

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant	)	
v.	)	Case No. GC-2011-0100
	)	
Missouri Gas Energy, a Division of Southern Union Company,	)	
	)	
Respondent.	)	

**PUBLIC COUNSEL’S  
MOTION TO REJECT FILING**

**COMES NOW** the Missouri Office of the Public Counsel (OPC) and for its Motion to Reject Filing, states:

1. On June 16, 2011, Southern Union Company d/b/a Missouri Gas Energy (MGE) filed its Reply of Missouri Gas Energy to Staff’s Suggestions in Opposition to MGE’s Motion for Summary Determination. MGE’s filing responds to the May 18, 2011 Staff’s Suggestions in Opposition to MGE’s Motion for Summary Determination, and was filed twenty-nine (29) days after the Staff’s filing.
2. Commission rule 4 CSR 240-2.080(15) states that a party “shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission.”
3. MGE’s Reply was filed nineteen (19) days out of time and is therefore in violation of 4 CSR 240-2.080(15).

4. MGE provides no explanation for its late filing, and does not request an extension of time, nor does MGE state that it had good cause to file late.

5. Ironically, MGE's filing was made ten (10) days after MGE filed a motion to reject OPC's response to the very pleading to which MGE responds. In MGE's motion to reject, MGE asks the Commission to reject OPC's filing because "Public Counsel offers absolutely no reason for filing its Suggestions so significantly late and out of sequence."<sup>1</sup> Despite this argument, MGE provides no explanation for its late filing.

6. MGE also argued in its motion to reject that "[t]he apparent objective for Public Counsel waiting until now to file is to get in the last word in the exchange long after the responding party (MGE in this case) was required to file its rebuttal arguments."<sup>2</sup> MGE has now made a responsive filing after stating that it was already required to file its rebuttal arguments. This suggests that MGE has knowingly and without explanation filed a reply after it was due.

7. MGE also argues that "[t]he public interest would not be served by allowing Public Counsel to flout the Commission's rules and orders and make its filings at its leisure."<sup>3</sup> MGE filed its reply nineteen (19) days after it was required to file a response. According to MGE, this amounts to a flouting of the Commission's rules. MGE's hypocritical arguments should be rejected, just as its reply should be rejected.

WHEREFORE, the Office of the Public Counsel respectfully offers this motion to reject the Reply of Missouri Gas Energy to Staff's Suggestions in Opposition to MGE's Motion for Summary Determination.

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<sup>1</sup> Motion to Reject Suggestions of Public Counsel in Support of the Staff's Motion for Summary Determination, Case No. GC-2011-0100, June 6, 2011.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 16<sup>th</sup> day of June 2011:

/s/ Marc Poston