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September 8, 2003

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

FILED³

SEP 08 2003

RE: Case No. GA-2003-0492
Missouri Gas Energy

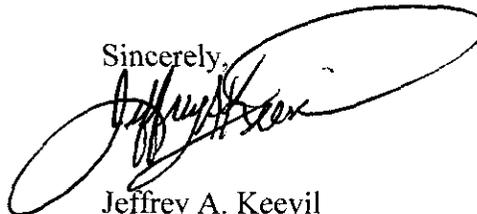
Missouri Public
Service Commission

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and the appropriate number of copies of a Motion to Reject or Suspend Tariff and Motion for Expedited Treatment on behalf of City Utilities of Springfield, Missouri.

Copies of the filing have on this date been mailed or hand-delivered to counsel of record and to Mr. Michael Noack of Missouri Gas Energy.

Sincerely,



Jeffrey A. Keevil

JAK/er

Enclosures

Cc: counsel of record
Michael Noack

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

SEP 08 2003

Missouri Public
Service Commission

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 Greene County, Missouri, as an)
Expansion of Its Existing Certificated Area)

Case No. GA-2003-0492

**MOTION TO REJECT OR SUSPEND TARIFF AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the City of Springfield, Missouri, through the Board of Public Utilities (“City Utilities” or “CU”), and for its Motion to Reject or Suspend Tariff and Motion for Expedited Treatment (the “Motion”) pursuant to 4 CSR 240-2.065(3) and 4 CSR 240-2.080(16) respectfully states as follows:

1. On or about August 25, 2003, Missouri Gas Energy (“MGE”) filed revised tariff sheet P.S.C. MO. No. 1 First Revised Sheet No. 6.7 Canceling Original Sheet No. 6.7 in this case, purportedly in compliance with the Commission’s August 21, 2003, Order Approving Stipulation and Agreement in this case. A copy of the tariff filing is attached hereto.

2. Despite CU having been a party to this case and a signatory to the Unanimous Stipulation and Agreement filed herein, CU was not served with a copy of this “compliance” tariff filing and did not obtain a copy until downloading a copy of the subject tariff from the Commission’s EFIS system on August 28, 2003. After so obtaining a copy of the tariff filing, it became clear to CU that the tariff is not in compliance with either the Unanimous Stipulation and Agreement filed herein (the

“Stipulation”) or the Commission’s August 21, 2003, Order Approving Stipulation and Agreement (the “Order”), nor does it fulfill the basic purpose of setting forth certificates in a tariff. Each of these points will be discussed below.

3. The tariff filed by MGE is a revision to its “Index of Certificated Areas”¹ and, so far as relevant here, simply states as follows:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
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Greene County

* * *

T28n	R21w	29	Line Certificate granted per Case No. GA-2003-0492
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4. The Stipulation filed and approved herein provided, in sub-paragraph (b) of the Conclusion, “that the Commission issue its Order: . . . (b) Directing MGE to file tariff sheet(s) which **contain a description of the route of the supply line to be constructed in accordance with the line certificate herein authorized.**” (emphasis added) Clearly, the tariff filed by MGE does not contain a description of the route of the supply line. The tariff does not comply with the Stipulation and therefore does not represent what CU agreed to as a signatory to the Stipulation; indeed, CU would not have agreed in the Stipulation to the filing of *a tariff* such as that filed by MGE, which does not specify the location of the authorized line certificate. Accordingly, the tariff should be rejected on its face.

5. The Order issued herein by the Commission on August 21, 2003, in paragraph 4, ordered “That Southern Union Company d/b/a Missouri Gas Energy shall file tariff sheets **describing the route of the supply line to be constructed in**

¹ It should be noted that the certificate authorized in this case was **not** an area certificate, but, rather, a line certificate, and arguably the Index of Certificated Areas is not the appropriate place to list such a certificate.

accordance with the certificate of convenience and necessity authorized by this order.” (emphasis added) Again, clearly, the tariff filed by MGE does not describe the route of the supply line to be constructed. It contains merely a reference to the case number. As such, the tariff fails to comply with the Order and should be rejected on its face.

6. Furthermore, the tariff filed by MGE does not fulfill the basic purpose of setting forth certificates in a tariff. If someone were to review MGE’s tariffs for a description of its certificates, the tariff would not tell them **where** in Township 28n, Range 21w, Section 29 the subject line certificate is located, and to the uninitiated may erroneously appear to allow MGE to locate its line anywhere within Section 29. The reference in the tariff to the case number would be of little help unless the person was able to search the Commission’s case files to find a description of the area covered by the line certificate or has access to the Commission’s published reports and orders, assuming that the order is published at the time of making the search. Further adding to the confusion, as noted in footnote 1, MGE has included the line certificate among its area certificates.

