

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 31st
day of August, 2016.

In the Matter of the Application of Summit Natural Gas)
Of Missouri Inc., for Permission and Approval and a)
Certificate of Convenience and Necessity to Construct,) **File No. GA-2017-0016**
Install, Own, Operate, Maintain, and Otherwise Control)
And Manage a Natural Gas Distribution System to)
Provide Gas Service in Various Counties as an)
Expansion of its Existing Certificated Areas.)

ORDER GRANTING APPLICATION TO INTERVENE

Issue Date: August 31, 2016

Effective Date: August 31, 2016

On July 15, 2016, Summit Natural Gas of Missouri, Inc. (“Summit”) filed an application requesting approval of a Certificate of Convenience and Necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system in several counties as part of an expansion of its existing certificated area. The Commission granted a motion filed by Summit on August 10 to amend its application. The Commission issued an order directing notice be provided of Summit’s request and setting an August 19 deadline for the filing of applications to intervene. On August 12, the Missouri Propane Gas Association (“MPGA”) filed an *Application to Intervene*. MPGA is a non-profit trade association that represents members who sell propane or propane appliances or equipment in Missouri.

In its *Application to Intervene*, MPGA states that it has a direct interest in this matter that is different from the public since Summit will compete for customers with MPGA’s members in the proposed expanded service territories. MPGA also contends

that its intervention and participation in this proceeding will serve the public interest by clarifying issues under consideration and assisting the Commission in its decision-making.

Summit filed a *Response in Opposition* stating that MPGA's *Application to Intervene* should be denied. Summit contends that the Commission's rule on applications to intervene implicitly requires a prospective intervenor demonstrate an interest that the Commission is authorized to protect, and for a CCN application, the Commission's review concerns potential customers and the ability of applicants to provide adequate utility facilities. Summit argues that MPGA's only interest in this matter is anticompetitive since none of its members would be potential customers of Summit and it will seek to restrict choices for customers.

MPGA filed a *Reply* disputing Summit's assertion that the trade association's only interest in this matter is anticompetitive. MPGA points out that since its members may be adversely impacted through a loss of customers by a final decision of the Commission, it is interested in "fair competition on a level playing field." The Commission finds MPGA's arguments to be persuasive.

Commission Rule 4 CSR 240-2.075(3) authorizes the Commission to grant an application to intervene if the party has an interest different from that of the general public which may be adversely affected by a final order arising from the case, or if granting intervention would serve the public interest. When reviewing timely applications, the Commission is inclined to interpret its rule on intervention broadly. In its *Application to Intervene*, MPGA established that its interest is different from that of the general public. While Summit may correctly point out that MPGA's position as a competitor to Summit is the primary motivation for its request to intervene, there is no denying that MPGA's members may be adversely impacted by a final order in this case.

Furthermore, MPGA's intervention may serve the public interest by clarifying issues under consideration, ensuring completeness of the record, and assisting the Commission in its decision-making.

Finding MPGA meets the requirements for intervention, the Commission will grant MPGA's *Application to Intervene*.

THE COMMISSION ORDERS THAT:

1. The *Application to Intervene* filed by the Missouri Propane Gas Association is granted.
2. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Burton, Senior Regulatory Law Judge.

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 31st day of August 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 31, 2016

File/Case No. GA-2017-0016

Missouri Public Service Commission

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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.