

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

In the Matter of the Application of	)	
Southern Union Company <sup>1</sup>	)	
for the Issuance of an	)	
Accounting Authority Order Relating to its	)	File No. GU-2011-0392
Natural Gas Operations and for a	)	
Contingent Waiver of the Notice	)	
Requirement of 4 CSR 240-4.020(2)	)	

**ORDER DENYING MOTION TO STRIKE**

Issue Date: January 18, 2012

Effective Date: January 18, 2012

The Commission is denying the motion to strike ("motion"). Staff filed the motion.<sup>2</sup> The Company filed a response.<sup>3</sup> In the motion, Staff asks the Commission to strike a portion of Southern Union Company's brief. In support of that relief, Staff alleges a misreading of an earlier Commission decision. But Staff cites no authority under which a misreading of an earlier Commission decision supports striking language from a brief. Therefore, the Commission will deny the motion.

**THE COMMISSION ORDERS THAT:**

1. The motion to strike is denied.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )

  
Steven C. Reed  
Secretary

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<sup>1</sup> An unincorporated division of a corporation is not a legal entity, and, therefore, lacks legal capacity to sue or be sued. *ADP Dealer Services Group v. Carroll Motor Co.*, 195 S.W.3d 1, 7 (Mo. App., E.D. 2005). The caption is changed accordingly.

<sup>2</sup> On January 4, 2012, as part of *Staff's Motion to Strike and Leave to File Out of Time*.

<sup>3</sup> *Response in Opposition to Staff's Motion to Strike and Leave to File out of Time*, filed on January 5, 2012.

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18<sup>th</sup> day of January, 2012.