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Service Commission

ORIGINAL

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF MISSOURI GAS
ENERGY, A DIVISION OF SOUTHERN UNION COMPANY,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY AUTHORIZING IT TO CONSTRUCT, INSTALL,
OWN, OPERATE, CONTROL, MANAGE AND MAINTAIN A
NATURAL GAS DISTRIBUTION SYSTEM TO PROVIDE GAS
SERVICE IN PLATTE COUNTY, MISSOURI, AS AN
EXPANSION OF ITS EXISTING CERTIFIED AREA.

Case No. GA-2007-0289

DEPOSITION OF ROBERT HACK

OCTOBER 15, 2007

Staff Exhibit No. 16
Case No(s). GA-2007-028
Date 10/25/07 Rptr mv

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OCTOBER 15, 2007

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20

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22 Henry Warren
23 Steve Teter
24
25

1 I N D E X

2

3 ROBERT HACK

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10 EXHIBIT

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7 Document 6

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17 10 Tariff Sheet 6

18 11 Routing Slip 6

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21 Empire District Gas Company

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23 Exhibit 1 Letter 45

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25

1 ROBERT J. HACK,

2 Of lawful age, being first duly sworn by the
3 Notary Public, testified as follows:

4 QUESTIONS BY MR. BERLIN:

5 Q. Good afternoon, Mr. Hack, thank you for
6 appearing today.

7 A. Sure.

8 Q. Have you ever been deposed before?

9 A. Yes.

10 Q. Is it safe to say you are familiar with
11 this process?

12 A. Generally.

13 Q. Is there anything preventing you from
14 answering questions truthfully today?

15 A. No.

16 Q. So you will tell me if you do not
17 understand a question that I ask you?

18 A. Yes.

19 Q. And will you refrain from answering my
20 questions before I have completed them?

21 A. I'll try.

22 Q. I intend to ask some questions today, and
23 at some point in the questioning we'll take a short
24 break and then resume with a few questions later.

25 If at any time you wish to take a break, please

1 tell me, and I will direct the court reporter to take
2 us off the record, and until then we will remain on
3 the record.

4 So, are you prepared to begin?

5 A. Yes.

6 Q. Mr. Hack, what is your present position
7 with MGE?

8 A. Chief Operating Officer.

9 Q. And how long have you held that position?

10 A. Began January 1 of 2006, so 22 months or
11 so, 21 months.

12 Q. And what position did you hold prior to
13 that?

14 A. Vice President of Pricing and Regulatory
15 Affairs.

16 Q. And how long did you hold that position?

17 A. Around seven years or so.

18 Q. And what was your position before that?

19 A. Senior Attorney.

20 Q. And how long did you hold that position?

21 A. Couple years.

22 Q. And before you joined MGE, were you once
23 the General Counsel of the PSC?

24 A. Yes.

25 Q. And how long were you in that position?

1 A. About almost three years.

2 Q. Would you agree with me that you have quite
3 an extensive background in gas utility law?

4 A. Yes.

5 Q. And utility operations?

6 A. Yes.

7 Q. My next questions will refer to MGE Tariff
8 File No. 9700571.

9 Mr. Hack, in your capacity as the Senior Attorney
10 at MGE, are you aware of MGE's commitment to the
11 Commission in Case No. GR-96-285, the file tariff
12 sheets showing the company's certificated areas in
13 Missouri?

14 A. I was generally familiar with the 96-285
15 case and this tariff filing which resulted from a
16 commitment made by the company in that case.

17 (Exhibit Nos. 1 through 11 were then marked
18 for identification by the reporter.)

19 Q. Okay. Mr. Hack, I have some exhibits. I
20 have 11 of them in total. I'm going to give you 11
21 exhibits. If you would, please, turn to Exhibit 1.

22 A. Okay.

23 Q. Exhibit 1 is Page 80 of a Report and Order
24 that is listed under the heading Section 8
25 Certificated Areas. This is also found in Straub

1 Rebuttal Schedule 3.

2 If you would take a minute and look at Section 8
3 on Exhibit 1 at the bottom of the page.

4 A. Yes.

5 Q. Do you recall that the Commission discussed
6 and memorialized MGE's commitment to make this tariff
7 filing in its Report and Order in Case GR-96-285 that
8 was issued on January 22, 1997?

9 A. Yes.

10 Q. Do you have a copy of the February 20th,
11 1997 letter that you sent to Cecil Wright, Executive
12 Secretary of the Commission? If you don't, I have --

13 A. It looks like Exhibit 2, yes.

14 Q. In that February 20th letter, you state in
15 the second paragraph: MGE files these tariff sheets
16 to clarify the geographic boundaries of its service
17 area, as the Commission has directed by its orders in
18 Case Nos. GA-96-130 and GR-96-285.

19 Are those your words?

20 A. I signed the letter, yes.

21 Q. And is that statement correct?

22 A. Yes.

23 Q. Do you still agree with the statement that
24 you made in Paragraph 3 of this letter, whereby you
25 ask the Commission to treat this as a, quote, normal,

1 unquote, tariff filing, with the word normal
2 surrounded with quotations marks?

3 A. I'm not sure I understand the question.

4 Q. Do you agree that this is a normal tariff
5 filing?

6 A. It was -- I'm sorry, are you done?

7 Q. Yes, go ahead.

8 A. As opposed to a compliance tariff filing,
9 yes. A rate case compliance tariff filing.

10 Q. And following your letter of February 20th,
11 you sent a letter to the Commission's secretary, a
12 letter dated April 10, 1997, requesting the proposed
13 effective date of the tariff to be extended to May 21,
14 1997. That letter is Exhibit 3. Is that your letter?

15 A. I signed it, yes.

16 Q. The next day, on April 11, 1997, you sent a
17 letter to Mack McDuffey of the Commission staff. Do
18 you have a copy of that letter? It's also Exhibit
19 No. 4.

20 A. Yes.

21 Q. In your letter to Mr. McDuffey, you stated,
22 and I will quote: Per your request, attached is a
23 list of orders that MGE used in preparing the above
24 referenced tariff filing. Please call if you have
25 questions, unquote.

1 Those are your words?

2 A. I signed the letter.

3 Q. But you would agree they are your words?

4 A. I believe I did use those words, those are
5 the words I put on that letter.

6 Q. In the attachment to your April 11th
7 letter -- would you please look at Exhibit No. 5 --
8 the date of the first order that MGE checked is listed
9 as November 22nd, 1935, with Case Nos. 9,059, 9,060
10 and 9,065. Do you agree?

11 A. I agree that that's the first order listed.

12 Q. And this attachment ends with the date of
13 order April 18th, 1995 in the Case No. GA-95-189. Is
14 that correct?

15 A. That's the last order listed on the second
16 page.

17 Q. And also on the first page of this
18 attachment, Exhibit 5, you say MGE also checked date
19 of order May 24th, 1955 in Case No. 12,632 of the Gas
20 Service Company. Is that correct?

21 A. That order is listed on the first page of
22 Exhibit 5.

23 Q. And the Gas Service Company is a
24 predecessor of MGE; is that right?

25 A. Yes.

1 Q. Did MGE review each order listed on this
2 attachment?

3 A. Yes.

4 Q. Okay. We're going to look a little bit
5 further at Case No. 12,632. If you don't have a copy
6 of them, you'll find the three orders of that case
7 marked as Exhibit Nos. 6, 7 and 8.

8 A. I see Exhibits 6, 7 and 8.

9 Q. Looking at Exhibit No. 6, the first Report
10 and Order in Case No. 12,632. Do you agree that
11 ordered Paragraph No. 2, in that Commission's Report
12 and Order, states as follows, and I quote: That the
13 Gas Service Company be and is hereby authorized to
14 construct, operate and maintain a ten-inch pipeline
15 for the purpose of supplying natural gas to the
16 Mid-Continent Airport site as set forth on Exhibit B
17 attached to it's supplemental application which is
18 hereby referred to and made a part hereof, end quote.

19 A. Yes.

20 Q. Does this order grant MGE a CCN to serve
21 the area that the line traverses through?

22 MR. STEINER: I'm going to object. What
23 line are you speaking about?

24 MR. BERLIN: I'm referring to the line in
25 ordered Paragraph No. 2 that is termed: A ten-inch

1 pipeline for the purposes -- or purpose -- of
2 supplying natural gas to the Mid-Continent Airport
3 site.

4 MR. STEINER: Okay.

5 THE WITNESS: It gave Gas Service Company a
6 certificate to construct the line through the area in
7 question.

8 QUESTIONS BY MR. BERLIN:

9 Q. Please look at Exhibit 7, the Commission's
10 order modifying Commission Report and Order dated
11 May 24, 1955. Are you there?

12 A. Yes.

13 Q. Do you see the first paragraph of this
14 order?

15 A. Yes.

16 Q. Will you please read the first paragraph?

17 A. "This matter comes before the Commission on
18 a motion to modify the Report and Order of the
19 Commission dated May 24, 1955 and effective on
20 June 24, 1955, wherein the Applicant, Gas Service
21 Company, seeks modification of "Ordered 2" of said
22 Report and Order in which the Commission authorized
23 The Gas Service Company to construct, operate and
24 maintain a ten-inch pipeline for the purpose of
25 supplying natural gas to the Mid-Continent Airport

1 site as set forth on Exhibit B attached to the
2 supplemental application."

3 Q. Thank you. Would you agree that the first
4 paragraph recites again the same ordered paragraph,
5 No. 2, of the Commission's Report and Order?

6 A. I haven't compared the words, Mr. Berlin,
7 but I -- so, I don't know.

8 Q. Go ahead and take a minute to compare them.

9 A. No, it's not exactly the same as Paragraph
10 2.

11 Q. How is it different?

12 A. There are different words in it. It's not
13 materially different, but they are not the same words,
14 they are not in the same order.

15 Q. All right. If you would take a minute to
16 look at this particular order.

17 A. Which order are you looking at?

18 Q. That is Exhibit No. 7, that's Case No.
19 12,632.

20 A. Yes.

21 Q. It is the order modifying Commission Report
22 and Order dated May 24, 1955.

23 A. Yes.

24 Q. If you have a chance --

25 A. Yes.

1 Q. -- to look at it, would you agree then that
2 the purpose of this Report and Order was to grant Gas
3 Service Company the authority to construct a 12-inch
4 pipeline as opposed to the ten-inch pipeline
5 originally applied for?

6 A. Yes.

7 Q. And is the 12-inch supply line also called,
8 in today's terminology, the Leavenworth supply line?

9 A. That's my understanding.

10 Q. Does this language grant MGE permission
11 to -- just a second. Let me re-ask that.

12 Does this language grant MGE permission to connect
13 to its Leavenworth supply line so that MGE can serve
14 its already certificated areas?

15 A. I don't know, at this time, whether the
16 airport site was or was not then already certificated.
17 Clearly it authorizes to serve the airport.

18 Q. Let's look at Exhibit 8, it is the Report
19 and Order that is -- that Report and Order is dated
20 December 18, 1956.

21 A. Exhibit 8 you said?

22 Q. Yes.

23 A. I'm there.

24 Q. Could you please take a minute and review
25 that Report and Order?

1 A. Okay.

2 Q. If you would, please, look specifically at
3 ordered Paragraph No. 1.

4 A. Uh-huh.

5 Q. Would you agree that this paragraph
6 authorizes MGE predecessor, Gas Service, to install
7 connecting lines to its 12-inch gas supply line for
8 the purpose of supplying gas to its distribution
9 system in Platte Woods and Gladstone and in other
10 areas for which the Applicant has heretofore been
11 certificated?

12 A. That's what it says.

13 Q. Does this language grant MGE or its
14 predecessor, Gas Service, permission to connect to its
15 Leavenworth supply line so MGE can serve its already
16 certificated areas?

17 A. It appears to.

18 Q. You would agree that it does then, I take
19 it?

20 A. Yes.

21 Q. And do you know the difference between a
22 line certificate and an area certificate?

23 A. Yes.

24 Q. Would you agree that, based on these three
25 orders that we just reviewed, that MGE has a line

1 certificate for its 12-inch supply line, the
2 Leavenworth supply line?

3 A. That's what the 12,632 case did for that.
4 Until you got to the airport, as I understand it.

5 Q. So, you would agree that MGE's line
6 certificate authorizes it to move gas from the
7 Southern Star Central transmission line, from just
8 east of Leavenworth, to serve the MCI Airport and the
9 areas designated MGE's own certificated area, of
10 Platte Woods and Gladstone?

11 A. I'm not that familiar with where it
12 interconnects and with whom, but my general impression
13 is it authorizes construction of the line. Obviously
14 it connects to an interstate pipeline system that
15 wasn't near Southern Star at the time, and it runs
16 over to Kansas City International Airport that used to
17 be Mid-Continent Airport. Until it gets to the
18 airport, this order would be properly characterized as
19 a line certificate or a transmission certificate.

20 Q. And as you indicated, that authorizes the
21 construction of a line. But you would agree that it
22 also authorizes the transport of gas?

23 A. The operation of the line, the maintenance
24 of the line.

25 Q. Okay. If you would please look at Exhibit

1 No. 9. Now, Exhibit No. 9 is a section map in Platte
2 County which comes from Warren's Rebuttal Schedule 3.
3 However, this is slightly modified to include the
4 Range and Township designators on the borders of this
5 map.

6 Now, to be more specific, if you would please look
7 at this map, and based upon what we've just been
8 discussing, would you agree that MGE has a line
9 certificate for Section 12 of Township 52 north, Range
10 36 west, which is where the line starts, and running
11 through Sections 7, 8, 9, 10, 11 and 12 of Township 52
12 north, Range 35 west?

13 A. I can't tell that at all from this map,
14 Mr. Berlin.

15 Q. Let's start at the beginning of the line,
16 Section 12 of Township 52 north, Range 36 west. It is
17 where the blue line that runs across the map -- the
18 bottom blue line. And you'll see it at 12 in the
19 middle of the line.

20 A. I see -- I see a 12. I see two 12's, one
21 is to the right of Interstate 29 and one is to the
22 left of Interstate 29.

23 Q. Going to the far left side of this map, the
24 bottom blue line. I'm going to 12, which is on your
25 far left side, the lower blue line covers it. It's in

1 Township 52 north and Range 36 west. It's your far
2 eastern side of the map.

3 A. The 12 is right above the box that says
4 "MGE requesting CCN?"

5 Q. That is correct.

6 A. I see Section 12.

7 Q. Now, running in a westerly direction you'll
8 see a Section 7, Section 8, 9, 10, 11 and 12.

9 A. That would be east, wouldn't it?

10 Q. You are correct, that's running east from
11 Section 12. And you'll see a blue line right -- a
12 hard blue line -- above that running toward --

13 A. Above what?

14 Q. Four-thirty five. Above the lower light
15 blue line.

16 A. I don't see a light blue line. I see light
17 blue shading.

18 Q. Light blue shading. If you look at the
19 solid blue line, it's right above the light blue line
20 and the bottom of the light blue line.

21 A. The difficulty I'm having; I see the solid
22 blue line, it runs through Sections 7, 8, 9, 10, 11,
23 12 from the west to the east. There's light blue
24 shading both above and below that dark blue line.

25 Q. That is correct. Do you see the dark blue

1 line? It's right above the bottom light blue line.