7. This entire problem would have been easy for MGE to solve, and is still easy for the Commission to solve by rejecting the filed tariff and ordering MGE to file a tariff which includes the highlighted language below from the Stipulation:

Township Range Sections

Greene County

T28n R21w 29 Line Certificate granted per Case No. GA-2003-0492

for the following: a certificate of convenience and necessity for a supply line

authorizing MGE to construct, install, own, operate, control, manage and maintain a natural gas line in a portion of Section 29, Township 28 North, Range 21 West, in Greene County, Missouri described as follows: Beginning at a point on the Southern section line of said section 50 feet East of the Southwest corner of said section, proceeding East along the Southern section line of said section for a distance of 50 feet; thence North to an intersection with the current location of Southern Star Central's pipeline, thence West a distance of 50 feet, thence South to the point of beginning.

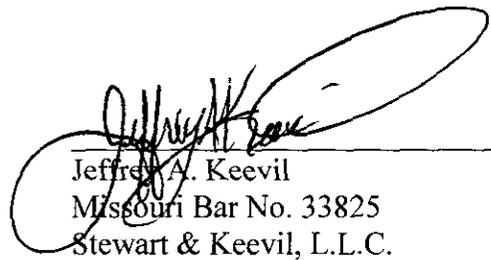
8. As shown above, the tariff filed by MGE is not in compliance with the Unanimous Stipulation and Agreement and as such does not represent what CU agreed to in the Stipulation. Furthermore, as the Commission is aware from CU's Application to Intervene in this case, specifying the exact location of the line certificate was a matter of primary concern to CU in this case and MGE's filed tariff circumvents the extensive negotiation process which led to the Stipulation herein and to the uninitiated may appear to allow MGE to locate its line anywhere within the section of land, which is not allowed by the Stipulation or by the Order. The tariff is not in compliance with the Commission's Order Approving Stipulation and Agreement. The tariff does not fulfill the basic purpose of setting forth certificates in a tariff, as it does not inform someone reviewing MGE's tariffs as to where the line certificate is located. Unlike the typical tariff matter to come before the Commission, the Commission can clearly see that this tariff, on its face, fails to comply with the Stipulation and with the Order and therefore should be rejected outright. However, if the Commission does not reject the tariff outright the Commission

should, at a minimum, suspend the tariff and set the matter of the tariff's compliance or non-compliance for hearing.

9. **Expedited Treatment.** CU is requesting expedited treatment of this Motion because the tariff filed by MGE bears an effective date of September 25, 2003; if the Commission does not reject or suspend the tariff prior to that date the tariff would presumably become effective by operation of law. As stated above, CU was not served by MGE with a copy of the filed tariff; this Motion has been filed as soon as it could have been. Accordingly, CU requests the Commission reject or suspend the tariff filed by MGE prior to September 25, 2003.

WHEREFORE, City Utilities respectfully requests the Commission issue its order prior to September 25, 2003, rejecting MGE's purported "compliance" tariff filed herein, namely, revised tariff sheet P.S.C. MO. No. 1 First Revised Sheet No. 6.7 Canceling Original Sheet No. 6.7 filed on or about August 25, 2003, or in the alternative suspending said tariff, and making such further orders as the Commission deems necessary.

Respectfully submitted,



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ATTORNEY FOR CITY UTILITIES OF
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MISSOURI GAS ENERGY

3420 Broadway • Kansas City, MO • 64111-2404 • (816) 756-5261

RECEIVED²

AUG 25 2003

*Records
Public Service Commission*

August 22, 2003

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102-0360

RE: Case No. GA-2003-0492

Dear Mr. Roberts:

Enclosed for filing with the Missouri Public Service Commission ("Commission") on behalf of Missouri Gas Energy, a division of Southern Union Company, are an original and eight (8) copies of revised tariff sheet P.S.C. MO. No. 1 First Revised Sheet No. 6.7 Canceling Original Sheet No. 6.7. This tariff sheet bears an issue date of August 25, 2003, and a proposed effective date of September 25, 2003.

This sheet is being filed in compliance with the Commission's August 21, 2003, Order Granting Application For a Certificate of Convenience and Necessity in Greene County, Missouri in Case No. GA-2003-0492.

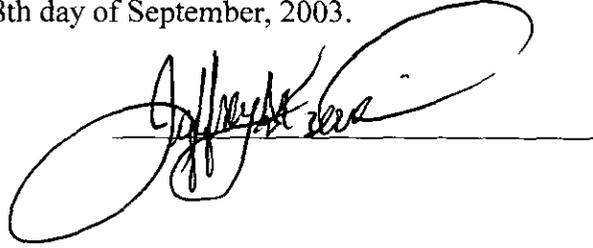
Please bring this filing to the attention of the Commission and the appropriate Commission personnel. Thank you for your attention to this matter.

Sincerely,

Michael R. Noack

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served by placing same in first-class mail, postage paid, or by hand-delivery, to the Missouri Public Service Commission's General Counsel's Office, the Office of the Public Counsel, counsel of record, and Michael Noack (MGE) on this 8th day of September, 2003.

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "Jeffrey K. ...".