

1 BEFORE THE PUBLIC SERVICE COMMISSION
2 OF THE STATE OF MISSOURI
3
4 In the Matter of the Application)
 Of Missouri Gas Energy, a)
5 Division of Southern Union)
 Company, for a Certificate of)
6 Public Convenience and Necessity,)
 Authorizing it to Construct,)GA-2003-0492
7 Install, Own, Operate, Control,)
 Manage, and Maintain Natural Gas)
8 Distribution System to Provide)
 Gas Service in Greene County,)
9 Missouri, as an Expansion of Its)
 Existing Certificated Area.)

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11 PRE-HEARING CONFERENCE

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13 TRANSCRIPT OF PROCEEDINGS
14 Thursday, July 24, 2003
15 10:00 a.m.

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17 BILL HOPKINS, Presiding,
18 SENIOR REGULATORY LAW JUDGE

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1 A P P E A R A N C E S

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21 EXHIBIT INSTRUCTIONS: No exhibits.

22 I N D E X

23 Reporter's Certificate and Costs 8

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25 Phonetic spelling: (ph.)
Exactly as Stated: (sic)

TRANSCRIPT OF PROCEEDINGS

JUDGE HOPKINS: Let's go on the record, please. This is about 10 a.m., July 24th. We're in the case of Missouri Gas Energy, asking for a certificate of convenience and necessity. And this is GA-2003-0492. I'm Bill Hopkins. I'm the law judge for this case. And if we could have brief entries of appearances from the lawyers starting over here with Mr. Micheel, please.

MR. MICHEEL: Douglas E. Micheel appearing on behalf of the Office of Public Counsel and the public, your Honor.

MR. MCCARTNEY: Brian T. McCartney of the law firm of Brydon, Swearngen & England, PC. My address is 312 East Capitol Avenue, Jefferson City, Missouri, 65102. Appearing on behalf of Missouri Gas Energy, a division of Southern Union Company.

MR. FREY: Dennis L. Frey, appearing on behalf of the staff of Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102.

MR. KEEVIL: Jeffrey A. Keevil of

1 the law firm of Stewart & Keevil, LLC, 1001
2 Cherry Street, Suite 302, Columbia, Missouri,
3 Zip code 65201, appearing on behalf of the City
4 of Springfield, Missouri through the Board of
5 Public Utility, more commonly known as City
6 Utilities of Springfield.

7 JUDGE HOPKINS: I don't believe
8 there are any unruled motions here. One of the
9 reasons we set a prehearing conference, and I
10 pointed this out in the order of July 9, is that
11 we would like to ensure prompt resolution of
12 this case and possibly you all today could
13 either settle it or stipulate to some facts or
14 conclusions of law, or, if nothing else, just
15 develop a procedural schedule. And I'd like to
16 know of the nature of any planned discovery, if
17 you've got any large amounts of discovery you
18 need and the time necessary for completion. And
19 I will ask you right now your positions if you
20 have a position at this time. And we'll start
21 with Mr. Micheel. What --

22 MR. MICHEEL: I just plan on
23 sitting back and watching MGE and the City of
24 Springfield make a decision or duke it out, your
25 Honor.

1 MR. FREY: Your Honor, if I might,
2 the parties have been working on a stipulation
3 and agreement in that case.

4 JUDGE HOPKINS: Okay.

5 MR. FREY: Working on a stip. And
6 there's a -- the parties can certainly speak for
7 themselves, but there's reason to believe that
8 we will be able to settle this case.

9 JUDGE HOPKINS: Okay.

10 MR. FREY: And we're hoping to file
11 sometime within the next several days. And I
12 would ask on behalf of the parties if we're able
13 to file before the ordered date for filing a
14 procedural schedule if we might consider that
15 discharge of the obligation to file a procedural
16 schedule on August 1st-- or on or before August
17 1st.

18 JUDGE HOPKINS: Let's see. We had
19 -- a procedural schedule, as you said, was
20 supposed to be filed by August 1st. Does
21 anybody want to give a -- an idea on whether or
22 not you all can have your stipulation agreement
23 by that date, which is a week from tomorrow on a
24 Friday?

25 MR. KEEVIL: Well, Judge, I'd say

1 there's a good -- good chance. I certainly
2 don't want to guarantee it. But my
3 understanding is that if -- if we are not able
4 to file the stipulation by that date that it
5 would be our intention to file a proposed
6 procedural schedule. But we'd -- I think what
7 we're trying to avoid is being in a position of
8 filing the stipulation on Thursday and then
9 having to turn around the next day because it
10 obviously wouldn't have been ruled upon that
11 quickly.

12 JUDGE HOPKINS: Correct.

13 MR. KEEVIL: So if we get the stip
14 filed Friday, by August 1st or before -- just
15 looking for the obligation to file the procedure
16 schedule proposal to be -- or deemed satisfied
17 by the filing of the stip.

18 JUDGE HOPKINS: Well, I certainly
19 like to see stipulations and agreements filed.
20 So right now, I won't change that date of August
21 1st for the procedural schedule. And if things
22 have broken down by then, I guess you can get me
23 a procedural schedule. If not, you can file a
24 stipulation agreement. Or, third alternative,
25 if you need more time, file for that, and I'll

1 put the procedural schedule a couple weeks down
2 the road.

3 MR. FREY: Thank you, your Honor.

4 JUDGE HOPKINS: All right. Anything
5 further we need to talk about here this morning?
6 if you need to talk to me, you can get a hold of
7 me upstairs. Or Louis Mills. One of us will be
8 here all day long. All right. Thank you all
9 very much. We're off the record.

10 (The proceedings were concluded at
11 10:02 a.m. on July 24 , 2003.)

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