missouri, as an Expansion)
of its Existing Certified Area)

In the Matter of the Application of The Empire District)
Gas Company, for a Certificate of Public Convenience)
and Necessity Authorizing it to Construct, Install, Own,)
Operate, Control, Manage and Maintain a Natural Gas) **Case No. GA-2007-0457**
Distribution System to Provide Gas Service in Platte)
County, Missouri, as an Expansion of its Existing)
Certified Area.)

ORDER CONSOLIDATING CASES, DIRECTING NOTICE, AND
ADOPTING PROCEDURAL SCHEDULE

Issue Date: May 31, 2007

Effective Date: May 31, 2007

On January 31, 2007,¹ Missouri Gas Energy (“MGE”), a Division of Southern Union Company, filed an application with the Missouri Public Service Commission, pursuant to Section 393.170, RSMo 2000, requesting that the Commission grant it authority to “construct, install, own, operate, control, manage and maintain a system for the provision of natural gas service to the public pursuant to its approved rates, rules and regulations, in Sections 13 and 14, Township 52 North, Range 35 West in Platte County, Missouri.” MGE stated that developers requested it to provide natural gas service in this area for three new residential subdivisions and two commercial buildings, and that it already had a certificate from the Commission to serve adjacent Sections 11

¹ All dates throughout this order refer to the year 2007 unless otherwise noted.

and 12 in the same Township and Range, and in adjacent Section 18 of Township 52 North, Range 34 West.

On March 13, The Empire District Gas Company ("Empire") was granted intervention. In its request for intervention, Empire claimed that it, not MGE, had a certificate for Sections 11 and 12 Township 52 North, Range 35 West. Empire further asserted that it already had facilities in Section 12, which is adjacent to Sections 13 and 14 for which MGE is seeking a certificate. Therefore, Empire concluded that MGE was encroaching into its certificated territory, that Empire was fully capable of providing natural gas service to these two Sections, and that the facts did not support granting a certificate to MGE.

A prehearing conference was held on March 21 and the parties were directed to jointly file a procedural schedule on March 28. MGE and Empire each filed a proposed procedural schedule. There were major differences between the two proposals because Empire represented that it would be filing its own application for a certificate of convenience and necessity covering the same territory for which MGE was seeking a certificate. Empire anticipated that it would be filing its application on May 31, and suggested the cases be consolidated. MGE and Empire both represented that the Staff of the Missouri Public Service Commission and the Office of Public Counsel had no objections to either schedule. The Commission adopted Empire's proposed procedural schedule anticipating it would consolidate the two matters once Empire filed its application. Empire filed its application on May 30 and moved for the two matters to be consolidated.

While Empire's application seeks a certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a system for the provision

of natural gas service in the same two sections of land as MGE's application (Sections 13 and 14, Township 52 North, Range 35 West in Platte County, Missouri) Empire's application also seeks a certificate for Sections 15, 22, 23 and 24 in the same township and range. Empire further seeks clarification of who has a certificate for Sections 1, 2, 3, 10, 11 and 12 in Township 52 North, Range 35 West and Sections 4, 5 and 6 in Township 52 North, Range 34 West in Platte County, sections in which both MGE and Empire claim to hold a certificate.

To facilitate any further proceedings herein, the Commission will consolidate these two cases. Case No. GA-2007-0289 will be the lead case and the style shall be "In the Matter of the Application of Missouri Gas Energy a Division of Southern Union Company, for a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Control, Manage and Maintain a Natural Gas Distribution System to Provide Gas Service in Platte County, Missouri, as an Expansion of its Existing Certified Area." The procedural schedule for Case No. GA-2007-0289, adopted by order of the Commission effective April 15, will apply to the consolidated cases.

Because Empire has interjected an additional dispute concerning sections of land that MGE's original certification request did not address, the Commission has determined that proper parties should be given notice and opportunity to intervene in the consolidated cases. The Commission's Data Center shall mail a copy of this notice to the County Commission of Platte County, and to the Department of Natural Resources of the State of Missouri. In addition, the Commission's public information officer shall make notice of this order available to the media serving Platte County and to the members of the General Assembly representing Platte County.

Proper persons wishing to intervene shall have eleven days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below. Because of the pending deadlines in the procedural schedule adopted for these matters, any party wishing to respond to an application to intervene shall file its response no later than June 14, three days following the deadline for intervention requests.

IT IS ORDERED THAT:

1. Cases GA-2007-0289 and GA-2007-0457 are hereby consolidated for all purposes. Case No. GA-2007-0289 will be the lead case and the style shall be "In the Matter of the Application of Missouri Gas Energy a Division of Southern Union Company, for a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Control, Manage and Maintain a Natural Gas Distribution System to Provide Gas Service in Platte County, Missouri, as an Expansion of its Existing Certified Area."

2. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.

3. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.

4. Any proper person wishing to intervene in these consolidated matters shall file an application no later than June 11, 2007. Such applications shall be filed with:

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

with a copy served on:

Michael R. Norack

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
3420 Broadway
Kansas City, Missouri 64111

and

Todd J. Jacobs
Missouri Gas Energy
3420 Broadway
Kansas City, Missouri 64111

and

Roger W. Steiner
Sonnenschein Nath & Rosenthal, LLP
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and

Ron Gatz, Vice President
The Empire District Gas Company
602 Joplin Street
Joplin, Missouri 64802

and

Scott Keith
The Empire District Gas Company
602 Joplin Street
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and

Jeffrey A. Keevil
Stewart & Keevil, LLC
4603 John Garry Drive, Suite 11
Columbia, Missouri 65203

and

Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

5. Any proper party wishing to respond to any requests for intervention shall filed said response no later than June 14, 2007.

6. The procedural schedule for Case No. GA-2007-0289, adopted by order of the Commission effective April 15, shall apply to these consolidated cases.

7. This order shall become effective on May 31, 2007.

BY THE COMMISSION



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 31st day of May, 2007.