2 A. Yes.

3 Q. Would you agree that that is a good
4 approximation of the Leavenworth supply line?

5 A. I don't know.

6 Q. Let's go back to your communications with
7 the Commission in Tariff Filing 9700571. If you would
8 please refer to Exhibit No. 2.

9 A. Uh-huh.

10 Q. In the first sentence of Paragraph 2 of
11 your February 20th, 1997 letter to the Commission, you
12 state, and I quote: MGE files these tariff sheets to
13 clarify the geographic boundaries of its service area,
14 unquote.

15 Is that statement correct?

16 A. Yes.

17 Q. And do you believe that CCN for the
18 Leavenworth supply line authorizes MGE to provide gas
19 service in the area that is traversed by the
20 Leavenworth supply line?

21 A. My understanding is the following; the
22 12,632 order authorized the construction of
23 transmission line. That transmission line runs
24 through areas where MGE both has had and did not have
25 a, quote, area certificate.

1 If you look at Sections 9, 8 and 7 of this chart
2 on Exhibit 9, which are shaded light blue, my
3 impression -- my belief -- is that MGE had, and has,
4 an area certificate to serve there. And the
5 Leavenworth supply line, which, again, I believe but I
6 cannot verify is represented by this dark blue line,
7 runs through that area.

8 Beginning immediately to the west of Section 7, of
9 what looks to be Range 34 west, that is Section 12,
10 11, 10 of what appears to be Range 35 west. My
11 impression is that we do not -- we cannot produce an
12 order granting an area certificate to MGE for 12, 11,
13 10 -- I'm not sure how far to the east that goes.

14 Q. MGE cannot produce an area certificate as
15 well for 9, 8 and 7?

16 A. I don't believe so. I don't believe so.

17 Q. Do you believe that there's any order in
18 existence that provides you an area certificate for
19 those sections?

20 A. Aside from the tariff approval process that
21 occurred in 1997, no.

22 Q. If you would please refer to Exhibit
23 No. 10. Now, Exhibit No. 10 includes in it tariff
24 sheet No. 6.15. On this sheet is also Schedule 1 of
25 Warren's Rebuttal, and this sheet is also Schedule

1 2-23 of Straub's Rebuttal, which is the attached
2 tariff submission with MGE's February 20th letter that
3 we marked earlier as Exhibit 2.

4 Can you identify Exhibit 10 and tariff sheet No.
5 6.15?

6 A. That appears to be a replica of what's in
7 our tariff book.

8 Q. Looking at tariff sheet 6.15, would you
9 agree that that MGE tariff sheet contains no reference
10 to any sections with a line certificate?

11 A. That is correct.

12 Q. So, looking at tariff sheet 6.15 -- and it
13 may take a few minutes to do this -- would you agree
14 with me then that that MGE tariff sheet 6.15 lists 22
15 sections for which MGE has no CCN to provide gas
16 distribution service?

17 MR. STEINER: I'm going to object, there
18 hasn't really been a foundation for that question with
19 respect to 22 sections.

20 THE WITNESS: I can agree that there's 22
21 numbers circled in red. I can't say yes or no to the
22 question just asked, I don't know.

23 QUESTIONS BY MR. BERLIN:

24 Q. Let's go back to Exhibit No. 9, which is
25 the map of the Platte County Sections, and then we'll

1 break this out.

2 Sections are; Township 52 north, Range 33 west,
3 Sections 4 and 5. Can you see those?

4 A. Township 52 north, which I see on the
5 far -- on both sides of the page in markings.

6 Q. This would be on that Range 33 west.

7 A. Okay.

8 Q. Sections 4 and 5 have a light blue line
9 underneath the four and the five?

10 A. The shading, I see that.

11 Q. Okay. Those two sections, plus Sections 1
12 through 6, Township 52 north, Range 34 west. So, all
13 you need to do is go straight west into Range 34 west.
14 You'll see Sections 1, 2, 3, 4, 5, and 6.

15 A. Uh-huh.

16 Q. In Township 52 north, Range 35 west, you'll
17 see Sections 1 through 12 -- let me back up.

18 Okay. Township 52 north, Range 35 west, Sections
19 1 through 12 -- yeah, these sections wrap. If you
20 look at sections -- if you look at Section 1 in Range
21 35 west, Township 52 north, and you go west, you'll
22 find Section 2; Section 3 west of that; Section 4 west
23 of 3; Section 5 west of 4; and Section 6 west of 5;
24 and right below Section 6 you'll find Section 7; and
25 then heading back toward the east Section 8; Section

1 9; Section 10; Section 11 and Section 12.

2 A. I see those.

3 Q. And then going to Township 52 north, Range
4 36 west, are Sections 1 and 12. Section 1 is just
5 north of Section 12. We discussed Section 12 earlier.

6 A. I see 1 and 12.

7 Q. Now, having just gone through all 22
8 sections, you would agree that MGE has no CCN to
9 provide gas distribution service?

10 A. What I can -- what I can say is that the
11 shaded area to the far east that you talked about
12 first, I don't know, Mr. Berlin, I just don't know. I
13 haven't looked at that. I haven't -- my impression is
14 that that hasn't been a part of whatever the
15 controversy is in this case.

16 Beginning with Range 35 west, which is immediately
17 to the west of the shaded area in R 34 west, and
18 confirming what I said earlier, my belief is that
19 those sections, 14 sections, we have a transmission
20 certificate in those sections pursuant to the order in
21 12,632.

22 Q. Did MGE confuse its orders granting its
23 CCNs for service areas?

24 A. No. We were asked to define our service
25 territory, we worked with the staff to do that. We

1 shared four notebooks full of orders, including these
2 orders that we have been talking about, and came up
3 with the tariff sheet, among probably 30 or 40 others
4 that is shown on sheet No. 6.15, and we acted pursuant
5 to the authorities set forth in those tariff sheets.

6 Q. Do you consider that a line certificate
7 provides authority for MGE to provide area gas
8 service?

9 A. A line certificate is not an area
10 certificate.

11 Q. So, your answer is no?

12 A. Correct.

13 Q. When MGE filed Tariff 9700571, was MGE
14 seeking to acquire new service area from the
15 Commission when it filed that tariff?

16 A. We were seeking to set forth the geographic
17 boundaries of our service territory as set forth in
18 the letter.

19 Q. Did MGE list the 22 sections for which it
20 has no area CCN -- just a minute, let me back up. Let
21 me go back to my previous question.

22 Was MGE seeking to acquire new service area from
23 the Commission when it filed Tariff 9700571? Was it?
24 Yes?

25 A. No, we were trying to define our service

1 territory, our existing service territory.

2 Q. Now, did MGE list the 22 sections for which
3 it has no area CCN so that it could claim them as its
4 service territory through the force of its Tariff
5 Filing No. 9700571?

6 A. Number one, I've only agreed to 14. Number
7 two, we worked with the staff back in 1997, spent
8 probably 200 hours compiling orders, comparing the
9 areas in the orders to where we had facilities, being
10 fully disclosing everything to Mr. McDuffey, who
11 visited our premises at least once, perhaps twice, to
12 produce the tariff sheets that ultimately took effect
13 in 1997. Once those tariff sheets took effect, we
14 relied upon those tariff sheets.

15 Q. When the Commission approved Tariff Filing
16 9700571, do you believe that the Commission intended
17 to grant MGE additional service territory?

18 A. I don't know.

19 Q. Please take a look at the Utility
20 Operations Division routing slip for File 9700571,
21 it's marked as Exhibit 11.

22 A. Uh-huh.

23 Q. You are there?

24 A. Yes.

25 Q. If you would, please, read the first

1 sentence of the first paragraph?

2 A. On February 21, 1997, Missouri Gas Energy,
3 parenthesis, MGE or company, close parenthesis, of
4 Kansas City, Missouri filed tariff sheets to clarify
5 geographic boundaries of its service area.

6 Q. Now, do you agree with the stated purpose
7 of this filing as you have read it?

8 A. Yes, that's largely what I said in my
9 letter of February 20th.

10 Q. Do you believe that MGE has both line and
11 area CCNs?

12 A. Yes.

13 Q. And do the CCN cases you relied on grant
14 MGE either a transmission or service area CCN?

15 A. Yes.

16 Q. Why didn't MGE list the line sections
17 separately on its tariff sheet 6.15?

18 A. We could have. I don't know.

19 Q. If you'll look at Page 2 of Exhibit 11.
20 Could you read the handwritten statement at the bottom
21 of the page?

22 A. "The purpose of this filing is to show the
23 company's current service area and does not expand to
24 any area that it currently does not serve."

25 Q. And do you also see the fax transmittal

1 note under this statement?

2 A. Yes.

3 Q. And to whom was this document faxed to?

4 A. Rob Hack.

5 Q. And do you believe the Commission intended
6 its approval of this filing to grant MGE additional
7 certificated service area?

8 A. As I said earlier, I don't know. I believe
9 the Commission intended -- asked us to clarify our
10 service territory and approve the tariff filing to do
11 exactly that.

12 Q. Do you believe that it's acceptable for an
13 LDC --

14 Going back to the handwritten note that you had
15 just read, it's on Exhibit 11; the Utility Operations
16 Division routing slip. And you just told me that the
17 fax note is to yourself, Rob Hack. Do you recall
18 receiving this fax?

19 A. No. It's in our file. I would expect we
20 did receive it since it's in our file.

21 Q. In looking at the handwritten note which we
22 just read, how do you interpret that note?

23 A. What we did when we went through this
24 project was to compile all the orders that we could
25 find. We then compared the service territory of the

1 orders, where we could divine that from the orders
2 themselves, to where facilities then existed.

3 In looking at both of those sets of lines, we then
4 made certain that the tariff filing we submitted
5 covered both the sections areas listed in the orders
6 and the areas where facilities existed.

7 So, my belief, way back when, if I would have had
8 one regarding this note on Page 2 of Exhibit 11, would
9 have been that's consistent with exactly what we told
10 the Staff we were trying to do.

11 Q. I'm not sure I understand your answer.
12 Looking at that handwritten note, is it your
13 understanding that, from reading that note, that it
14 was the intention of the Commission to not grant MGE
15 any new certificated areas?

16 A. The Commission, and Mr. McDuffey, if
17 Mr. McDuffey wrote this routing slip, clearly knew
18 that it had encompassed both transmission certificates
19 and area certificates.

20 It's reflected in Paragraph 3, where he says: The
21 CCN cases were granted in either a transmission or
22 service area certificate making the development of a
23 service area stated in metes and bounds format very
24 difficult.

25 When I looked at this in its totality, it was

1 clear to me that Mr. McDuffey understood what we were
2 doing, what we were trying to do, which was to define
3 our service territory and at the end of the day have a
4 tariff sheet that defined the service territory.

5 We weren't trying to pull the wool over anyone's
6 eyes, we were trying to comply with the order of the
7 Commission to set forth our service territory.

8 Q. You would agree though that tariff sheet
9 6.15 does not list line certificate?

10 A. I don't think any of the tariff sheets do.
11 It could have, but it didn't. It doesn't now.

12 Q. Do you think that the tariff could have
13 been made clear if MGE had identified the difference
14 between an area and a line certificate?

15 A. Certainly the Staff could have asked us to
16 do that. MoPub or Empire could have intervened and
17 asked us to do that. We used our best efforts.

18 Q. Would you not agree that MGE's responsible
19 for its tariff filing?

20 A. We don't approve our tariff filings. So,
21 no, I don't agree to that.

22 Q. So, do you believe that an LDC needs to
23 file a CCN application case to obtain an order from
24 the Commission granting the LDC authority to serve a
25 new area?

1 A. When we identify areas that are not shown
2 in our tariff sheets as areas where we aren't
3 authorized to serve, and we have customers who want
4 our service there, we file certificates to become
5 certified in those areas. We have one pending in
6 Carrollton right now. We have had a number approved
7 down in southwest Missouri. That's the process we
8 use.

9 Q. Do you believe that MGE is responsible for
10 its own tariff filings?

11 A. We propose the tariff filings in the first
12 instance. Like I said earlier, we don't possess the
13 authority to approve the tariff filings, that occurs
14 through the Commission with the input and advice of
15 the Staff and others who may become involved.

16 Q. Is MGE responsible for the accuracy of its
17 tariff filings?

18 A. We are -- we make every effort to be as
19 accurate as we know how to be. And in the first
20 instance we take responsibility for that.

21 Q. Is that yes?

22 A. I don't know that I can answer it any other
23 way, Mr. Berlin.

24 Q. Are you saying that MGE is not responsible
25 for the accuracy of its tariff filings?

1 A. We are responsible in the first instance
2 for how our tariff sheets get submitted to the
3 Commission, yes. How they ultimately get approved is
4 a product of the input of many -- potentially many
5 other entities.

6 Q. Should an LDC obtain a CCN from the
7 Commission before it starts building facilities in a
8 new area?

9 A. Yes. If it believes it doesn't already
10 have one.

11 Q. Can you show me a CCN for MGE to serve
12 customers from its 12-inch supply line other than what
13 we discussed in Case No. 12,632?

14 A. Again, with respect to the sections to the
15 west of Range 34 west, like I said earlier, our
16 construction activities off of the supply line were
17 based on the tariff. So, no, I can't show you an
18 order aside from the tariff sheet.

19 Q. Shifting gears a little bit, in or about
20 the month of June of 1999, were you or any members of
21 your staff involved in discussions with Aquila,
22 Empire's predecessor, about MGE's plans to install
23 facilities in the Oak Creek subdivision?

24 A. I honestly don't remember if there were any
25 direct communications between MGE and Aquila or MoPub.

1 Q. If you look at Exhibit No. 9 -- let me
2 locate exhibit -- strike that.

3 Let me locate Section 6 for you.

4 A. Uh-huh.

5 Q. It's Township 52 north, Range 34 west,
6 Section 6. And on your map you'll see the word Platte
7 right below it.

8 A. I see that.

9 Q. Does that help you remember any
10 communications with Aquila regarding Oak Creek in that
11 section?

12 A. No. No. I remember that we had
13 communications with a law firm regarding potential
14 conflict regarding a subdivision there. I don't
15 remember whether we had any direct communication with
16 Aquila. I remember it very vaguely, and I remember it
17 just kind of concluding, ending, with no further
18 discussion.

19 Q. Do you know who the MGE representatives
20 were that had those communications with Aquila?

21 A. Like I said, I don't remember that MGE
22 personnel had any communications directly with Aquila.
23 I personally recall having a conversation with Dean
24 Cooper of the law firm of Brydon, Swearngen and
25 England. But again, I don't remember whether we had

1 any conversation with Aquila or not, or whatever they
2 call it.

3 Q. Were you aware that MGE had stopped the
4 construction of its new natural gas facilities in that
5 section?

6 MR. STEINER: I'm going to object, it
7 assumes facts that aren't in evidence and haven't been
8 established.

9 THE WITNESS: I don't remember whether any
10 construction activities had commenced on MGE's behalf.

11 QUESTIONS BY MR. BERLIN:

12 Q. Were you aware that Aquila held the CCN to
13 serve Section 6 and Oak Creek subdivision?

14 A. I don't remember.

15 Q. Are you aware that MGE agreed to withdraw
16 from Section 6?

17 A. I don't remember that either.

18 Q. Is MGE currently serving customers in
19 Section 12 of Township 52 north, Range 35 west in
20 Platte County in the Seven Bridges subdivision?

