

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

In the Matter of Missouri Gas Energy's)	
Tariff Sheets Designed to Increase Rates)	
for Gas Service in the Company's)	Case No. GR-2009-0355
Missouri Service Area.)	

**APPLICATION FOR REHEARING
OF ORDER APPROVING TARIFFS**

COMES NOW the Office of the Public Counsel ("OPC") and for its Application for Rehearing of Order Approving Tariffs states:

1. On February 24, 2010, the Commission issued its Order Approving Tariffs in Compliance with Commission Report and Order (Order). The Order states that the tariffs comply with the February 10, 2010 Report and Order.

2. OPC seeks rehearing because the Order authorizes tariffs that are unjust and unreasonable for all of the same reasons identified in OPC's February 19, 2010 Application for Rehearing. By authorizing tariffs to become effective that comply with an unjust and unreasonable Report and Order, the Order is also unjust and unreasonable. A copy of OPC's Application for Rehearing of the Report and Order is attached hereto as Attachment A and incorporated herein by reference, which specifications of error and grounds incorporated in this Petition by reference as though fully set forth herein.

3. In addition to the errors identified in OPC's February 19, 2010 Application for Rehearing, OPC raises one additional reason for rehearing. The Commission's Order does not contain sufficient findings of fact and conclusions of law to enable a reviewing court to conduct its review. The Order does not contain a single

finding or conclusion regarding any substantive issue before the Commission. Accordingly, the Order is in violation of Section 536.090 RSMo 2000. Commission orders are required to include findings of fact that are not completely conclusory, and must allow the Court to conduct a meaningful review. State ex rel. Coffman v. PSC, 121 S.W.3d 534 (Mo.App. W.D. 2003). To allow for a meaningful review, the Commission must articulate the basic facts from which it reached its ultimate conclusion, and while detailed factual summaries are not required, the findings must be sufficient to determine how the controlling issues were decided by the Commission. State ex rel. Coffman v. PSC, 150 S.W.3d 92 (Mo.App. W.D. 2004).

4. OPC seeks rehearing of the Order in light of the Commission's Order Consolidating Cases in Case Number GR-2006-0387, wherein the Commission determined that a Court of Appeals reversal of a Commission order has no impact on the tariffs approved in compliance with that order. The Commission made this determination in light of Staff's arguments that OPC should have filed a separate appeal of the Commission's orders approving the compliance tariffs. As stated in OPC's previously filed objections to MGE's compliance tariff, OPC disagrees with this conclusion. However, given the Commission's conclusions, OPC is compelled to request rehearing, and if rehearing is denied, OPC is further compelled to file a petition for writ of review of the Order Approving Tariffs in Compliance with Commission Report and Order.

WHEREFORE, the Office of the Public Counsel respectfully requests rehearing of the Commission's February 24, 2010 Order Approving Tariffs in Compliance with Commission Report and Order.

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 the following this 24th day of February 2010:

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