

At a session of the Public Service Commission held at its office in Jefferson City on the 23rd day of October, 2007.

Respondents.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. GC-2006-0491

The Motion for Expedited Treatment explains that Missouri Pipeline and Missouri

Gas seek an expedited ruling from the Commission so that they can pursue immediate relief in circuit court. The Commission will clear the path for judicial review by acting promptly on the Respondents' motion.

Section 386.500.1, RSMo (2000), indicates the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefore be made to appear." The Commission previously considered and rejected an application for rehearing made by Missouri Pipeline and Missouri Gas regarding the Commission's original Report and Order. That original Report and Order was withdrawn and replaced by the Revised Report and Order. However, the application for rehearing regarding the Revised Report and Order raises essentially the same arguments that the Commission previously rejected. Missouri Pipeline and Missouri Gas' application for rehearing fails to provide sufficient reason to grant rehearing and it will be denied.

Missouri Pipeline and Missouri Gas have also filed a motion asking the Commission to stay the effect of its Revised Report and Order. The motion for stay was accompanied by an affidavit from David Ries, president of the respondent companies, alleging that the adjusted rates the company believes will result from the Revised Report and Order are not sufficient to allow the company to remain economically viable.

Missouri Pipeline and Missouri Gas correctly point out that the Commission has the authority under Section 386.500.3, RSMo (2000) to stay or postpone the effect or enforcement of its orders. In the past, the Commission has stayed the effect of its orders to allow the parties more time to argue an application for rehearing. However, Missouri Pipeline and Missouri Gas do not cite any case in which the Commission granted a stay after the Report and Order became effective. In fact, the only Commission case the

Respondents cite in their suggestions in support of their motion for stay is a 1998 case in which the Commission denied a request for stay.¹

Missouri Pipeline and Missouri Gas have not established a basis for the Commission to stay the effect of its Revised Report and Order, which by its terms, became effective on October 21. The Commission will deny the Motion for Stay.

IT IS ORDERED THAT:

1. Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC's Application for Rehearing regarding the Commission's Revised Report and Order is denied.
2. Missouri Pipeline Company, LLC, and Missouri Gas Company, LLC's Motion for Stay regarding the Commission's Revised Report and Order is denied.
3. This order shall become effective on October 23, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Clayton, Appling, Jarrett, CC., concur.
Murray, C., abstains

Woodruff, Deputy Chief Regulatory Law Judge

¹ *In the Matter of an Investigation Concerning the Continuation or Modification of the Primary Toll Carrier Plan When IntraLATA Presubscription is Implemented in Missouri.* 7 Mo. P.S.C. 3d 275 (1998)