21 A. I believe so.

22 Q. And do you know how many customers or
23 customer facilities MGE is currently serving there?

24 A. No.

25 Q. Has MGE built new facilities in Section 12

1 to serve Seven Bridges customers?

2 A. New when?

3 Q. Well, since Seven Bridges began?

4 A. We built facilities to get to Seven Bridges
5 in accordance with the service territory set out in
6 our tariff, yes.

7 Q. Did you participate in making that
8 decision?

9 A. No.

10 Q. Who made the decision to build facilities
11 in Section 12?

12 A. I may have signed off on it. I don't know
13 who made the decision.

14 Q. But you did know about it?

15 A. Yeah.

16 Q. When did you know about it?

17 A. I don't remember.

18 Q. Did you or your staff check Commission
19 orders to see if MGE had a CCN to serve in Sections 11
20 and 12?

21 A. We would have relied on our tariff.

22 Q. So, the answer is no?

23 A. No.

24 Q. Now, how about Section 11 and the Seven
25 Bridges subdivision development, if you found MGE did

1 not have a CCN for this section would you still have
2 committed MGE resources to build in that section?

3 A. Our belief, based on having a tariff sheet
4 in effect for ten years, that we had authority to
5 build in Sections 11 and 12.

6 Q. Is that a yes or a no on that question? If
7 you would like, I'll reread the question for you.

8 A. Where we don't believe we have authority to
9 be, we try not to build there until we have authority
10 to be there. If we believe we have authority to build
11 there, as apparent from the face of our tariff, we
12 don't research it any further to try to disprove that
13 evidence of authority.

14 Q. So, if you had found that MGE had no CCN
15 for that section, you would not have committed MGE
16 resources in that section?

17 MR. STEINER: I'm going to object. I don't
18 think it's been established that he's the one that
19 committed the resources.

20 THE WITNESS: If I believed --

21 MR. STEINER: Go ahead and answer.

22 THE WITNESS: If I believed we had no
23 authority to be there, I would not commit the
24 resources to be there. Obviously, we believed we had
25 the authority to be there. We built consistent with

1 that belief.

2 QUESTIONS BY MR. BERLIN:

3 Q. Is that because you found a CCN giving you
4 that authority?

5 A. As we discussed earlier, it's because of
6 the tariff.

7 Q. But if you had -- if you had found that MGE
8 had no CCN for the section, would you still have
9 committed resources to build in that section?

10 MR. STEINER: Can you repeat that, Bob?

11 QUESTIONS BY MR. BERLIN:

12 Q. If you had found that MGE had no CCN for
13 that section, would you still have committed MGE
14 resources to build in that section?

15 A. If a customer comes to me and shows that
16 his facility, his premise, is in our defined service
17 territory as shown in our tariff, I believe we are
18 obligated to provide service to that customer under
19 the law.

20 Q. You didn't answer my question. If you
21 found that MGE had no CCN for the section, would you
22 still have committed MGE resources to build in that
23 section?

24 A. If there was no evidence of our authority
25 to be there, we would not try to build before that

1 authority existed.

2 Q. Has MGE started building facilities in
3 Sections 13 and 14? Those are the sections requested
4 by MGE in this CCN application case.

5 A. We started and stopped.

6 Q. When did MGE start building facilities in
7 Sections 13 and 14?

8 A. I don't know, probably 2006.

9 Q. Did you direct or give approval for MGE to
10 build facilities in Sections 13 and 14?

11 A. No.

12 Q. Who at MGE approved this?

13 A. I don't think, probably -- the reason I
14 answered no, is I think that approval to build was to
15 build in our certificated area as reflected in the
16 tariff, as we've said in the testimony.

17 There aren't any section lines out in the fields.
18 Mistakes do happen. We apparently, mistakenly, built
19 beyond the areas that are set forth in our tariff, and
20 we stopped. So, I'll take credit or blame or fault
21 for that.

22 But it's not something we try to do, it's
23 something we try to avoid. But things happen.
24 Typically, we get applications on -- that's what led
25 us to file this application, was the discovery that we

1 were beyond Sections 11 and 12.

2 Q. How did you learn that you were --

3 A. I don't remember.

4 Q. -- in Section 13 and 14?

5 A. I don't remember.

6 Q. What facilities does MGE now have in
7 Sections 13 and 14?

8 A. I don't know. I would assume it's main,
9 service, lines, perhaps meters. I don't know.

10 Q. Is it the practice of MGE to check its CCN
11 orders before it builds facilities in an area?

12 A. Yes, typically.

13 Q. Would you consider it a prudent business
14 practice to first check for a CCN before making the
15 decision to direct MGE to build in a new service area?

16 MR. STEINER: Did you say CCN or tariff?

17 MR. BERLIN: CCN.

18 THE WITNESS: We would refer to the tariff
19 sheets, which we filed to define our service
20 territory. So, that's why we consider it wise,
21 prudent, you know, sound business practice to do.

22 In this instance, apparently the subdivision flops
23 over into additional sections. I don't think there
24 was any intent on the part of me or our Field Ops
25 folks to violate our tariff. We were just trying to

1 serve the customer.

2 QUESTIONS BY MR. BERLIN:

3 Q. My question is; would you consider it a
4 prudent business practice to first check for a CCN
5 before directing MGE to build in a new service area?

6 A. And if by CCN you mean those four pages of
7 orders that were used to compile our certified service
8 territory in our tariffs, I'll say no, we refer to our
9 tariff.

10 Q. You just said that it was the practice of
11 MGE to check its CCN orders before it builds
12 facilities in an area?

13 A. I misspoke. We check the tariff.

14 Q. Can an LDC bypass the CCN application
15 process?

16 A. I don't know how to answer the question.

17 Q. Does an LDC have to file a CCN application
18 case to gain authority from the Commission to serve
19 that area?

20 A. Our belief, after the 1997 tariff filing,
21 was that we possessed authority to serve in
22 Sections -- I would say -- 12 and 11.

23 Q. That doesn't answer the question.

24 A. The only way to answer the question; we
25 don't file for authority in areas where we think we

1 already have authority.

2 Q. Can an LDC submit a new tariff listing, a
3 new service area, to obtain a CCN?

4 A. No.

5 Q. So, what you are saying is that an LDC must
6 file an application for a CCN to get authority to
7 serve in a new area?

8 A. Where it is believed that a company --
9 where a company holds a belief that it possesses
10 authority to construct facilities, it will not file a
11 CCN. Where it wants to serve in an area, where it
12 does not believe it has authority to build, then it
13 will file a CCN.

14 The expansion of service territory occurs through
15 the CCN process.

16 Q. So, is thinking that you have authority the
17 same as actually having the authority?

18 A. If it's reasonable to think that, yes.

19 Q. In your current position as Chief Operating
20 Officer, and as MGE's former Senior Counsel, would you
21 prefer to rely on a Commission order granting a CCN,
22 or would you prefer to rely only on a tariff approved
23 by the Commission?

24 A. The ability to rely on however many orders
25 are in those books is sketchy at best, because it's

1 very difficult to understand where the lines are. The
2 purpose -- as I understood it -- of the request by the
3 Staff to clarify, define, set forth boundaries of our
4 existing service territory, was to make that process
5 clean, easy to understand, easy to prove-up one way or
6 the other.

7 Once we went through the tariff process, we did
8 not refer any longer to the old orders. They were, in
9 effect, subsumed through the tariff process. On a
10 going forward basis, after 1997, if we identified an
11 area that we wanted to serve, that wasn't shown in
12 those tariffs, our practice has been to file an
13 application for certificate to serve those areas.

14 We have, as has been identified here, at least in
15 one instance, built where there were no lines, and
16 that was a mistake. And we're -- that's why we filed
17 the application in this case, was to serve 13 and 14.

18 Q. So, if I understand your answer, you'd just
19 as soon not look at a CCN order?

20 A. That's not true.

21 Q. No?

22 A. The old ones, I don't think -- you know,
23 once the tariff sheet became approved, our reference
24 point was to the tariff sheets.

25 Q. So, would you rely on a tariff that is

1 based on wrong information that you gave to the
2 Commission?

3 A. I would rely on an approved tariff.

4 Q. You would rely on an approved tariff
5 regardless if the information that you supplied on
6 that tariff was wrong or right?

7 A. I believe we have an obligation to live up
8 to the tariffs that are approved. Until those tariffs
9 are changed, we need to comply with them, for whatever
10 reason, whether it's a mistake -- I mean, there's a
11 process to change tariffs, that tariff is still
12 effective.

13 Q. Now, who's responsibility is it if the
14 information contained on a tariff sheet is wrong?

15 A. It's a shared responsibility of the agency
16 and the company.

17 Q. Does the company not have an initial
18 responsibility to supply correct information on a
19 tariff sheet it submits to the Commission for
20 approval?

21 A. Yes, and we make every effort to do so. We
22 are not perfect, we are human.

23 MR. BERLIN: All right. I propose that we
24 take a break right now and go off the record. We'll
25 reconvene in about eight or nine minutes. I think I

1 only have a few more questions.

2 THE WITNESS: Okay.

3 (A short recess was then taken.)

4 MR. BERLIN: I appreciate your time today,
5 Mr. Hack. I have no further questions for you this
6 afternoon. And I'll turn over questioning to -- I
7 believe it goes to Mr. Keevil.

8 THE WITNESS: Okay.

9 QUESTIONS BY MR. KEEVIL:

10 Q. Mr. Hack, let me start by trying to clarify
11 something I understood you to say in response to
12 Mr. Berlin.

13 Correct me if I'm wrong here, but I believe you
14 stated that MGE cannot produce an order granting an
15 area certificate to MGE or its predecessor for
16 Sections 10, 11 and 12 of Township 52 north, Range 35
17 west, Platte County; is that correct?

18 A. An area certificate, that is correct --
19 aside from the tariff sheet we've been discussing.

20 Q. Correct. I'll refer to the orders and area
21 certificates and tariffs separately, but I understand
22 what I think you said.

23 Going back to my question, you said you can't
24 produce an order granting an area certificate, does
25 that mean you -- and I mean MGE -- do not have an

1 order granting an area certificate for those sections?

2 A. That means I can't find one.

3 Q. If there were one, would it be among the
4 orders listed on Mr. Berlin's exhibit?

5 A. No, those are all the ones we found.

6 Q. Okay. And you are not aware of any others
7 in the meantime? You haven't found anymore orders in
8 the meantime other than those listed on Mr. Berlin's
9 exhibit?

10 A. That have any relevance to Platte County.
11 I mean, since 1997 we have expanded our service
12 territory through other filings.

13 Q. Right. And I believe you said, also, that
14 you agreed that -- or you believed that -- an area
15 certificate is different from a line certificate?

16 A. Correct.

17 Q. Now, the tariff, which was the subject
18 matter of Tariff Filing 9700571, I believe you stated,
19 in response to Mr. Berlin, when MGE made that filing,
20 that MGE was trying to set forth the geographic
21 boundaries of its service territory as it exists at
22 that time; is that correct?

23 A. Yes.

24 Q. What I did not understand completely, when
25 you were responding to Mr. Berlin you also made

1 reference to certain line certificates, I believe, and
2 my question is; are the territories -- strike
3 territories -- are the sections of land listed in that
4 tariff based on both line certificates and service
5 area certificates?

6 A. As reflected in the tariff routing sheet,
7 Paragraph 3.

8 Q. Which exhibit are you looking at?

9 A. Exhibit 11, first two sentences. "Staff
10 and company reviewed certificates of convenience and
11 necessity (CCN) cases and company service orders in
12 the development of proposed tariff sheets. The CCN
13 cases were granted in either a transmission or service
14 area certificate making the development of a service
15 area stated in a metes and bounds format very
16 difficult."

17 What I know now is there was at least one line
18 certificate, which was the 12,632 case. Whether there
19 were others, I don't know.

20 I don't believe line certificates are very common
21 in the gas business.

22 Q. So, I guess going back to my question then,
23 the tariff which -- what is it, 9700571 Tariff
24 Filing -- was based on both line certificate cases and
25 service area certificate cases?

1 A. It was based on at least one transmission
2 line certificate and other area certificates.

3 Q. Mr. Berlin also asked you, I believe,
4 something about whether MGE had done any construction
5 in Sections 13 and 14 of Township 52 north, Range 35
6 west, which I believe are the sections which MGE has
7 requested a CCN for in its application.

8 And if I recall your answer correctly, you said
9 that MGE had begun construction and then stopped
10 construction in those sections; is that correct?

11 A. Yes.

12 Q. When did the construction stop in those
13 sections?

14 A. I can't tell you, I don't know. I know it
15 had stopped by the time we had filed the application.

16 Q. Before you filed the application?

17 A. Yeah.

18 Q. How long have you personally been aware
19 that there was at least one additional local
20 distribution company, in addition to MGE, which
21 claimed service territory in the -- or this competing
22 service territory -- in the Platte City area?

23 A. The earliest I could recall, with a
24 document associated with it, is the '99 time frame.

25 Q. And that would refer to the letter from

1 Dean Cooper to you on behalf of Aquila regarding MGE's
2 planned expansion into Section 6?

3 A. I remember the date. I don't remember
4 the -- off-hand -- the section. I remember the
5 company.

6 MR. KEEVIL: I guess, technically, I'll
7 have this marked.

8 THE WITNESS: Yes, that's the letter I'm
9 recalling.

10 (Empire District Gas Company Exhibit No. 1
11 was then marked for identification by the reporter.)

12 QUESTIONS BY MR. KEEVIL:

13 Q. Mr. Hack, I've handed you a copy of what's
14 been marked as Empire Exhibit 1. Do you recognize
15 that as the letter to you from Dean Cooper regarding
16 the Oak Creek subdivision?

17 A. Again, I don't recall the name Oak Creek
18 subdivision. I do recall the 1999 time frame that
19 this letter confirms.

20 Q. And do you remember the -- without
21 recalling the name of the subdivision -- do you
22 remember the subject matter to which this letter
23 refers?

24 A. Yes.

25 Q. Did you receive a copy of this letter from

1 Mr. Cooper?

2 A. Yes.

3 Q. And would you agree that this letter
4 concerns MGE's intent to expand into Section 6,
5 Township 52, Range 34?

6 A. That's what the first paragraph of the
7 letter relates.

8 Q. Okay. Now, in this letter you were asked
9 to provide evidence of a certificate to serve the
10 sections in question in the letter. Did you respond
11 to Mr. Cooper's letter?

12 A. I have looked for a written response, I
13 can't find one. My recollection is that we had a
14 discussion, and I told him that it was the tariff
15 sheets that we were relying upon for our authority to
16 serve in that section, Section 6.

17 Q. So, that would be similar to the situation
18 regarding Sections 10, 11 and 12 in Township 52 north,
19 Range 35?

20 A. Correct.

21 Q. Now, after receipt of this letter from
22 Mr. Cooper, did MGE expand into Section 6, Township
23 52, Range 34 as referenced in the letter?

24 A. I don't believe so.

25 Q. Why not?

1 A. I don't know.

2 Q. And if MGE knew, at least by August 12,
3 1999, which is the date of the letter from Mr. Cooper
4 to you, if you knew by that date that there was an
5 issue regarding overlapping service territories or a
6 claim of overlapping service territories between, at
7 that time, Missouri Public Service and MGE, did MGE do
8 anything to correct or resolve that dispute?

