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October 11, 2002 **FILED** 3

OCT 11 2002

Mr. Dale Hardy Roberts  
Executive Secretary  
Missouri Public Service Commission  
200 Madison Street, PO Box 360  
Jefferson City, MO 65102-0360

Missouri Public  
Service Commission

RE: In the Matter of the Tariff Filing Of Fidelity Natural  
Gas - Case No. GT-2003-0036  
Tariff No. JG-2003-0045

Dear Mr. Roberts:

Enclosed please find for filing the original plus  
eight (8) copies of the Missouri School Boards' Association's  
Position Statement Regarding Preliminary Order to be filed on  
behalf of Missouri School Boards' Association in the above-  
captioned matter.

If you should have any questions concerning the enclosed  
filing, please do not hesitate to contact me. Thank you.

Very truly yours,

HENDREN AND ANDRAE, L.L.C.

  
Richard S. Brownlee, III

RSB\ls  
Enclosures  
All Counsel of Record  
Melissa Randol

BEFORE THE PUBLIC SERVICE COMMISSION OCT 11 2002

OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Tariff       )  
Filing Of Fidelity Natural       )     **Case No. GT-2003-0036**  
Gas                                       )     Tariff No. JG-2003-0045

**MISSOURI SCHOOL BOARDS' ASSOCIATION'S**  
**POSITION STATEMENT REGARDING PRELIMINARY ORDER**

**COMES NOW**, Missouri School Boards' Association (hereafter "MSBA") by and through its Counsel, Hendren and Andrae, L.L.C., Richard S. Brownlee, III, and for its Position Statement Regarding Preliminary Order respectfully submits as follows:

**A.** MSBA believes the Preliminary Order Approving Stipulation and Agreement meets the statutory requirements of Section 393.310 RSMo.

**B.** MSBA believes the Preliminary Order Approving Stipulation and Agreement is supported by competent and substantial evidence contained in the record.

**C.** MSBA further believes the Preliminary Order Approving Stipulation and Agreement is issued pursuant to Section 393.310 RSMo. which creates a unique, three-year aggregation program for the schools in the state of Missouri to purchase and transport natural gas. MSBA further believes the aggregation program contemplates a yearly adjustment to assess the aggregation and

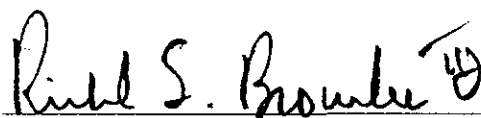
balancing fee as set forth in the statute which is all contained within the overall three-year program.

D. Section 393.310 RSMo. further states, inter alia: "6. The commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program." MSBA believes this specific statutory directive allows the commission to implement accounting and supervisory principals that are unique to the program and which may be separate and distinct from accounting treatment in other utility cases.

Wherefore, MSBA prays an order approving the Preliminary Order Approving Stipulation and Agreement.

Respectfully submitted,

HENDREN AND ANDRAE, L.L.C.



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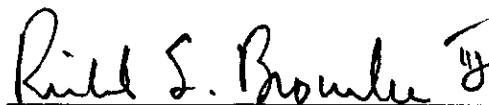
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been mailed or and-delivered to the following on this 11<sup>th</sup> day of October, 2002:

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Richard S. Brownlee, III