

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 20<sup>th</sup> day of June 2018.

Missouri Propane Gas Association, )  
)  
Complainant, )  
)  
v. )  
)  
Summit Natural Gas of Missouri, Inc., )  
)  
Respondent. )

**File No. GC-2016-0083**

**ORDER DENYING MOTION FOR SUMMARY DETERMINATION OR  
DISMISSAL**

Issue Date: June 20, 2018

Effective Date: June 20, 2018

The Missouri Propane Gas Association (“MPGA”) filed a complaint against Summit Natural Gas of Missouri, Inc. (“Summit”) alleging Summit violated the Commission’s September 3, 2014 *Order Approving the Partial Stipulation and Agreement as to Dual Fuel Conversion of Appliances* (“Agreement”) in File No. GR-2014-0086. Summit filed a *Motion for Summary Determination or Dismissal* (the “Motion”). The Commission held oral arguments on the Motion on February 15, 2018.

This case involves the interpretation of the language in paragraph 1 of the Agreement, which states as follows:

“For converting appliances from propane to natural gas, SNGMO<sup>1</sup> agrees to follow all applicable national and local codes and **manufacturers’ specifications relating to the conversion of appliances.**” (Emphasis added).

MPGA alleges that Summit violated the Agreement by disregarding manufacturers’ specifications and converting four vent-free fireplaces from propane to natural gas. While Summit acknowledges that it converted the gas-heating products at issue, Summit challenges MPGA’s position that “manufacturers’ specifications,” as intended by the parties to the Agreement, includes owner’s manual and product rating plates, which prohibit conversion to different gas types.

Summit’s Motion asserts that MPGA failed to meet its burden of proof to support its case in its direct testimony. Pursuant to Commission Rule 4 CSR 240-2.117(1)(E), the Commission may grant a motion for summary determination if:

the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines it is in the public interest.

A motion for summary determination is only proper where the moving party establishes that there is no genuine issue as to any material fact. After reviewing the filings and oral arguments of the parties, the Commission finds that at least one genuine issue as to a material fact exists. Specifically, whether the Agreement’s reference to “manufactures’ specifications relating to the conversion of appliances” applies to owner’s manuals and rating plates is a fact in dispute. While there may be other material facts upon which the parties disagree, it is clear they dispute whether or not the warnings in an owner’s manual are intended by a manufacturer to apply to a trained

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<sup>1</sup> Summit Natural Gas of Missouri, Inc.

installer. Therefore, the Commission will deny Summit's Motion and direct the parties to submit a proposed procedural schedule.

**THE COMMISSION ORDERS THAT:**

1. The *Motion of Summit Natural Gas of Missouri for Summary Determination or Dismissal* is denied.
2. No later than July 2, 2018, the parties shall file a proposed procedural schedule.
3. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and  
Silvey, CC., concur.

Burton, Senior Regulatory Law Judge.

**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 true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 20<sup>th</sup> day of June 2018.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**June 20, 2018**

**File/Case No. GC-2016-0083**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.