9 A. No.

10 Q. Why not?

11 A. Like I said earlier in response to
12 Mr. Berlin; the issued died, and there was plenty of
13 other work going on. I don't remember making a
14 specific decision to either pursue it or drop it.

15 MR. KEEVIL: To the extent necessary, I
16 would like to offer Empire Exhibit 1 into the record
17 of the deposition.

18 QUESTIONS BY MR. KEEVIL:

19 Q. Mr. Hack, let me move on now to the Seven
20 Bridges subdivision.

21 It's my understanding that the Seven Bridges
22 subdivision is the subdivision which began in Section
23 12 and is now extended into Sections 13 and 14. Is
24 that your understanding?

25 A. Yes.

1 Q. I believe you said that you -- not you,
2 MGE -- has constructed facilities in Section 12 to
3 serve that subdivision; correct?

4 A. That's my belief.

5 Q. Do you recall when those facilities were
6 constructed?

7 A. Would have been early '06, I believe.

8 Q. And since this is a subdivision, I assume
9 we are talking about residential type service; is that
10 correct?

11 A. That's my belief, but I've not been there.

12 Q. Just to make sure that there's no
13 contention on MGE's part, is there, that the type of
14 service being provided by MGE in that section does not
15 require PSC authorization?

16 MGE is not claiming that it is not -- PSC
17 authority is not required; is it?

18 A. No. If we were, we wouldn't have filed the
19 application to serve 13 and 14.

20 Q. Okay. Now, when MGE began constructing the
21 facilities to serve Seven Bridges in Section 12, was
22 that at around the same time frame that the sale of
23 the Missouri Gas Distribution System, by Aquila to
24 Empire, was pending?

25 A. I don't know.

1 Q. Were you aware that both Aquila and MGE
2 claim to have authority to serve Section 12?

3 A. No.

4 Q. When did you become aware of that?

5 A. Later on in 2006, probably in the summer.

6 Q. Were you aware that Empire District Gas
7 Company initiated contact with MGE in early September
8 2006 to attempt to clarify the issue of the
9 overlapping claims to service territory?

10 A. That's probably why I'm recalling the
11 summer.

12 Q. Is that a yes?

13 A. I don't remember that specifically, but I
14 do remember becoming aware of a conflict with respect
15 to Seven Bridges in the summer of '06.

16 Q. Who initiated that? Do you agree that
17 Empire District Gas contacted MGE about that?

18 A. I don't know.

19 Q. Did Empire District Gas request from MGE a
20 copy of an order granting a certificate of convenience
21 and necessity for Section 12 in the fall of 2006?

22 A. I see an October letter requesting that.
23 That would be the only source of my recollection of
24 that -- October 20th of '06 -- where Empire is asking
25 for certificate.

1 Q. And was MGE able to provide an order, or
2 did MGE provide an order at that time?

3 A. Our reference, as it has been today, has
4 been to the tariff sheets. So, no.

5 Q. In that October 20th, 2006 letter, of which
6 you just referred, did Empire District Gas make a
7 written offer to purchase MGE's facilities in Section
8 12 at net value to dissolve the dispute of the
9 overlapping service territories?

10 A. I suppose you could call it that, yes.

11 Q. Did MGE reject that offer?

12 A. We have -- whether that one or a subsequent
13 one -- yes.

14 Q. Since Empire approached MGE, questioning
15 MGE's authority to serve Sections 12, 13 and 14, has
16 MGE extended additional facilities in those sections?

17 A. I don't believe so.

18 Q. So, you don't believe any additional
19 facilities have been constructed by MGE in any of
20 those sections since the first time Empire approached
21 MGE about this overlapping territory map?

22 A. I don't believe so, but I don't know for
23 certain.

24 Q. Has MGE constructed any facilities in
25 Section 11, Township 52 north, Range 35 west?

1 A. I think so.

2 Q. You think they have?

3 A. Yes.

4 Q. Is that also on the basis of the tariff to
5 which you have referred several times today?

6 A. To the extent it's in the Seven Bridges
7 subdivision, yes. I know there were a couple of kind
8 of stray residential services that have been provided
9 for decades. Those predate my existence, so I don't
10 know what authority may have caused those. But to the
11 extent that it's Seven Bridges, it leaks over into --
12 my understanding -- into Section 11.

13 Q. In Section 12, Township 52 north, Range 35
14 west, did MGE extend facilities north in an attempt to
15 serve the Copper Ridge subdivision after Empire
16 District Gas advised MGE that Empire had the
17 certificate to serve Section 12?

18 A. I don't know.

19 Q. Okay. Let me take part of that away. Has
20 MGE extended facilities in Section 12 to attempt to
21 serve the Copper Ridge subdivision?

22 A. I don't know.

23 Q. Are you familiar at all with the Copper
24 Ridge subdivision?

25 A. Yeah. At one point they were asking us to

1 serve, whether -- I don't know if we ever reached a
2 signed facilities extension agreement with Copper
3 Ridge. My guess would be that I don't think we did.
4 If we did, I don't think we built anything.

5 Q. So, it would come as a surprise to you to
6 learn, hypothetically, that MGE had constructed
7 facilities to reach the Copper Ridge subdivision?

8 A. That would not be my belief. Like I said,
9 I wasn't certain.

10 I believe we had authority to do so.

11 Q. Based on?

A. Based on the tariff.

12 MR. KEEVIL: I think that's all I have.

MR. BERLIN: This is a matter of
13 housekeeping; I'd like to make sure that Staff
14 Exhibits 1 through 11 are entered into the record.

I believe it's Mr. Steiner's opportunity to go
14 forward.

15 MR. STEINER: I don't believe I have any
questions.

15 MR. BERLIN: No further questions then. We
16 are off the record.

17 I'd like the transcript expedited for October 22,
18 2006.

19 MR. KEEVIL: Yes, a copy.

20 MR. STEINER: Regular, mini, E-tran.

21 MR. KEEVIL: Regular, mini, E-tran.

22 MR. BERLIN: Exhibits attached to original,
23 no copies of exhibits.

24 (WHEREIN, the deposition was concluded.)
25

1 CERTIFICATE OF REPORTER

2

3 I, Mindy Vislay, Certified Court Reporter and
4 Notary Public within and for the State of Missouri, do
5 hereby certify that the witness whose testimony
6 appears in the foregoing deposition was duly sworn by
7 me; that the testimony of said witness was taken by me
8 to the best of my ability and thereafter reduced to
9 typewriting under my direction; that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to the action in which this deposition was
12 taken, and further that I am not a relative or
13 employee of any attorney or counsel employed by the
14 parties thereto, nor financially or otherwise
15 interested in the outcome of the action.

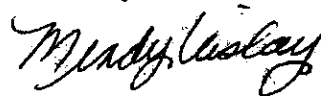
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21

Mindy Vislay, CCR

22

Notary Public within and for

23

The State of Missouri

24

25

MINDY VISLAY
NOTARY PUBLIC
NOTARY SEAL
STATE OF MISSOURI
COMMISSION # 07025735

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the transportation customers for whom the EGM equipment is necessary. The Commission finds in favor of MGE and Staff on this issue.

U. Shipper Trading

The Commission fails to discern any proposed benefit to MGE or its gas users by implementation of a shipper trading proposal similar to that stated in the Hearing Memorandum.

Implementation of the proposal would violate the burner-tip balancing agreement between Williams Natural Gas Company (WNG) and MGE. Furthermore, as demonstrated by MGE witness Gillmore, implementation of this proposal would result in system control being transferred from MGE to a group of shippers. The system control must remain in the hands of MGE. (Ex. 32, p. 31.) Approval of Mountain Iron's shipper trading idea would be, in all probability, an abdication by the Commission of its duty to ensure safe and adequate service by gas corporations. Section 393.130.1, R.S.Mo. (1994). Finally, the Commission sees no competent and substantial evidence in the record to support the shipper trading idea.

For all these reasons, the Commission will not order implementation of the shipper trading idea.

VIII. Certificated Areas

MGE has committed to file tariff sheets with metes and bounds descriptions and maps showing certificated service areas in the State of Missouri by February 28, 1997. (Tr. 1738-1739). This commitment by MGE adequately addressed Staff's concern on this issue. (Staff Initial Brief, p. 183).

The Commission finds that this issue is resolved by virtue of MGE's commitment to file the requested tariff sheets by February 28, 1996.


MISSOURI GAS ENERGY

3420 Broadway, • Kansas City, MO • 64111-2404 • (816) 360-5755

ROBERT J. HACK
 SENIOR ATTORNEY

February 20, 1997

VIA FEDERAL EXPRESS

 Mr. Cecil I. Wright
 Executive Secretary
 Missouri Public Service Commission
 301 W. High, Suite 530
 Jefferson City, Missouri 65102

RECEIVE
FEB 21 1997

 Records
 Public Service Commission

Dear Mr. Wright:

Transmitted herewith are three (3) copies of P.S.C. Mo. No. 1 First Revised Sheet No. 6, canceling Original Sheet No. 6 and Original Sheet Nos. 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15 and 6.16. These tariff sheets bear an issue date of February 21, 1997, and an effective date of April 21, 1997. Also enclosed are three (3) copies of maps depicting the northern and southern regions of MGE's service territory.

MGE files these tariff sheets to clarify the geographic boundaries of its service area as the Commission has directed by its orders in Case Nos. GA-96-130 and GR-96-285. MGE has not filed the maps in tariff sheet format because the reduction necessary to do so would make such maps of questionable utility. We continue to pursue putting these maps in tariff sheet format and will file them in that fashion if the Commission so desires.

Although MGE files these tariff sheets pursuant to Commission directive, they are not, technically speaking, a compliance filing as that phrase has come to be understood. This filing, therefore, should be assigned a file number and treated as a "normal" tariff filing. Nevertheless, because this filing meets the Commission's directive as expressed in the cases listed above, MGE asks that a copy of this cover letter be placed in each case file (GA-96-130 and GR-96-285). Sufficient copies of this letter are enclosed for that purpose.

Please bring this filing to the attention of the Commission for approval. In addition, please forward copies of any Commission Order or notice associated with this filing to:

9700571

Charles D. Hernandez
Director, Pricing and Regulatory Affairs
Missouri Gas Energy
3420 Broadway
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(816) 360-5605

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Sincerely,



RJH/sni

enclosure(s)

cc: Office of the Public Counsel

Revised

P.S.C. MO. No. 1
Canceling P.S.C. MO. No. 1

First Revised
Original

SHEET No. 6
SHEET No. 6

Missouri Gas Energy,
a Division of Southern Union Company

For All Missouri Service Areas

INDEX OF CERTIFICATED AREAS

TOWNSHIP RANGE SECTIONS

ANDREW COUNTY

T58n	R35w	1,2,3,10,11,12,13,14,15,20,21,22,23,24
T59n	R35w	8,9,10,13,14,15,16,17,22,23,24,25,26,27,34,35,36

AUDRAIN COUNTY

T51n	R9w	21
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BARRY COUNTY

T23n	R27w	5,6,7,8,17,18,19,20,21,27,28,29,30,31,32,33
T23n	R28w	1,12,13,24,25,26,27,28,33,34,35,36
T24n	R27w	6,7,18,19,30,31
T24n	R28w	1,2,11,12,13,14,23,24,25,26,36
T25n	R27w	5,6,7,8,9,10,11,14,15,16,17,20,21,28,29,31,32,33
T26n	R27w	31,32,33
T26n	R28w	36
T27n	R24w	31

DATE OF ISSUE February 21 1997
month day year

DATE EFFECTIVE April 21 1997
month day year

ISSUED BY: Charles B. Hernandez

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

Missouri Gas Energy,
a Division of Southern Union Company

For All Missouri Service Areas

INDEX OF CERTIFICATED AREAS

TOWNSHIP RANGE SECTIONS

BARTON COUNTY

T30n	R29w	2,3,4,5,6
T30n	R30w	1,2,3,4,5,6,7
T30n	R31w	1,11,12
T31n	R29w	19,20,21,22,23,26,27,28,29,30,31,32,33,34,35
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T32n	R30w	19,20,29,30,31,32
T32n	R31w	1,2,11,12,13,14,23,24,25,26,35,36
T33n	R31w	1,2,3,11,12,13,14,23,24,25,26,35,36

BUCHANAN COUNTY

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T56n	R36w	1,2,3
T57n	R35w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,19,20, 21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36
T57n	R36w	1,2,3,11,12,23,25,26,27,34,35,36
T58n	R35w	25,26,27,28,29,30,31,32,33,34,35,36
T58n	R36w	36

DATE OF ISSUE February 21 1997
month day year

DATE EFFECTIVE April 21 1997
month day year

ISSUED BY: Charles E. Hernandez

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

Missouri Gas Energy,
a Division of Southern Union Company

For All Missouri Service Areas

INDEX OF CERTIFICATED AREAS

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T52n	R25w	22,23
T53n	R23w	28,29,30,31,32,33

CASS COUNTY

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T43n	R29w	6
T43n	R30w	1,2
T43n	R33w	29,30,31,32
T44n	R29w	18,19,30,31
T44n	R30w	2,3,4,9,10,11,13,14,15,16,21,22,23,24,25,26,27,28,35,36
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T46n	R30w	4,5,6,7,8,9,16,17,18,19,20,21
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DATE OF ISSUE February 21 1997
month day year

DATE EFFECTIVE April 21 1997
month day year

ISSUED BY: Charles B. Hernandez

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

Missouri Gas Energy,
a Division of Southern Union Company

For All Missouri Service Areas

INDEX OF CERTIFICATED AREAS

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTIONS</u>
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CEDAR COUNTY

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T33n	R27w	1,2,3,4,5,6,7,8,9,10,11,12
T33n	R28w	1,2,3,4,5,6,7,8,9,10,11,12,15,16,17,18,19,20,21,22
T34n	R26w	3,4,5,6,7,8,9,10,15,16,17,18,19,20,21,22,27,28,29,30,31,32,33,34
T34n	R27w	23,24,25,26,31,32,33,34,35,36
T34n	R28w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33,34,35,36
T35n	R28w	3,4,5,8,9,10,15,16,17,20,21,22,27,28,29,32,33,34
T36n	R28w	15,16,17,20,21,22,27,28,29,32,33,34

CHRISTIAN COUNTY

T27n	R21w	2,3,4,5,6,7,8,9,10,11,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,33,34,35,36
T27n	R22w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,35,36
T27n	R23w	7,8,9,16,17,18,19,20,21,28,29,30
T27n	R24w	3,4,8,10,11,12,13,14,15,16,17,20,21,22,23,24,28,29,32,33
T28n	R21w	31,32,33,34
T28n	R22w	33,34,35,36

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T50n	R31w	2,3,7,10,11,18
T50n	R32w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,17,18,23,24
T50n	R33w	1,2,3,10,11,12,13,14,21,22,23,24,26,27,28
T51n	R30w	5,6
T51n	R31w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T51n	R32w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T51n	R33w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,27,34,35,36
T52n	R30w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 29,30,31,32
T52n	R31w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T52n	R32w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T52n	R33w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,27,34,35,36
T53n	R30w	1,2,12,13,14,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32, 33,34,35,36
T53n	R31w	1,2,11,12,13,14,15,16,21,22,23,24,25,26,27,28,29,30,31,32, 33,34,35,36
T53n	R32w	25,26,27,28,29,30,31,32,33,34,35,36
T53n	R33w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,27,34,35,36
T54n	R30w	35,36
T54n	R31w	35,36
T54n	R33w	34,35,36

