

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

In the Matter of the Verified Application and)
Petition of Liberty Energy (Midstates) Corp.) **File No. GO-2014-0006**
d/b/a Liberty Utilities to Change Its Infrastructure)
System Replacement Surcharge.)

In the Matter of the Verified Application and)
Petition of Liberty Utilities (Midstates Natural)
Gas) Corp. d/b/a Liberty Utilities for) **File No. GO-2015-0350**
Establishment of an Infrastructure System) Tariff No. YG-2015-0372
Replacement Surcharge)

ORDER DENYING JOINT MOTION TO CONSOLIDATE CASES

Issue Date: August 11, 2015

Effective Date: August 11, 2015

On August 10, 2015, Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities, the Commission’s Staff, and the Office of the Public Counsel filed a motion asking the Commission to consolidate these two cases, asserting that they share common questions of law or fact and that consolidation is appropriate to avoid unnecessary costs or delay. File No. GO-2015-0350 is Liberty Utilities’ current filing to establish a new infrastructure system replacement surcharge (ISRS). Liberty Utilities’ tariff in that file has been suspended until October 28, and Staff is to file a recommendation no later than August 29. File No. GO-2014-0006 is a previous Liberty Utilities ISRS filing. The Commission’s order resolving that earlier ISRS filing was reversed on appeal by the Missouri Supreme Court. The Supreme Court’s mandate remanding that case to the Commission for further proceedings was issued on August 3.

The Commission understands the amount Liberty Utilities was allowed to recover in its 2014 ISRS case will need to be adjusted to comply with the Supreme Court’s decision.

The way to do that is by adjusting the amount the company will be allowed to recover in its pending 2015 ISRS filing to account for its over-collection during the earlier period. The joint motion to consolidate indicates Liberty Utilities is truing up the amount previously set aside in a regulatory liability account to reflect the additional time period of recovery from the date of the partial stipulation and agreement in the company's recent rate case - in which that regulatory liability account was established - until the ISRS surcharge was zeroed out at the conclusion of the rate case.

After considering the matter, the Commission finds that consolidation of these two cases is neither necessary nor appropriate at this time. The 2014 ISRS case can be resolved by issuing an order in that case directing that the company's trued-up over-collection be returned to customers by an appropriate adjustment to the 2015 ISRS. By issuing a final order in that case, the Commission creates a clear and unequivocal resolution of that case in compliance with the Supreme Court's mandate. In contrast, consolidating the 2014 ISRS case into the 2015 ISRS case would tend to obscure that resolution. Therefore, the Commission will deny the motion to consolidate.

THE COMMISSION ORDERS THAT:

1. The Joint Motion to Consolidate Cases is denied.

2. 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

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of August, 2015.