

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

Ozark Energy Partners, LLC,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2008-0154</u>
)	
Southern Missouri Gas Company, L.P.)	
d/b/a Southern Missouri Natural Gas,)	
)	
Respondent.)	

**ORDER DENYING REQUESTS FOR SUMMARY RELIEF AND
EXPEDITED TREATMENT**

Issue Date: November 20, 2007

Effective Date: November 20, 2007

In its complaint, which was filed on November 9, 2007, Ozark Energy Partners, LLC (“Ozark”) seeks a wide variety of relief against Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas (“SMNG”) stemming from SMNG’s alleged public dissemination, by mail or other means, of false and misleading written information to certain persons and businesses located in and around Branson and Hollister, Missouri, an area both Ozark and SMNG have proposed to serve with natural gas in Case Nos. GA-2006-0561 and GA-2007-0168, respectively.

Among other things, Ozark requests that the Commission “waive the requirements for notice and hearing and expeditiously issue” an order requiring SMNG to do and refrain

from doing various things on an exceedingly short timeline.¹ After thoroughly reviewing the complaint, Ozark's request for entry of a summary order without notice or a hearing is denied, because even if the Commission were to consider all of Ozark's allegations as true, such drastic relief would be unwarranted in that neither the health nor the safety of the public is involved.

In the alternative, Ozark also asks that the Commission "order an expedited date for filing of an Answer to [the] complaint, and an expedited hearing hereon." This request is denied since Ozark has failed to comply with even a single part of Commission Rule 4 CSR 240-2.080(16), which governs such requests.²

IT IS ORDERED THAT:

1. Ozark Energy Partners, LLC's requests for an emergency waiver of the requirements for notice and hearing before issuance of a summary remedial order and for expedited treatment of its complaint are denied.

¹ Section 386.310.1, RSMo 2000, authorizes the Commission by order "to require the performance of any . . . act which the health or safety of its . . . customers or the public may demand[.]" Moreover, in any case in which it "determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property," the Commission may "waive the requirements for notice and hearing and provide for expeditious issuance of an order . . . provided that the commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order." *Id.*

² The regulation states:

Any party seeking expedited treatment in any case shall include in the title of the pleading the words "Motion for Expedited Treatment." The pleading shall also set out with particularity the following: (A) The date by which the party desires the commission to act; (B) The harm that will be avoided, or the benefit that will accrue, including a statement of the negative effect, or that there will be no negative effect, on the party's customers or the general public, if the commission acts by the date desired by the party; and (C) That the pleading was filed as soon as it could have been or an explanation why it was not.

2. This order shall become effective on November 20, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of November, 2007.

Ozark's complaint contains none of this required information.