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CLINTON COUNTY

T54n	R31w	1,2,11,12,13,14,23,24,25,26
T54n	R33w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,27
T55n	R30w	6,7,18,19,30,31
T55n	R31w	1,12,13,23,24,25,26,35,36,
T55n	R33w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,27,34,35,36
T56n	R30w	3,4,5,8,9,10,15,16,17,19,20,21,22,28,29,30,31,32,33
T56n	R31w	24,25,36
T56n	R33w	25,26,27,34,35,36
T57n	R30w	19,20,21,22,23,24,25,26,27,28,33,34
T57n	R31w	19,20,21,22,23,24
T57n	R32w	20,21,22,23,24

COOPER COUNTY

T47n	R18w	4,5
T48n	R18w	32,33

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DADE COUNTY

T30n	R26w	5,6
T30n	R27w	1,2,3,4,5,6
T30n	R28w	1,2,3,4,5,6
T30n	R29w	1
T31n	R26w	7,8,17,18,19,20,29,30,31,32
T31n	R27w	11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29, 30,31,32,33,34,35,36
T31n	R28w	3,4,5,6,7,8,9,10,13,14,15,16,17,18,19,20,21,22,23,24,25,26, 27,28,29,30,31,32,33,34,35,36
T31n	R29w	24,25,36
T32n	R28w	3,4,5,6,7,8,9,10,15,16,17,18,19,20,21,22,27,28,29,30,31,32, 33,34
T33n	R28w	27,28,29,30,31,32,33,34

DEKALB COUNTY

T57n	R30w	11,12,13,14,15,16,17,18
T57n	R31w	7,8,9,10,11,13,14,15,16,17,18
T57n	R32w	8,9,10,11,12,13,14,15,16,17

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GREENE COUNTY

T28n	R21w	30
T28n	R22w	13,14,23,24,25
T28n	R23w	2,3,10,11,14,15,18,17,18,19,20,21,22,23,29,30
T28n	R24w	24
T29n	R23w	2,3,4,5,6,7,8,9,10,11,14,15,16,17,18,19,20,21,22,23,26,27,28,29,30,34,35
T29n	R24w	1,2,3,4,12,13,24,25
T30n	R23w	19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36
T30n	R24w	1,2,3,4,5,8,9,10,11,12,13,14,15,16,17,20,21,22,23,24,25,26,27,28,29,32,33,34,35,36
T31n	R24w	13,14,15,16,17,20,21,22,23,24,25,26,27,28,29,32,33,34,35,36

HENRY COUNTY

T43n	R24w	1,2,11,12
T44n	R24w	35,36

HOWARD COUNTY

T50n	R16w	1,2,3,10,11,12,13,14,15,23,24
T51n	R16w	2,3,4,9,10,11,14,15,16,17,20,21,22,23,26,27,28,29,34,35,36
T52n	R16w	26,27,28,33,34,35

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T47n	R29w	7, 18, 19, 20, 29, 30
T47n	R30w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
T47n	R31w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35
T47n	R32w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T47n	R33w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T48n	R29w	4, 5, 6, 8, 9
T48n	R30w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T48	R31w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T48n	R32w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T48n	R33w	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

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T49n	R29w	18,19,28,29,30,31,32,33
T49n	R30w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T49n	R31w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T49n	R32w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T49n	R33w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T50n	R30w	13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31, 32,33,34,35,36
T50n	R31w	8,9,10,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31, 32,33,34,35,36
T50n	R32w	4,5,6,7,8,9,13,14,17,18,22,23,24,25,26,27,28,29,30,31,32, 33,34,35,36
T50n	R33w	1,2,3,4,5,8,9,10,11,12,13,14,16,21,22,23,24,25,26,27,28, 31,32,33,34,35,36
T51n	R31w	32,33

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T27n	R29w	7,8,9,17,18
T27n	R32w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18
T27n	R33w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18
T27n	R34w	1,2,11,12,13,14
T28n	R30w	6,7,18
T28n	R31w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22
T28n	R32w	1,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25, 26,27,28,29,30,31,32,33,34,35,36
T28n	R33w	2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T28n	R34w	1,2,3,10,11,12,13,14,15,22,23,24,25,26,35,36
T29n	R30w	31
T29n	R31w	4,5,8,9,16,17,20,21,28,29,31,32,33,34,35,36
T29n	R32w	5,8,9,10,15,16,17,36
T29n	R33w	31,32,33
T29n	R34w	34,35,36
T30n	R30w	18,19
T30n	R31w	13,14,15,22,23,24,25,26,27,34,35

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T45n	R25w	6
T45n	R26w	1
T45n	R28w	2,3,6,10,11,14,15
T45n	R29w	1
T48n	R24w	14,15,16,21,22,23,27,28,33,34,35
T48n	R25w	17,18,19,20,29,30,31,32,33,34,35,36
T48n	R26w	11,12,13,14,15,16,17,20,21,22,23,24,25,26,27,35,36
T46n	R27w	25,36
T46n	R28w	31
T48n	R29w	36

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<u>LAFAYETTE COUNTY</u>		
T48n	R24w	1,3,4,5,9,12
T48n	R27w	6,7
T48n	R28w	1,2,3,4,5,6,11,12
T48n	R29w	1,2,3,10
T49n	R24w	32,33
T49n	R25w	6
T49n	R26w	1,2,11,12
T49n	R27w	31
T49n	R28w	31,32,33,34,35,36
T49n	R29w	34,35,36
T50n	R24w	24,25,27,28,33,34
T50n	R25w	26,30,31,32
T50n	R26w	25,36
T51n	R24w	14,15,22,23

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LAWRENCE COUNTY

T26n	R25w	2,6,7,8,18,19
T26n	R26w	1,2,4,8,9,11,12,13,14,16,17,23,24
T26n	R27w	5,8,17,19,20,21,28,29,30
T26n	R28w	16,20,21,25,26,28,29
T27n	R25w	25,34,35,36
T27n	R26w	5,6,8,16,17,21,28,33
T27n	R27w	28,29,32
T28n	R26w	29,30,31,32
T28n	R27w	25,36

MCDONALD COUNTY

T21n	R31w	7
T21n	R32w	2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,21,22
T21n	R33w	1,2,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24, 25,26,27,34,35,36
T21n	R34w	3,4,9,10,11,13,14,15,16,21,22,23,24,27,28,33,34
T22n	R32w	4,5,6,7,8,9,16,17,18,19,20,21,26,27,28,29,30,31, 32,33,34,35,36
T22n	R33w	1,2,11,12,13,14,23,24,25,28,35,36
T22n	R34w	27,28,33,34
T23n	R32w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T23n	R33w	1,12,13,24,25,36

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T45n	R17w	14,15,16,21,22

NEWTON COUNTY

T24n	R32w	4,5,8,9,10,11,14,15,16,17,20,21,22,23
T24n	R34w	8,9
T25n	R31w	18,19,20,29,30,31,32
T25n	R32w	13,14,15,22,23,24,25,26,35,36
T25n	R34w	1,2,11,12,13,14,23,24,25,26,35,36
T26n	R29w	2,3,5,10,11
T26n	R31w	3,4,9,10,16
T26n	R32w	5,6,7,8,9
T26n	R33w	1,2,3,4,5,6,7,8,9,10,11,12
T26n	R34w	1,2,11,12,13,14,23,24,25,26,35,36
T27n	R29w	20,29,32
T27n	R32w	19,20,21,29,30,31,32
T27n	R33w	19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36
T27n	R34w	23,24,25,26,35,36

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PETTIS COUNTY

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T44n	R23w	31
T46n	R23w	11,14,15,22,23
T47n	R22w	13,14,23,24,25,26
T48n	R22w	32

PLATTE COUNTY

T50n	R33w	4,5,6,7,8,9
T51n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T51n	R34w	1,2,3,4,5,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23, 24,25,26,27,28,29,30,31,32,33,34,35,36
T51n	R35w	11,12
T52n	R33w	4,5,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T52n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T52n	R35w	1,2,3,4,5,6,7,8,9,10,11,12
T52n	R36w	1,12
T54n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28
T54n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,28,29,30,31,32,33
T54n	R35w	1,2,3,4,5,8,9,10,11,12,13,14,15,16,17,
T55n	R34w	31
T55n	R35w	32,33,34,35,36

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RAY COUNTY

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T53n	R29w	5,6,7,18,19,30,31,32,33,34
T54n	R29w	31,32

SALINE COUNTY

T48n	R23w	2,3,6,7,10,11,12,14,15,
T50n	R21w	2,3,4,9,10,16
T50n	R23w	11,12,13,14,19,30
T51n	R20w	1,2,3,10,11,12,14,15,16,19,20,21,22,27,28,29,30
T51n	R21w	24,25,26,33,34,35,36

STONE COUNTY

T25n	R24w	3,4,5,8,9
T26n	R24w	4,5,8,9,16,17,20,21,28,29,32,33,34

VERNON COUNTY

T34n	R31w	13,14,23,24,25,26,27,34,35,36
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DATE OF ISSUE February 21 1997
month day year

DATE EFFECTIVE April 21 1997
month day year

ISSUED BY: Charles B. Hernandez

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
Kansas City, MO. 64111

**MISSOURI GAS ENERGY**

3420 Broadway, • Kansas City, MO • 64111-2404 • (816) 360-5755

ROBERT J. HACK
SENIOR ATTORNEY

April 10, 1997

Mr. Cecil I. Wright
Executive Secretary
Missouri Public Service Commission
P.O. Box 380
Jefferson City, Missouri 65102

RECEIVED
APR 11 1997
Records
Public Service Commission

Re: Tariff File #9700571

Dear Mr. Wright:

The tariff sheets in the above-referenced file, which describe the company's service area, currently bear a proposed effective date of April 21, 1997. Pursuant to the request of the Commission's staff, Missouri Gas Energy respectfully requests that the proposed effective date of these tariff sheets be extended for thirty (30) days, until May 21, 1997.

Thank you in advance for your attention to this matter. If you have any questions or need additional information, please call me at (816) 360-5755.

Sincerely,

cc: Mack McDuffey
Office of the Public Counsel
Charley Hernandez



MISSOURI GAS ENERGY

3420 Broadway, • Kansas City, MO • 64111-2404 • (816) 360-5755

ROBERT J. HACK
SENIOR ATTORNEY

RECEIVED

APR 17 1997

MISSOURI
Public Service Commission

April 11, 1997

Mr. Mack McDuffey
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Tariff File No. 9700571

Dear Mack:

Per your request, attached is a list of orders that MGE used in preparing the above-referenced tariff filing. Please call if you have questions.

Sincerely,

CC: Charley Hernandez

Date of Order	Case No.	Company
November 22, 1935	9,059 9,060 9,065	Gas Service, Cities Service & Kansas City Gas
November 21, 1935	9,274	Gas Service
January 20, 1941	9,962	Gas Service
July 10, 1947	11,058	Gas Service, Interstate Gas Co.
March 24, 1950	11,874	Gas Service
June 4, 1954	11,928	Gas Service, Platte County Gas & Missouri Valley Gas & Oil
December 15, 1950	12,066	Gas Service
December 14, 1951	12,284	Central West Utility Company
July 14, 1954 (& Supp. Orders)	12,354 12,415 12,419	Central West Utility Co. & Gas Service
May 24, 1955	12,632/12,674	Gas Service/Missouri Public Service
July 21, 1955	13,159	Gas Service
June 15, 1956	13,356	Gas Service
April 23, 1957	13,614	Gas Service
April 23, 1957	13,644	Gas Service
October 14, 1957	13,794	Gas Service
May 26, 1958	13,882	Gas Service Purchase of Missouri Power & Light
June 12, 1958	13,943	Gas Service
December 20, 1958	14,070	Gas Service
December 22, 1958	14,543	Gas Service
December 22, 1958	14,544	Gas Service
November 10, 1960	14,545	Gas Service
May 5, 1961	14,676	Gas Service
July 13, 1961	14,723	Gas Service
July 13, 1961	14,724	Gas Service
March 8, 1962	14,866	Gas Service
March 8, 1962	14,882	Gas Service
May 17, 1962	14,933	Gas Service
May 24, 1962	14,941	Gas Service
October 30, 1962	15,093 (Suppl Orders 10/1/62)	Gas Service
November 1, 1962	15,107	Gas Service
October 30, 1962	15,117	Gas Service
March 22, 1963	15,177	Gas Service
March 25, 1963	15,178	Gas Service
April 19, 1963	15,217	Gas Service
June 15, 1963	15,239	Gas Service
June 13, 1963	15,250	Gas Service
June 13, 1963	15,251	Gas Service
June 13, 1963	15,252	Gas Service
June 13, 1963	15,253	Gas Service
July 10, 1964	15,520	Gas Service Purchase Carl Junction Gas
November 10, 1960	15,545	Gas Service
December 14, 1964	15,630	Gas Service
September 21, 1965	15,803	Gas Service

Date of Order	Case No.	Company
May 11, 1966	Amended Order	Gas Service
July 13, 1967	Supp. Order	Gas Service
March 29, 1966	15,937	Gas Service
March 30, 1966	15,938	Gas Service
March 30, 1966	15,944	Gas Service
May 20, 1966	15,987	Gas Service
August 23, 1968	15,994	Gas Service
December 15, 1966	16,111	Gas Service
January 20, 1967	16,127	Gas Service
April 14, 1967	16,146	Gas Service
April 14, 1967	16,147	Gas Service
April 14, 1967	16,148	Gas Service
April 14, 1967	16,172	Gas Service
April 14, 1967	16,178	Gas Service
April 14, 1967	16,180	Gas Service
September 22, 1967	16,190	Gas Service
September 22, 1967	16,191	Gas Service
September 22, 1967	16,192	Gas Service
September 22, 1967	16,194	Gas Service
September 22, 1967	16,204	Gas Service
September 22, 1967	16,205	Gas Service
September 22, 1967	16,217	Gas Service
September 22, 1967	16,218	Gas Service
September 22, 1967	16,219	Gas Service
October 1, 1968	16,327	Gas Service
May 21, 1968	16,472	Gas Service
September 5, 1968	16,495	Gas Service
July 29, 1968	16,552	Gas Service
May 5, 1971	17,101	Gas Service
June 29, 1972	17,480	Gas Service
May 15, 1986	GA-86-109	Kansas Power & Light
February 6, 1987	GA-87-28	Kansas Power & Light
May 6, 1988	GA-88-160	Kansas Power & Light
April 18, 1995	GA-95-189	Missouri Gas Energy

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Application of The Gas Service Company
for a certificate of convenience and
necessity to serve as a natural gas
public utility in described area in
Platte County, Missouri.

CASE NO. 12,632

Application of Missouri Public Service
Company for a certificate of convenience
and necessity for ownership, operation
and maintenance of a natural gas distribution
system and all connecting lines required
therewith within Platte County, Missouri.

