

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

In the Matter of Missouri Gas Energy's)
Tariff Sheets Designed to Increase Rates)
for Gas Service in the Company's)
Missouri Service Area.)

Case No. GR-2009-0355

**PUBLIC COUNSEL'S MOTION
TO FILE RESPONSE OUT OF TIME**

COMES NOW the Missouri Office of the Public Counsel ("OPC") and for its Motion to File Response Out of Time states:

1. On November 3, 2009 MGE filed its objections to the Commission taking official notice of the ratepayer comments filed in this case, and to the admission of Staff's Exhibit 103, which shows the number of comments filed with the Commission by MGE customers between 2003 and 2009.
2. The Commission's November 5, 2009 Amended Order Directing Filing directed Public Counsel to file a response no later than November 10, 2009.
3. Public Counsel was unable to file a response by the close of business on November 10, 2009 due to the evacuation of the Governor's Office Building. The evacuation restricted Public Counsel's access to its files and records.
4. The Commission's rules authorize the Commission to permit late filings that were "the result of excusable neglect." 4 CSR 240-2.050(3)(B). Public Counsel asserts that its filing out of time was the result of excusable neglect.
5. No party will be prejudiced by granting this motion.

WHEREFORE, the Office of the Public Counsel respectfully motions the Commission to allow Public Counsel to late-file its response to MGE's objections.

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 the following this 11th day of November 2009:

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