

FILED³**SEP 2 2014****BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI****Missouri Public
Service Commission**

Michael Stark,

Complainant,

v.

Summit Natural Gas of Missouri, Inc.,

Respondent.

Case No. GC-2014-0202

PREHEARING BRIEF

On July 18, 2013, Summit Natural Gas crews installed over 1000' of gasline along a private road on my property. They did so without any authority whatsoever. Their excuse? Inaccurate maps from the Camden County Assessor's Office, which they were told should not be used. Then after ignoring "no trespassing" markings at both ends of my road, they also ignored my personal protest and continued to install their pipeline.

The Public Service Commission set as the issue for this hearing, that it would seek to determine if there was an innocent violation of my property ownership rights, or if the offending trespass was a violation of Summit's tariffs and conditions established with the Commission when being given the right to install gaslines throughout the Lake of the Ozarks area, or if in fact Summit had actually violated Missouri Statutes. This may well have been an easy decision, excepting the P.S.C. staff's position that the Commission has no authority here and should bow out, rather than take a stand.

Insofar as to the actual degree of trespass by Summit, while it may be considered as a minor mistake by using maps that should not have been used, the same can not be said of their actions when they decided to complete their work after I protested their presence and before I returned. And while the subsequent damage to my property might not have been of concern in this hearing, it should be noted that their efforts to speed up this work may well have been a contributing cause.

The actions by Summit have not been conciliatory, if in fact this was an innocent mistake without negligence. Instead they have forced the matter until it has reached this stage, as well as others. Additionally, sworn documents have been submitted by Summit to bolster their case, (and in the current civil case) which are simply untrue, and for which I expect to establish as such beyond a reasonable doubt. The truth is that Summit's crews ran rampant in this area, trespassing and damaging property whenever it suit them to do so.

Finally, is the question of propriety for the Public Service Commission to even hear this matter. I would hope two things: First that the Commission take some degree of responsibility for setting Summit loose on our area and that they will agree that it is an

appropriate concern for them to investigate. And although not in a position to award damages or maybe other specific remedies, the Commission is in a position to render a finding of fact.

A second consideration is the Public Service Commission's role as protector of the public. This is a classic example of "the big mean corporate utility giant versus the little guy", and a compelling reason for the Commission to take a stand.



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