CASE NO. 12,674

APPEARANCES:

For The Gas Service Company

Jerry Duggan
Kyle D. Williams

For Missouri Public Service Company

A. Z. Patterson

For Kansas City, Missouri

David M. Proctor, By:
Frank O. KnightFor Cities Service Gas Company, as
Interest May AppearJohn Hendren of
Hendren & Andrea
Jefferson City, Mo.
O. R. Stites,
Oklahoma City, Okla.

For City of St. Joseph, Missouri

Whitney W. Potter

For the Commission

Glenn D. Evans, Gen. Counsel
Frank J. Iuen, Ass't. Gen.
Counsel
G. R. Gilcrest, EngineerREPORT AND ORDER

These cases are before the Commission by virtue of applications filed July 11, 1953 and August 27, 1953 by The Gas Service Company of Kansas City, Missouri, (hereinafter sometimes referred to as "Gas Service") and the Missouri Public Service Company (hereinafter sometimes referred to as "Public Service") of Warrensburg, Missouri, respectively for authority to render natural gas service in specified areas of Platte County, Missouri.

The cases were set for hearing before the Commission at its hearing room in Jefferson City on May 2, 1955, and were then and there heard by the Commission en banc after due notice had been given to all interested parties. The two cases, as entitled above, because of their similarity in issues were set and heard at the same time and submitted on the record joined and made at that hearing. Appearances

were as stated above. The following recitals, findings and conclusions are based on the record as submitted.

FINDINGS OF FACT

The Gas Service Company is a public utility corporation duly organized under the laws of the State of Delaware and authorized in the State of Missouri to engage in the business of distributing and selling natural gas in said State, and is and at all times has been under the jurisdiction of this Commission. Its Articles of Incorporation and Amendments thereto are on file with the Secretary of the State of Missouri, and have previously been filed with this Commission in connection with other cases, reference to which was made to avoid repetition. Its financial condition as of December 31, 1954 is shown by its Exhibit No. 5 filed in this proceeding. Gas Service obtains all its gas for distribution in the Kansas City area from Cities Service Gas Company which is the principal source of natural gas in that area.

The Missouri Public Service Company is a Missouri corporation, duly authorized to engage as a public utility under the jurisdiction of this Commission in the rendition of electric, gas and water utility service in the State of Missouri. Its Articles of Incorporation and all Amendments thereto have been previously filed with this Commission. It has been duly certified and authorized to operate natural gas properties within the incorporated communities of Weston and Platte City in Platte County, Missouri. It also provides natural gas service to the community of Tracy in Platte County, Missouri.

Applicant Gas Service was granted a certificate of convenience and necessity by this Commission on June 14, 1950, in Case No. 11,928, to provide natural gas service in a certain area in Platte County, Missouri; said area being located in the southeast corner of Platte County extending approximately eight miles north from the Missouri River and extending west from the east line of Platte County approximately four miles in the northern half, the southern portion averaging approximately two miles wide, including the community of Platte Woods which is situated in the northwest portion of said area. Said area is that portion of Platte County outlined in red on a map submitted as Gas Service Exhibit No. 6. This service area also extends eastward into Clay County, Missouri, and is supplied by three lines extending north across the Missouri River from the Kansas City Distribution system.

The City of Kansas City has purchased some 1,500 acres of land in Platte County, situated approximately eight miles north of the Missouri River and midway between the communities of Platte City and Platte Woods along the west side of U. S. Highway No. 71 and approximately two miles west of the communities of Linkville and Ferrelview. This area is indicated on Gas Service Exhibit No. 6 by a green outline. The City of Kansas City proposes to establish on this tract an industrial airport including a terminal building and other buildings and structures which will be leased to the Trans-World Airlines, Inc., as an overhaul station ultimately employing some 2,000 to 3,000 employees, the project to cost approximately \$25,000,000. Kansas City employed the services of a private consulting engineering firm to make necessary studies to determine the amount of natural gas that would be required in the operation of this airport. The results of this study indicated that the maximum daily requirement of interruptible gas would be 4,300 Mcf and the maximum daily requirement of firm gas would be 44,100 cubic feet. The interruptible gas is to be used, among other things, for boiler fuel to generate heating and process steam. The facilities using interruptible gas will be supplemented by stand-by equipment, including storage for 300,000 gallons of fuel oil.

Prior to the time of the filing of application by Gas Service the City of Kansas City requested said applicant to make provision for furnishing gas service to the City at said industrial airport site. However, subsequent to this request the City of Kansas City elected that Trans-World Airlines should contract direct for its gas supply as evidenced by Gas Service Exhibit No. 1, being a copy of a letter from the Director of Aviation for the City of Kansas City, which states:

"Kansas City has been advised by counsel for your company that Trans-World Airlines desires to contract directly with the Gas Service Company for its gas supply at the TWA Overhaul Base on the Mid-Continent International Airport.

"With reference to Article XIII of the Lease and Agreement between Kansas City and Trans-World Airlines, Inc., the City does not elect to supply TWA with Gas and therefore consents that TWA may contract directly for its gas supply."

The applications herein seek authority to not only serve the airport with interruptible gas but also to provide firm gas service in prescribed areas which encompass the airport site.

The communities of Weston, Tracy and Platte City are provided with natural gas service by Public Service through town-border stations which are supplied by three inch lines owned by Cities Service Gas Company. These three inch lines,

one to Tracy and Platte City and one to Weston are tapped to a 12 inch line which extends from the Tonganoxie Pump Station in Kansas across the Missouri River south of U. S. Military Reservation of Fort Leavenworth and north to St. Joseph, Missouri, passing between the communities of Weston and Platte City.

The rural area surrounding the airport site, which Gas Service seeks authority to serve, comprises approximately 64.5 square miles which includes the airport site and the unincorporated communities of Hampton, Tiffany Springs, Ferrelview and Linkville. The proposed area boundary is outlined in blue on Gas Service Exhibit No. 6. This area which adjoins Gas Service's presently certificated service area in the southeast corner of Platte County is within the following described boundary:

Beginning at the northeast corner of Section 9, Township 52, Range 33, thence west a distance of nine miles to the northwest corner of Section 7, Township 52, Range 34, thence south a distance of nine miles to the southwest corner of Section 19, Township 51, Range 34, thence east a distance of approximately four and one-half miles to the center of the south line of Section 23, Township 51, Range 34, thence north a distance of one mile to the center of the north line of Section 23, Township 51, Range 34, thence east a distance of one-half mile to the northeast corner of said section, thence north a distance of three miles to the northeast corner of Section 2, Township 51, Range 34, thence east a distance of four miles to the southeast corner of Section 33, Township 52, Range 33, thence north a distance of five miles to the point of beginning.

Gas Service proposes to provide natural gas service to the airport site through a ten inch transmission line approximately fourteen miles long, extending from a proposed new sixteen inch river crossing at a cost of approximately \$285,760.00. The proposed route of this line is shown in orange on Gas Service's Exhibit No. 6.

As hereinbefore stated the southeast corner of Platte County is now being served with natural gas by Gas Service through three separate lines extending across the Missouri River from the Kansas City distribution system. As requirements demand, firm gas could and would be supplied to the rural area outside the airport site and within the above described service area from these existing facilities within this certificated area situated southeast of the airport site.

Evidence of record indicates that by virtue of the nature of the source of supply for Gas Service's proposed ten inch line the St. Joseph twelve inch line would not be drawn down to the extent of jeopardizing the firm gas supply to the City of St. Joseph. St. Joseph's only source of supply is the twelve inch line which is indicated in brown on Gas Service's Exhibit No. 6. As heretofore

stated, the maximum daily requirement for firm gas on the airport site is 44,100 cubic feet.

Referring to Cities Service Gas Company Exhibit No. 1, which is a photostat of a letter signed by a Vice President and directed to The Gas Service Company, we quote in part as follows:

"x x x You represented that the requirements of this airport are estimated as follows:

	<u>Peak Hour</u> Mcf	<u>Peak Day</u> Mcf	<u>Annual</u> Mcf
Firm Demand	6	44.1	15,000
Interruptible	252	4300	456,000

x x x

In order to serve the airport you have requested that we grant a tap from our St. Joseph 12-inch pipeline. This request has been thoroughly discussed with the Operating Division and the Management of this company.

At this time service in the general area of Kansas City, Missouri, and Kansas City, Kansas, is rendered through six major town border measuring stations and numerous other small measuring stations. Our gas supply at these stations is more than ample to deliver the additional gas required for the industrial airport. Most of the present capacity of our St. Joseph 12-inch pipeline is required during peak periods to serve current and immediate future demands of communities supplied from that line.

For these reasons we feel that deliveries of gas for the airport should be rendered through existing measuring stations for the Kansas City area and delivered to your customer through extension of your distribution system. However, we are aware of the problem confronting your company with this particular customer and upon consideration of that problem we are willing as an accommodation to your company to grant a connection to our St. Joseph line with the following understanding: x x x Deliveries through such connection shall be utilized only for the purpose of rendering firm and interruptible service to the airport. Your company shall not inter-connect your proposed pipe line to serve the airport with your existing distribution system for the purpose of supplementing the supply of gas for the area north of Kansas City, Missouri.

In view of the demand, data which you have supplied, the maximum daily delivery through the new connection for firm and interruptible service shall not exceed 5,000 Mcf. During winter periods, when firm service only is rendered through the new connection, maximum daily deliveries per such firm service shall not exceed 500 Mcf. curtailment of the interruptible portion of the airport load shall be effected upon request by our company and such request will be made when, in the opinion of our operators, curtailment is necessary to protect deliveries from our St. Joseph line north of this proposed connection."

The application of the Missouri Public Service Company, in addition to serving the airport site, seeks a certificate of convenience and necessity to serve the natural gas requirements of that portion of Platte County, Missouri, north of a line extending northeast from the center of the west line of Section 10 (Missouri River), Township 51 N, Range 35 W to the northeast corner of said

51 N, Range 35 W; thence north to the southwest corner of Section 6, Township 51 N, Range 30 W; thence east one mile; thence north one and one-half mile to the center of the west line of Section 32, Township 52 N, Range 30 W; thence east approximately eight and one-quarter miles to the east county line of Platte County. This area coincides with the area in Platte County for which this company now has authority to serve its electrical customers.

Public Service Exhibit No. 3, which is a map of a portion of Platte County, indicates this area boundary by a red line. The area for which this applicant seeks authority to serve with natural gas constitutes approximately 5/7's of Platte County or 297 square miles which includes, in addition to the airport site, more than twenty-four communities, including Ferrelview, Linkville, Dearborn, Edgerton and Camden Point in addition to the three communities which this company is presently serving.

Public Service proposes to construct 12 miles of six inch pipeline from a connection with the 12-inch St. Joseph supply line at a point approximately two miles southeast of the community of Weston to the airport site. It is also proposed to extend a three inch line east from this line at the airport to serve the communities of Ferrelview and Linkville.

The Missouri Gas and Electric Service Company, predecessor of Missouri Public Service Company, was authorized in 1930 in Cases Nos. 7381 and 7382 to serve the communities of Platte City and Weston with natural gas. In Case No. 7414 Cities Service Gas Company was authorized to construct two three-inch pipelines to serve these two communities from the 12-inch St. Joseph pipeline. The delivery of gas to these communities is subject to a "Contract for Sale of Gas for Resale" executed June 13, 1947, by and between Cities Service Gas Company and Missouri Gas and Electric Service Company. A copy of this contract was submitted as Public Service Exhibit No. 4 and reads in part as follows:

"1. The Company agrees to sell and deliver and the Utility agrees to purchase and receive and pay for, under the conditions hereinafter recited, all of the natural gas required by the Utility (subject to applicable curtailment and interruption provisions of the Company's rate schedules) to supply the demands of all of its customers in and about said cities of x x x Platte City, Weston, Tracy, x x x Missouri."

Missouri Public Service Company contends that this contract will enable it to supply the airport and all of that part of Platte County which it desires to serve

on the basis that all of such area is "in and about" Platte City, Weston and Tracy.

Regardless of which applicant is given authority to serve the airport site, it will secure the gas from a tap on the 12-inch line which serves and terminates at St. Joseph, Missouri. This 12-inch line serves other communities en route, and it is from this same line that Platte City, Weston and Tracy are now served. Most of the present capacity of such line is required during peak periods to serve current demands of the communities supplied from that line. A city of the size of St. Joseph located at the end of the line creates a problem for the supplier (Cities Service Gas Company) and the citizens of said city are entitled to have their prior rights protected. While the firm and interruptible supply of gas needed to meet the requirements of the airport is available without affecting the necessary supply to St. Joseph and other communities on this line, there is no evidence of the availability of gas from such line to serve the area surrounding the airport.

CONCLUSIONS OF LAW

It is the conclusion of the Commission that either the 6" line proposed by Public Service or the 10" line proposed by Gas Service would be adequate to serve the airport site and that the maximum of 500 Mcf of firm load that would be drawn from the St. Joseph 12" line by either of these lines would not cause a shortage of supply of firm gas to the City of St. Joseph. However, the use of this 500 Mcf of firm gas is restricted to the airport site only and neither company would be permitted to interconnect its airport supply line with distribution lines to serve areas outside of the airport.

So far as the ability of either of these applicants to serve the airport is concerned, we find that they are both able to serve it and the gas required for such purpose will be available from the St. Joseph 12-inch line as per Cities Service Exhibit 1. However, each applicant asks permission to serve an area beyond the airport, the exact areas of each having been heretofore set out. The desire to serve beyond the airport site was for the very obvious reason that the construction of the airport and the employment of 2,000 to 3,000 employees will result in construction of homes and businesses in the territory surrounding the airport with a need and demand for firm gas service. Both applicants recognized this potential need and in their testimony attempted to show that they would be able to serve in the respective areas for which they seek authority.

over and above the needs of the airport and the ability of the applicants to meet such need is important to the public and is a factor that must be considered by the Commission in reaching our decision.

It is our opinion and we find from the evidence that Missouri Public Service Company could not secure gas to serve any appreciable part of the area around the airport. Its chief witness on this point testified that in his opinion the "in and about" in the contract (which contract would be the only source of supply) would include all the area in Platte County which they sought to serve. We cannot agree to such an interpretation. The word "about" is defined in Webster's New International Dictionary as meaning "near, in the vicinity." We cannot believe that the parties to the contract contemplated that practically all of Platte County is "in and about" the towns mentioned. Rather it is our conclusion that this contract would provide gas for the distribution system in the city, and such additional territory adjacent to and "about" such city as would ordinarily be served out of such distribution system. But when you leave Platte City and attempt to construct transmission lines to other communities throughout the county, we cannot find that such additional area could be served under this contract. An interpretation as claimed would undoubtedly result in a shortage of gas in the St. Joseph line, and would not be in the public interest of the old or prospective customers.

The new area for which Gas Service Company seeks authority to serve is contiguous to a certificated area in which it is now serving and from which it can provide an ample supply of gas to such new area. Cities Service Exhibit No. 1 shows that gas will be available through this outlet, and would not affect the supply in the line to St. Joseph. This new area, while quite smaller than the area requested by Missouri Public Service Company, will cover that portion of the territory which will be most affected by the presence of the airport and will not invade the area now served by Missouri Public Service Company.

