

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

In the matter of the Application for Authority )  
of Sendero SMGC LP Acquisition Company, and )  
Sendero SMGC GP Acquisition Company to purchase )  
the partnership interests of DTE Enterprises, Inc. ) Case No. GM-2005-0136  
and DTE Ozark, Inc. in Southern Missouri Gas )  
Company, L.P., and for Southern Missouri Gas )  
Company, L.P. to execute a Deed of Trust, Security )  
Agreement and Financing Statement to secure a loan to )  
to complete the transaction. )

**STAFF'S RESPONSE TO ORDER CLOSING CASE  
AND MOTION TO LEAVE FILE OPEN  
PENDING FILING OF REQUIRED INFORMATION**

COMES NOW the Staff of the Commission and in response to the Commission's April 26, 2005 Order Approving Non-Unanimous Stipulation and Agreement and Approving Application states:

1. In its April 26 Order Approving Non-Unanimous Stipulation and Agreement, the Commission indicated that this case could be closed on May 6, 2005.

2. In the Non-Unanimous Stipulation and Agreement, Under Section III Conditions of Approval, 1. Financial Issues/Cost of Capital, it states that DTE and Sendero will be authorized to complete the transaction upon obtaining financing with certain conditions including:

D.) Sendero et al. and SMGC shall submit to the Staff, ten (10) days subsequent to closing of the loan, all documents finally executed in this case to obtain financing for the purchase of SMGC by Sendero. Failure to comply will result in the Commission's Order Approving the Stipulation Granting Authority for Sendero SMGC LP Acquisition Company and Sendero SMGC GP Acquisition to Purchase the Partnership interests of DTE Enterprises, Inc and DTE Ozark, Inc. in Southern Missouri Gas Company, LP (SMGC) to Execute a Deed of Trust, Security Agreement and financing statement to Secure a Loan to

Complete the Transaction shall be considered to be null and void and the transfer will not be considered to have been approved by this Commission.

3. Staff considers this stipulated required filing to be the same as any compliance filing and, therefore, requests that the Commission maintain this file in an open status until the required filing(s) has been made and Staff files its Notice with the Commission as to whether the filing satisfactorily complies with the terms of the Non-Uniform Stipulation and Agreement.

WHEREFORE Staff requests that the Commission maintain the file in an open status pending filing of the documents required in the Non-Uniform Stipulation and Agreement and Staff's Notice to the Commission as to whether the filing complies with the terms of the Non-Uniform Stipulation and Agreement.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Lera L. Shemwell

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 23<sup>rd</sup> day of May 2005.

**/s/ Lera L. Shemwell**