

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

The Staff of the Missouri Public Service)
Commission,)
)
 Complainant,)
)
 v.)
)
 Missouri Gas Energy, a Division of)
Southern Union Company)
)
)
 Respondent.)

Case No. GC-2011-0100

**MOTION TO REJECT SUGGESTIONS OF PUBLIC COUNSEL IN SUPPORT OF
STAFF'S MOTION FOR SUMMARY DETERMINATION**

COMES NOW Respondent Missouri Gas Energy, a division of Southern Union Company, and moves that the Commission reject and strike suggestions filed by the Office of the Public Counsel in support of Staff's Motion for Summary Determination (hereinafter, the "Suggestions"). In support thereof, MGE states as follows:

On June 2, 2011, Public Counsel filed Suggestions in support of Staff's Motion for Summary Determination in the referenced case. Its Suggestions were not filed until June 2, 2011, a full six months after Staff filed its Motion for Summary Determination. It is also two months after the deadline established by the Commission for MGE to file a response to Staff's Motion for Summary Determination.¹ Consequently, Public Counsel's Suggestions are untimely by any objectively fair standard and should be rejected.

¹ See, March 21, 2011, Order Denying Motions to Strike, Granting Motion to Amend, and Directing filing of Response to Motion for Summary Determination. Ordered, ¶ 5.

Public Counsel offers absolutely no reason for filing its Suggestions so significantly late and out of sequence. This omission is particularly objectionable in that this is the *only* filing Public Counsel has made in the case since the Complaint was filed on October 7, 2010. Public Counsel did not contact MGE prior to the filing to provide an explanation or ask whether it would object to the filing. The apparent objective for Public Counsel waiting until now to file is to get in the last word in the exchange long after the responding party (MGE in this case) was required to file its rebuttal arguments. To permit Office of Public Counsel's to file its Suggestions in this dilatory fashion would be prejudicial to MGE.

As already noted, Public Counsel has provided no good cause for permitting it to file suggestions in support of Staff's Motion for Summary Determination so dramatically out of time. The public interest would not be served by allowing Public Counsel to flout the Commission's rules and orders and make filings at its leisure.

WHEREFORE, the Commission should reject and disregard Public Counsel's Suggestions for the reasons aforesaid.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to all counsel of record on this 6th day of June, 2011.

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