

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

In the Matter of the Application of Southern Union)	
Company d/b/a Missouri Gas Energy, for Approval)	<u>File No. GO-2013-0391</u>
To Change its Infrastructure System Replacement)	Tariff No. JG-2013-0355
Surcharge)	

**ORDER ESTABLISHING TIME TO RESPOND TO STAFF'S
RECOMMENDATION AND DIRECTING FILING**

Issue Date: April 10, 2013

Effective Date: April 10, 2013

On February 8, 2013, Southern Union Company d/b/a Missouri Gas Energy ("MGE") filed a petition with the Missouri Public Service Commission ("Commission") to change its Infrastructure System Replacement Surcharge ("ISRS") rate schedule to recover ISRS-eligible costs. MGE filed a tariff to implement its ISRS rate adjustment along with its petition, and the Commission has suspended that tariff until June 8, 2013. On April 9, 2013, the Commission's Staff recommended that the amount MGE should be allowed to recover through its ISRS be decreased from \$1,741,862, to \$1,741,740. The Commission will require MGE and any other interested parties to respond to Staff's recommendation.

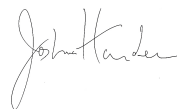
Subsection 393.1012.2, RSMo Supp. 2012, states that "[t]he commission shall not approve an ISRS for any gas corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the gas corporation has filed for or is the subject of a new general rate proceeding." MGE's most recent general rate case, GR-2009-0355, was decided by a Commission Report and Order issued on February 10, 2010. MGE filed its petition in this case on February 8, 2013. The statute cited above does not clarify whether a gas utility must file a petition requesting

an ISRS within three years of the most recent rate case decision in order to comply with the statute, or whether the issuance of a Commission order approving such a petition is the relevant date in determining the Commission's statutory authority under that subsection. The Commission will require the parties to file a response regarding whether the Commission has the statutory authority to approve MGE's petition in this case under Subsection 393.1012.2, RSMo Supp. 2012.

THE COMMISSION ORDERS THAT:

1. Southern Union Company d/b/a Missouri Gas Energy and any other party wishing to respond to Staff's recommendation filed on April 9, 2013, shall do so no later than April 19, 2013.
2. No later than April 19, 2013, the parties to this case shall file a response to the issue described in the body of this order regarding the Commission's statutory authority to issue an order approving MGE's petition.
3. This order shall become effective upon issuance.

BY THE COMMISSION



Joshua Harden
Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of April, 2013.