Gas Service now serves the city of Kansas City, and such city as the owner of the airport prefers that Gas Service provide the gas at the airport site. At the request of such city, Gas Service filed its application on July 11, 1953. Thereafter, on August 27, 1953, Missouri Public Service Company filed its application. While the preference of the city and the prior filing by Gas Service would not be of such

weight as to control our decision, we do find that under all the facts and circumstances as shown by the evidence, such factors should be given due consideration.

After careful consideration of all the evidence, the Commission is of the opinion that it will be in the public interest to grant the application of The Gas Service Company. Therefore, the application of Missouri Public Service Company in Case No. 12,674 will be denied, and the application of The Gas Service Company in Case No. 12,632 will be granted.

It is, therefore,

ORDERED: 1. That the application of the Missouri Public Service Company in Case No. 12,674 be and the same is hereby denied.

ORDERED: 2. That The Gas Service Company be and is hereby authorized to construct, operate and maintain a ten-inch pipe line for the purpose of supplying natural gas to the Mid-Continent Airport site as set forth on Exhibit "B" attached to its supplemental application which is hereby referred to and made a part hereof.

ORDERED: 3. That The Gas Service Company be and is hereby granted a certificate of convenience and necessity to provide natural gas service within the following area:

Beginning at the northeast corner of Section 9, Township 52, Range 34, thence west a distance of nine miles to the northwest corner of Section 7, Township 52, Range 34, thence south a distance of nine miles to the southwest corner of Section 19, Township 51, Range 34, thence east a distance of approximately four and one-half miles to the center of the south line of Section 23, Township 51, Range 34, thence north a distance of one mile to the center of the north line of Section 23, Township 51, Range 34, thence east a distance of one-half mile to the northeast corner of said section, thence north a distance of three miles to the northeast corner of Section 2, Township 51, Range 34, thence east a distance of four miles to the southeast corner of Section 33, Township 52, Range 33, thence north a distance of five miles to the point of beginning, all in Platte County, Missouri.

ORDERED: 4. That all construction pursuant to authority granted in ORDERED: 2 and ORDERED: 3 above shall be maintained and operated in a reasonably safe and adequate manner so as not to endanger the safety of the public or to interfere unreasonably with the services of other public utilities.

ORDERED: 5. That this order shall take effect on June 24, 1955, and that the Secretary of the Commission shall forthwith serve on all parties interested herein a certified copy of this report and order and that applicants shall

notify the Commission in the manner prescribed by Section 386.490 RS Mo 1949,

whether the terms of this order are accepted and will be obeyed.

BY THE COMMISSION

Marvin P. Moore

Marvin P. Moore
Secretary

(SEAL)

Burton, Chr., Henson, McClintock,
and McQueen, CC., Concur.

McDonald, C., Not Voting.

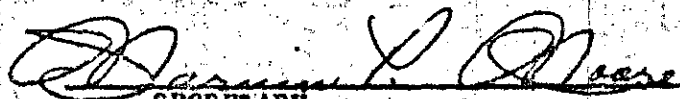
Dated at Jefferson City, Missouri,
this 24th day of May, 1955.

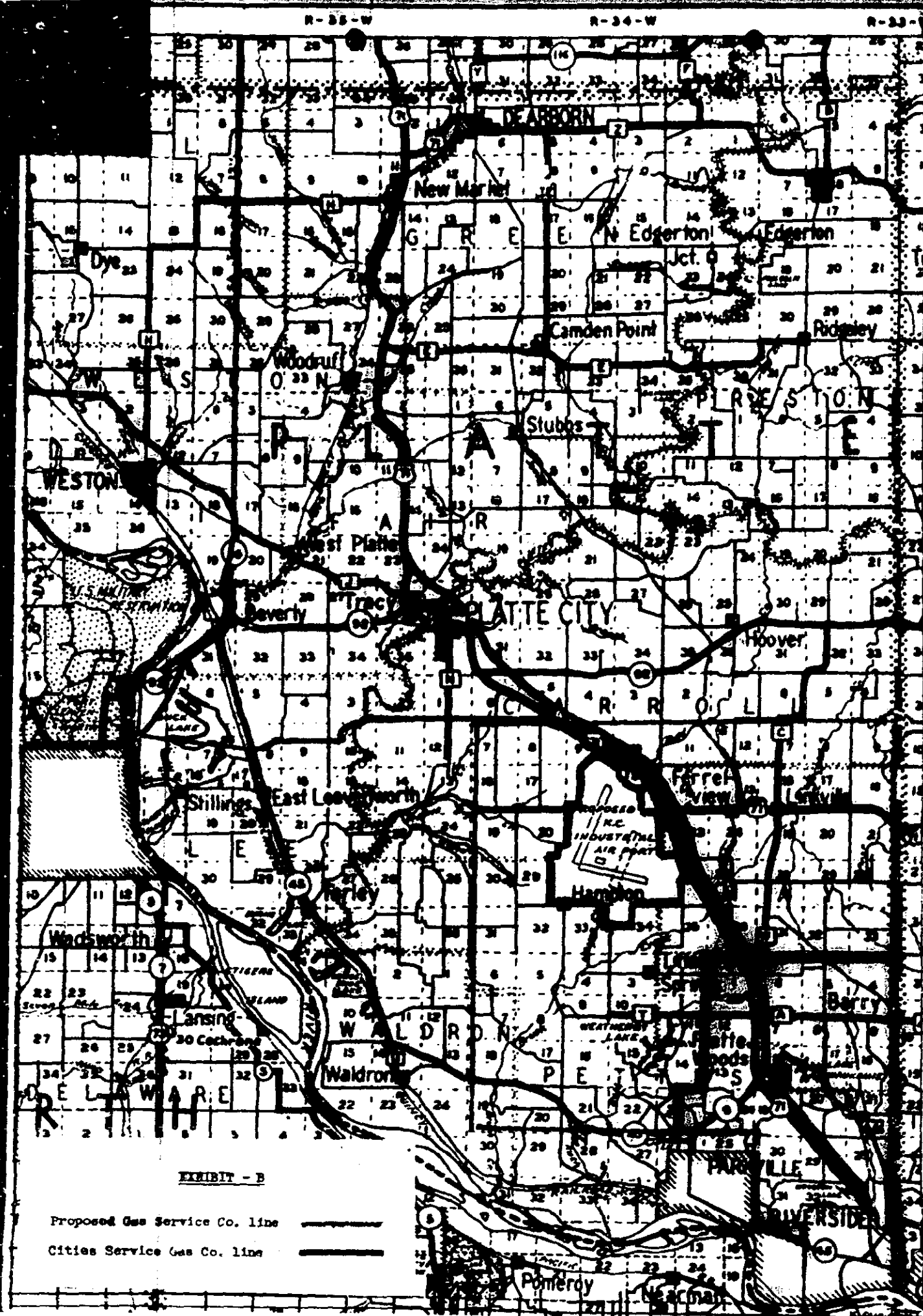
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, this 24th day of May, 1955.


SECRETARY



OF THE STATE OF MISSOURI

Application of The Gas Service Company }
for a certificate of convenience and }
necessity to serve as a natural gas }
public utility a described area in }
Platte County, Missouri. }

CASE NO. 12,632

ORDER MODIFYING COMMISSION REPORT AND
ORDER DATED MAY 24, 1955

This matter comes before the Commission on a Motion to Modify the Report and Order of the Commission dated May 24, 1955 and effective on June 24, 1955, wherein the Applicant, The Gas Service Company seeks modification of "Ordered: 2" of said Report and Order in which the Commission authorized The Gas Service Company to construct, operate and maintain a ten-inch pipe line for the purpose of supplying natural gas to the Mid-Continent Air Port site as set forth on Exhibit "B" attached to the Supplemental Application.

From this motion it appears that since the Commission issued the above Report and Order, The Gas Service Company has determined that a twelve-inch pipe line can be installed from the point of connection of the supply line of The Cities Service Gas Company to the site of the Mid-Continent Air Port at a cost of approximately \$70,000. less than the cost of installing the ten-inch line authorized by said "Ordered: 2."

It further appears from this motion that representatives of the municipalities of Kansas City and St. Joseph, intervening parties in the above cause, have been advised of the circumstances which will permit the installation of the twelve-inch pipe line at a savings to the company and that said municipalities by their representatives have indicated to the Applicant that they have no objection to the installation of the larger pipe line.

After considering said motion the Commission is of the opinion and finds that the motion should be sustained and that "Ordered: 2" of the Commission's Report and Order of May 24, 1955, should be modified as prayed for in said motion.

It is, therefore,

ORDERED: 1. That "Ordered: 2" of the Commission's Report and Order of May 24, 1955, be and the same is hereby modified to read as follows:

"ORDERED: 2. That The Gas Service Company be and it is hereby authorized to construct, operate and maintain a twelve-inch pipe line for the purpose of supplying natural gas to the Mid-Continent Air Port site as set forth on Exhibit "B" attached to its Supplemental Application which is hereby referred to and made a part hereof."

ORDERED: 2. That this Order shall be effective on June 24, 1955 and the Secretary of the Commission shall forthwith serve a certified copy of same on all parties interested herein.

BY THE COMMISSION

Marvin P. Moore
m.p.
MARVIN P. MOORE
SECRETARY

(SEAL)

Burton, Chr., Henson, McClintock,
McQueen and McDonald, CC., Concur.

Dated at Jefferson City, Missouri
on the 2nd day of June, 1955.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Exhibit 8

Application of The Gas Service
Company for a certificate of
convenience and necessity to
serve as a natural gas public
utility a described area in
Platte County, Missouri.

CASE NO. 12,632

REPORT AND ORDER

By its reports and orders issued herein on the 24th day of May, 1955 and the 24th day of June, 1955, The Gas Service Company was authorized to construct, maintain and operate a 12 inch pipeline in Platte County, Missouri, along the route as described in said orders for the purpose of supplying natural gas to the Mid-Continent International Airport site in said county.

On November 16, 1956, The Gas Service Company, applicant herein, filed its motion to modify the aforesaid reports and orders so as to permit said applicant to use the full and unrestricted capacity of said pipeline for the supplying of natural gas to other areas for which the applicant has been certificated in the proximity of or beyond the Mid-Continent International Airport. The applicant states and the record in this case shows that in the former orders of May 24, and June 24, 1955, the applicant was authorized to restrict the use of the said 12 inch line to the needs of the Mid-Continent Airport only in order that the supply of service to St. Joseph and other communities served from the same source would be protected. The supply of gas at that time furnished to the applicant was from the facilities of an interstate pipeline owned and operated by the Cities Service Gas Company.

The applicant now shows that on October 1, 1956, the Cities Service Gas Company completed the construction of an additional 16 inch pipeline to serve St. Joseph, Missouri. It states that the new line is now in operation and provides St. Joseph with an

additional supply of gas for domestic, commercial and industrial customers in and about St. Joseph. The applicant claims that there is no need now to supply the Mid-Continent International Airport only. It requests authority now to use the full capacity of the 12 — inch line authorized heretofore in this case to provide improved service to customers in and about Platte Woods, Gladstone, Missouri and other areas near or beyond the Mid-Continent International Airport.

Attached to the application is an exhibit which is a map showing the additional pipeline construction required in order to make the capacity of the 12 inch line serving the airport also available to the other areas now served by the applicant. This map shows that the additional construction will comprise approximately six miles of pipeline to make the necessary connections.

After receiving the application a copy was sent to the City Counselor of the City of St. Joseph inquiring as to whether or not the City has any objections to the granting of the authority requested. At a later date the Commission received a letter dated November 26, 1956, from The Gas Service Company and signed by the Vice President and General Counsel of the applicant setting forth information relative to the capacity now available for transmitting gas to the City of St. Joseph as provided by the Cities Service Gas Company, and the amount of gas it could be expected to render the City of St. Joseph on any maximum day that may occur in that area and also the gas that may be available in the area for which the applicant now seeks authority to construct the proposed lines.

In response to that inquiry the City Counselor advises the Commission that it has studied the information provided and responds with a statement that the City of St. Joseph will not oppose the granting of the authority requested and is not asking for a public hearing relative thereto.

Applicant states that if authority to construct the connecting lines as herein proposed is granted it will be in a better position to provide service to its present and future customers in areas for which it is now certificated and that such construction in use of the 12 inch line will not impair service to any of its present or future customers in St. Joseph, Missouri.

The information contained in the application has been sworn to by the president of the applicant company and is hereby accepted by the Commission as facts relating to the proposed construction.

The facts show that the construction will be in the public interest and that none of the customers now served or to be served in any of the applicant's certificated areas will be adversely affected by the construction as proposed or the change in the use of the present 12 inch line heretofore authorized in this case.

Under such showing the Commission is of the opinion that a hearing is not required for the proper determination of the matters involved and finds the authority requested should be granted.

It is, therefore,

ORDERED: 1. That The Gas Service Company be and is hereby authorized to construct, maintain and operate connecting lines that will enable it to make full use of and is hereby authorized to so use the 12 inch line heretofore authorized in orders issued herein on May 24 and June 24, 1955, supplying gas to its distribution system in Platte Woods and Gladstone, Missouri, and in other areas for which the applicant has heretofore been certificated, the route of said lines being more fully described by a map attached to the application and made a part thereof and marked as Exhibit A which is hereby referred to and made a part hereof.

ORDERED: 2. That all construction pursuant to authority granted in ORDERED: 1 above shall be maintained and operated in a reasonably safe and adequate manner so as not to endanger the safety of the public or to interfere unreasonably with the services of other public utilities.

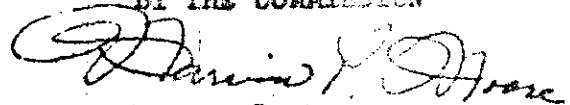
ORDERED: 3. That this order shall take effect on December 31, 1956, and the Secretary of the Commission shall forthwith serve a certified copy of same on each interested party.

(SEAL)

Burton, Chr., Renson, McClintock,
McDonald and Barton, CC., Concur.

Dated at Jefferson City, Missouri
this 18th day of December, 1956.

BY THE COMMISSION



Marvin P. Moore
Secretary

EXHIBIT E

MISSOURI PUBLIC SERVICE COMPANY

CONFORMED COPY OF PERMIT FROM PLATTE COUNTY COURT

IN THE COUNTY COURT OF PLATTE COUNTY, MISSOURI

In the Matter of the Application of)
Missouri Public Service Company for)
a permit authorizing it to construct,)
operate and maintain pipe lines for)
transmission of gas along, across, or)
under the roads, highways and public)
ways of Platte County, Missouri.)

Mo. P.S.C. Exhibit No. 1
Mo. 5/55 Case No. 12132-12174
Register Julian M. Russell

ORDER

WHEREAS, the Missouri Public Service Company proposes to extend certain gas pipe lines in and through Platte County for supplying gas for public use and service in said County, and

WHEREAS, the said pipe lines will extend along, across or under roads, highways and public ways which are a part of the Platte County road system, and which are under the jurisdiction of the Platte County Court and the supervision of the County Highway Engineer.

THEREFORE, Be It Ordered, that Missouri Public Service Company, its successors and assigns, be and they are hereby authorized to construct, lay, operate and maintain pipe lines and mains, stub pipes, service pipes, valves, regulators, and other appurtenant equipment, along, across or under the roads, highways and public ways of Platte County, Missouri.

