

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

Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	<u>Case No. GC-2011-0045</u>
Southern Missouri Gas Company, L.P., d/b/a	)	
Southern Missouri Natural Gas	)	
	)	
Respondents.	)	

**NOTICE OF DISMISSAL OF STAFF COMPLAINT AND RESPONSE TO ORDER DIRECTING FILING**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), and for its *Notice of Dismissal of Staff Complaint and Response to Order Directing Filing*, states as follows:

1. Commission Rule 4 CSR 240-2.116 provides, in pertinent part, as follows:

(1) An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties....

2. On November 17, 2010, Staff and SMNG filed their *Agreement Regarding Disposition of Small Natural Gas Company Revenue Increase Request*, which contained the following agreement:

(6) That, to settle Staff's complaint regarding returned check or insufficient funds charges, which was consolidated with this rate case, within thirty (30) days of the effective date of an order approving this Disposition Agreement, SMNG shall contribute \$21,360 of shareholder funds to the Community Action Agencies serving the counties in which SMNG provides service with the exception of its Lebanon and Branson service areas. The contribution shall be conditioned on the disbursement of funds to only SMNG customers under the same conditions and terms applicable to the disbursement of LIHEAP funds. The allocation of the funds shall be based upon the

Company's customer count in each county. Within ten (10) days of such contribution, Staff shall file to dismiss its complaint, Case No. GC-2011-0045.

3. A *Unanimous Disposition Agreement Modifying Company/Staff Agreement* was filed January 14, 2011, adopting and ratifying the November 17, 2010, agreement.

4. The January 14, 2011, agreement was approved by order of the Commission dated January 19, 2011, as corrected *nunc pro tunc*, January 19, 2011.

5. The January 14, 2011, agreement did not modify paragraph (6) of the November 17, 2010, agreement, cited above.

6. Southern Missouri Gas Company, L.P., d/b/a Southern Missouri Natural Gas (SMNG) has provided Staff with copies of the following checks dated March 3, 2011:

\$7,216.37 to Ozark Area Community Action Corporation  
\$14,143.63 to Ozark Action, Inc.

7. On March 1, 2011,<sup>1</sup> the Commission issued its *Order Directing Filing*, in which it directed the parties to File No. GC-2011-0045 to state whether the complaint can be dismissed.

8. For the reasons described above, and pursuant to 4 CSR 240-2.116(1), Staff states that this complaint can be dismissed, and provides its Notice of Dismissal.

WHEREFORE Staff prays that the Commission accept its *Notice of Dismissal of Staff Complaint and Response to Order Directing Filing*.

Respectfully submitted,

/s/ Sarah L. Kliethermes  
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<sup>1</sup> The Order contains a typographical error, indicating that it is issued and effective March 1, 2010.

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 8<sup>th</sup> day of March, 2011.

/s/ Sarah L. Kliethermes