

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri Gas Utility, Inc.,)
for a Certificate of Convenience and Necessity Authorizing)
it to Construct, Install, Own, Operate, Control, Manage and) **File No. GA-2010-0189**
Maintain a Natural Gas Transmission Line and a Distribution)
System to Provide Gas Service in Greene, Polk and Dallas)
Counties, Missouri, as a New Certificated Area)

ORDER GRANTING LEAVE TO AMEND APPLICATION

Issue Date: February 1, 2010

Effective Date: February 1, 2010

The Commission is granting the Revised Motion for Leave to Amend Application (“motion”) that Missouri Gas Utility (“MGU”) filed on February 1, 2010.

The motion is subject to the following regulation:

Any pleading may be amended within ten (10) days of filing, unless a responsive pleading has already been filed, or at any time by leave of the commission.^[1]

Leave of the Commission is necessary because ten days have elapsed between the application’s filing date² and the original Motion for Leave to Amend Application.³

The regulation offers no standard by which to exercise the Commission’s discretion, but MGU supports its requested relief with good cause, meaning reasonableness and good faith.⁴ MGU states that its amended Appendix B to the application will provide more accurate information, and that it has already delivered that document to the Commission’s staff. Therefore, the Commission will grant the motion.

¹ 4 CSR 240-2.080(20).

² December 22, 2009.

³ February 1, 2010.

⁴ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App., W.D. 1996).

THE COMMISSION ORDERS THAT:

1. The Revised Motion for Leave to Amend Application of Missouri Gas Utility is granted.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of February, 2010.