This permit is granted in consideration of the covenants by the said grantee that paving removed or disturbed will be restored to original condition by grantee at its own expense, and that all work shall be done under the supervision and to the full satisfaction of the County Highway

Engineer; that the work shall be diligently prosecuted and that it will cause no inconvenience to the public using said highways and roads; that at any time the County Court or its successors shall deem it necessary to change the grade or reconstruct or widen any of such highways or roads, the grantee will move or lower at its own expense and cost, any portion of said mains and pipe lines as may be necessary on account of such road changing or reconstruction, with no costs or damages whatever to Platte County, Missouri; and grantee shall indemnify and save harmless Platte County from any loss, costs or damages arising or growing out of suits or claims for damages to persons or property in all cases in which such damages are caused by the negligence of said grantee in the performance of any work authorized or contemplated herein.

Entered this 27th day of July, 1953.

/s/ A. J. Hillix
Presiding Judge, County Court
of Platte County, Missouri

/s/ George Offett East
Judge, Eastern District

/s/ O. W. Thompson
Judge, Western District

/s/ Holman T. Ham
County Clerk
Platte County, Missouri

Date 3/15/17 Case No. 1217-17
Ordinance No. 1217-17

ORDINANCE XII

AN ORDINANCE GRANTING A FRANCHISE OR PRIVILEGE TO USE THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF PLATTE CITY, MISSOURI, FOR THE PURPOSE OF OWNING AND OPERATING A DISTRIBUTION SYSTEM IN THE CITY OF PLATTE CITY FOR THE DISTRIBUTION AND SALE TO THE CITY OF PLATTE CITY AND THE INHABITANTS THEREOF OF GAS FOR FUEL, ILLUMINATION, POWER AND OTHER PURPOSES, WITH THE RIGHT OF OWN AND OPERATE A PLANT FOR THE MANUFACTURE OF GAS IN SAID CITY OF PLATTE CITY AND TO TRANSMIT GAS FROM POINTS EITHER WITHIN OR WITHOUT THE SAID CITY OF PLATTE CITY AND THROUGH SAID CITY OF PLATTE CITY BEYOND THE LIMITS THEREOF.

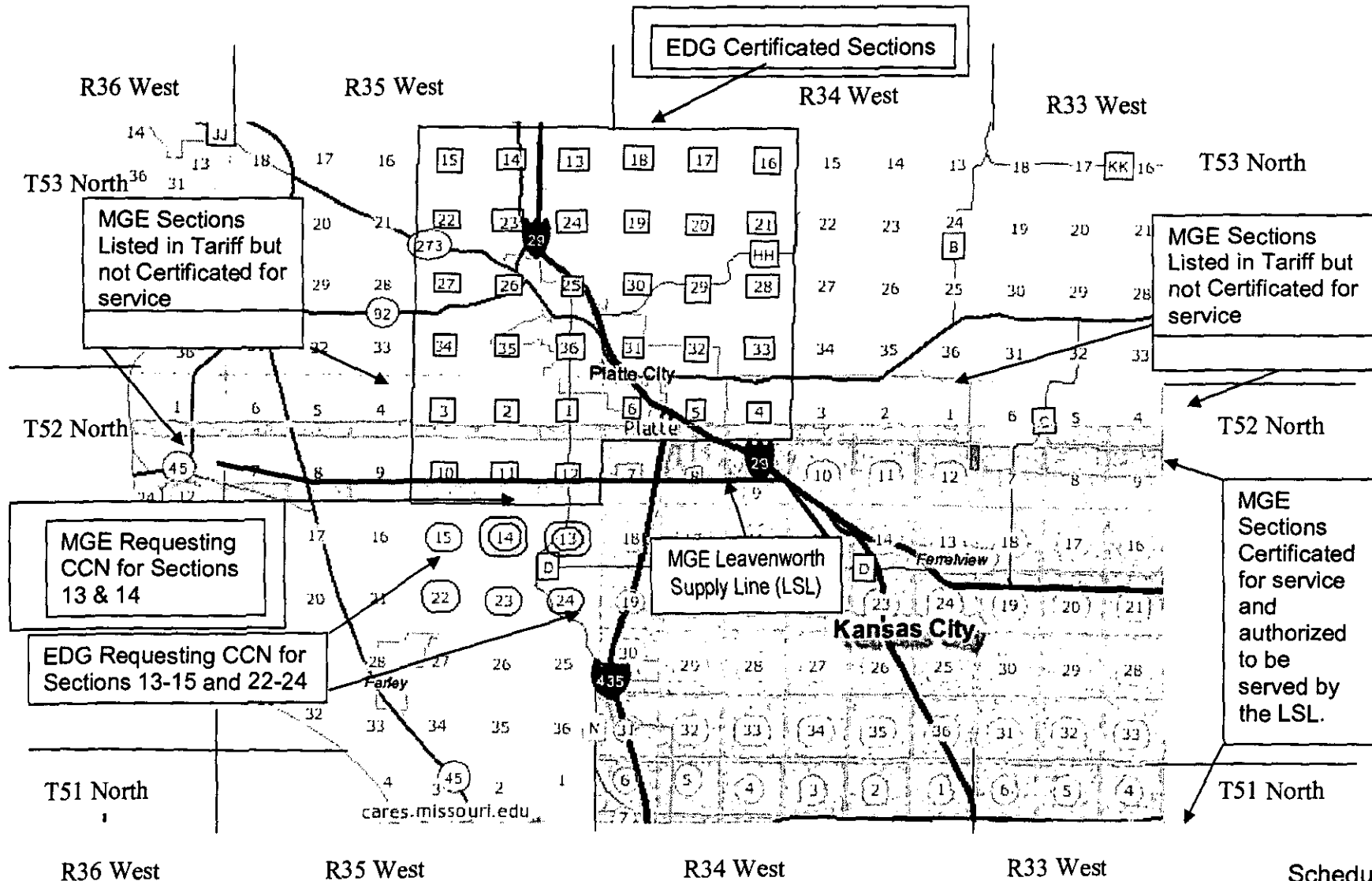
BE IT ORDAINED BY THE BOARD OF ALDERMEN OF PLATTE CITY, MISSOURI AS FOLLOWS:

SECTION 1. That the Missouri Gas & Electric Service Company, its successors and assigns, be and is subject to the conditions, obligations, covenants and agreements hereinafter contained, hereby authorized and empowered to own, maintain and operate in the said City of Platte City a plant and/or works for the manufacture of gas and/or to own, maintain and operate in and through the said City of Platte City, a distribution system for the distribution and sale of natural and/or artificial gas for fuel, illumination, power and other purposes, and for the transmission of the same from points either within or without the limits of said municipality to said City and the inhabitants thereof, and from or through said municipality beyond the limits thereof and to construct, lay and maintain such gas pipes, mains, conductors and other devices as may be necessary or convenient for such system in, under, along and across each and all of the streets, alleys, avenues and other public places of said municipality; to acquire and hold as by law authorized any and all real estate, easements and other rights necessary for the purposes to use for construction and operating said system within the present and future limits of said municipality any and all streets, avenues, alleys and public ways or grounds as are now or may be hereafter laid out.

SECTION 2. All pipes, mains, conductors and other appliances shall be so located and laid as not to injure unnecessarily any drains, sewers, catch basins, water pipes, or other like public improvements, and said Gas Company shall forthwith repair to the satisfaction of the Board of Aldermen any and all damages to said public improvements, drains, sewers, catch basins, water pipes, or other like public improvements.

Missouri Gas Energy – The Empire District Gas Co.
Case No. GA-2007-0289

Sections in Platte County Certified to MGE and EDG for Natural Gas Distribution,
Sections not Certificated to MGE but in tariff, and Sections Requested in this Case by MGE and EDG



P.S.C. MO. No. 1

Original

SHEET No. 6.15

Missouri Gas Energy,
a Division of Southern Union Company

For: All Missouri Service Areas

Missouri Gas Energy
The Empire District Gas Co.
Case No. GA-2007-0289

INDEX OF CERTIFICATED AREAS

TOWNSHIP	RANGE	SECTIONS
PETTIS COUNTY		
T43n	R23w	6,7
T44n	R23w	31
T46n	R23w	11,14,15,22,23
T47n	R22w	13,14,23,24,25,26
T48n	R22w	32
PLATTE COUNTY		
T50n	R33w	4,5,6,7,8,9
T51n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T51n	R34w	1,2,3,4,5,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36
T51n	R35w	11,12
T52n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T52n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36
T52n	R35w	1,2,3,4,5,6,7,8,9,10,11,12
T52n	R36w	1,12
T54n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28
T54n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,28,29,30,31,32,33
T54n	R35w	1,2,3,4,5,8,9,10,11,12,13,14,15,16,17
T55n	R34w	31
T55n	R35w	32,33,34,35,36

Missouri Gas Energy Tariff Sheet No. 6.15
Index of Certificated Areas

Twenty-two Sections appear in MGE tariff (Sheet No. 6.15) for Platte County for which MGE does not have a CCN to serve customers. MGE is serving customers in the Seven Bridges Subdivision in Sections 11 and 12 of T52NR35W.

T52NR33W Sections 4, 5

T52NR34W Sections 1-6

T52NR35W Sections 1-12

T52NR36W Sections 1,12

DATE OF ISSUE February 21, 1997
month day year

DATE EFFECTIVE May 21, 1997
month day year

ISSUED BY: Charles B. Hernandez

Director, Pricing & Regulatory Affairs
Missouri Gas Energy
Kansas City, MO 64111

Filed

Missouri Public
Service Commission

Schedule 1

Exhibit 10

UTILITY OPERATIONS DIVISION ROUTING SLIP

File No. 9700571

To:		Initial	Assigned:		
Chair Zobrist		<i>[Signature]</i>	From:	Initial	Date
Commissioner Crumpton		<i>[Signature]</i>			Revised
Vice Chair Drainer		<i>[Signature]</i>	Mr. McDuffey	<i>hmm</i>	5-9-97
			Mr. Straub	<i>absent</i>	
			Mr. Matisziw	<i>pm</i>	5/9/97
			Mr. Goldammer	<i>ll</i>	5/9/97
Agenda Date:	5/14		Legal	<i>ltd</i>	5/12/97
Final Agenda:	May 20, 1997		Staff Deadline: May 12, 1997; 5:00pm		
Commission Action:			Staff Recommends:		
Approve <input checked="" type="checkbox"/>	Suspend <input type="checkbox"/>		Approval <input checked="" type="checkbox"/> Suspension <input type="checkbox"/>		

3-0. A1Am

Company: Missouri Gas Energy
 Effective Date: May 21, 1997
 Purpose: Implement tariff sheets to clarify its service area

On February 21, 1997, Missouri Gas Energy (MGE or Company) of Kansas City, Missouri filed tariff sheets to clarify the geographic boundaries of its service area. On April 11, 1997, MGE requested a thirty (30) day extension of the effective date to May 21, 1997 at the request of the Missouri Public Service Commission Staff (Staff) for additional time to investigate and review the tariffs. The proposed tariff sheets will be located in the section titled "Index of Certificated Areas".

The Commission Rule 4 CSR 240-2.060(Rule) requires a metes and bounds description of the certificated service area. Company filed these tariff sheets to comply with the Rule and to reflect the Missouri Public Service Commission (Commission) orders issued in Case Nos. GA-96-130 and GR-96-285. The order in Case No. GA-96-130 states that MGE and the Staff are to cooperate in preparing tariff sheets setting out the plat and legal description of the current and complete service area of MGE. The order in Case No. GR-96-285 states that MGE has committed to filing tariff sheets by February 28, 1997 with metes and bounds descriptions and maps showing certificated service areas in the State of Missouri.

Staff and Company have reviewed certificates of convenience and necessity (CCN) cases and Company service orders in the development of the proposed tariff sheets. The CCN cases were granted in either a transmission or service area certificate making the development of a service area stated in a metes and bounds format very difficult. Therefore, the description of the Company's proposed service area was developed by listing the service area by township, range and section. The township, range and section format is utilized by other regulated energy utilities under the jurisdiction of the Commission. In Staff's opinion a township, range and section format satisfies the Rule, therefore Staff has no objection to this format.

MGE has not filed tariff sheets containing a map of its service territory. MGE is working on a process that will transfer to a tariff sheet its service area maps and still maintain its legibility. MGE plans to file the tariff sheets containing the maps by June 1, 1997.

The Commission's Energy - Rates Staff has reviewed this filing and has no objections to the proposed tariff sheets. Because this filing was made on greater than thirty (30) days notice, no order is necessary to indicate approval. Staff is unaware of any issue currently pending before the Commission which affects or is affected by this filing. Therefore, Staff has no objections to allowing the following tariff sheets, as filed on February 21, 1997, and extended on April 11, 1997, to go into effect on and after May 21, 1997, the requested effective date:

P.S.C. MO. NO. 1

First Revised SHEET No. 6 Canceling Original SHEET No. 6

Original SHEET No. 6.1
Original SHEET No. 6.2
Original SHEET No. 6.3
Original SHEET No. 6.4
Original SHEET No. 6.5
Original SHEET No. 6.6
Original SHEET No. 6.7
Original SHEET No. 6.8
Original SHEET No. 6.9
Original SHEET No. 6.10
Original SHEET No. 6.11
Original SHEET No. 6.12
Original SHEET No. 6.13
Original SHEET No. 6.14
Original SHEET No. 6.15
Original SHEET No. 6.16

The purpose of this filing is to show the company's
current service territory, and does not expand
to any area that it currently does not serve.
MGR.
5/14/97

Post-It Fax Note 7671		Date	5-19-97	# of pages	2
To	Ref Hack	From	Hack on Duffin		
Co./Dept	MGE Attorney	Co.	MPSC		
Phone #	816-360-5755	Phone #	523-751-7507		
Fax #	816-360-5554	Fax #	523-751-1847		

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RACHEL M. CRAIG
BRYAN T. MCCARTNEY
DALE T. SMITH

August 12, 1999

Mr. Rob Hack
Missouri Gas Energy,
a division of Southern Union Company
3420 Broadway
Kansas City, Missouri 64111

Re: Platte County, Missouri

Dear Rob:

As we discussed previously, Bob Amdor of UtiliCorp United Inc. d/b/a Missouri Public Service ("MPS") asked me to take a look at your proposal for an agreement concerning Section 6, Township 52, Range 34 and Section 1, Township 52, Range 35 all in Platte County, Missouri. It was indicated that these sections were potentially in "overlapping" service territories for both MPS and MGE.

In looking into this issue I first tried to confirm that MPS and MGE in fact had "overlapping" certificates. MPS's certificate for these sections results from Missouri Public Service Commission Case No. 13,172, which was issued on January 12, 1956. To search for MGE's certificate, I reviewed the Platte County cases listed in your e-mail to me of August 3, 1999. Of those cases, only Commission Case No. 12,632, issued May 24, 1955, describes territory near the area in question. It includes sections to the immediate east and south of that granted to MPS in Case No. 13,172 and was taken into account by the Commission in Case No. 13,172.

It would be very helpful if you can point me to MGE's certificate for these sections. It is difficult for MPS to entertain MGE's proposal for splitting the sections in question, unless it can confirm that there are indeed overlapping certificates.

Thank you for your attention to this matter.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Dean Cooper
Dean L. Cooper *by Rg*

DLC/rhg
cc: Bob Amdor
Steve Teter