

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

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| In the Matter of the Application of |) | |
| Southern Union Company d/b/a Missouri |) | |
| Gas Energy, for Approval to Change its |) | Case No. GO-2013-0391 |
| Infrastructure System Replacement |) | |
| Surcharge. |) | |

**PUBLIC COUNSEL’S MOTION FOR
ORDER DIRECTING RECONCILIATION AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Missouri Office of the Public Counsel (OPC) and for its Motion for Order Directing Reconciliation and Motion for Expedited Treatment, states:

1. On February 8, 2013, Southern Union Company d/b/a Missouri Gas Energy (MGE) initiated this case when it filed a petition with the Commission seeking approval of an Infrastructure System Replacement Surcharge (ISRS). The Commission’s May 1, 2013, *Order Approving Changes in Infrastructure System Replacement Surcharge, Rejecting Tariff, and Approving New Tariff* (“Order”) granted MGE’s petition. OPC filed an Application for Rehearing on May 9, 2013, and the Commission denied rehearing on May 15, 2013.

2. OPC intends to appeal the Commission’s Order to the Court of Appeals – Western District, pursuant to Section 386.510 RSMo, which requires appellants to file “a copy of the reconciliation required by subsection 4 of section 386.420.” Subsection 4 of Section 386.420 RSMo states in part:

In any proceeding resulting in the establishment of new rates for a public utility that is not classified as a price-cap or competitive company, the commission shall cause to be prepared, with the assistance of the parties to such proceeding, and shall approve, after allowing the parties a reasonable opportunity to provide written input, a detailed reconciliation containing the

dollar value and rate or charge impact of each contested issue decided by the commission, and the customer class billing determinants used by the commission to calculate the rates and charges approved by the commission in such proceeding. Such information shall be sufficient to permit a reviewing court and the commission on remand from a reviewing court to determine how the public utility's rates and charges, including the rates and charges for each customer class, would need to be temporarily and, if applicable, permanently adjusted to provide customers or the public utility with any monetary relief that may be due in accordance with the procedures set forth in section 386.520. In the event there is any dispute over the value of a particular issue or the correctness of a billing determinant, the commission shall also include in the reconciliation a quantification of the dollar value and rate or charge impact associated with the dispute.

3. The Order resulted in the establishment of new rates for a public utility company that is not a price cap regulated company, and therefore the Commission is required to cause to be prepared a reconciliation as described above. Accordingly, OPC respectfully requests an order from the Commission directing its Staff to prepare the required reconciliation.

4. The Commission denied OPC's Application for Rehearing on May 15, 2013. OPC has thirty days in which to file its Notice of Appeal and required documents, and therefore must file no later than Friday, June 7, 2013, one week from today. For this reason, OPC requests an expedited Commission order, pursuant to 4 CSR 240-2.080(14), directing the Staff to file its reconciliation no later than June 4, 2013, and giving any party wishing to respond until June 5, 2013 to file a response.

5. OPC filed this motion as soon as it discovered that a required reconciliation had not been filed in the case. A Commission order directing expedited consideration following OPC's proposed due dates will correct the error of not requiring a reconciliation in sufficient time to provide OPC with the documentation needed to file

the appeal. There will be no negative effect on MGE's customers or the general public if the Commission acts by the dates requested above.

6. If the Commission wishes to give its Staff more time to prepare the reconciliation, and the parties more time to respond to the reconciliation, the Commission could rescind its Order Denying Application for Rehearing and allow the reconciliation to be filed and responded to before issuing a new Order Denying Application for Rehearing.

WHEREFORE, the Office of the Public Counsel respectfully requests an expedited order directing its Staff to file a reconciliation by June 4, 2013, with response due June 5, 2013, or in the alternative, an order rescinding its Order Denying Application for Rehearing and a separate order directing its Staff to file a reconciliation by a date that the Commission deems reasonable.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 31st day of May 2013:

/s/ Marc Poston