

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

In the Matter of Missouri Gas Utility, Inc.'s,)	
Request for Waiver Concerning Its Annual)	Case No. GE-2009-0398
Report Filing.)	
)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and for its recommendation, states:

1. On May 6, 2009, Missouri Gas Utility, Inc. (MGU or Company) filed its Application For Waiver Concerning Annual Report Filing asking the Commission to grant the Company a waiver from filing FERC Form 2 with its annual report and allowing it to file in its place FERC Form 2-A. On May 7, 2009, the Commission issued its *Order Directing Staff To File Recommendation* ordering Staff to file no later than May 29, 2009.

2. The Commission requires gas companies operating in Missouri to file a completed FERC Form 2 and Missouri Jurisdictional Supplemental pages for the Commission's annual reporting purposes. These forms are provided to the companies via the Commission's internet site. Companies are instructed on page 2 of the supplemental pages that "The complete FERC Form 2 must be submitted by the certificated company in addition to the Missouri Jurisdictional Supplement." The FERC Form 2-A is not provided by the Commission's internet site.

3. If MGU were required to file an annual report with the FERC, MGU would only be required to file a FERC Form 2-A instead of a FERC Form 2. (None of the gas companies operating in Missouri are required to file FERC Annual Reports with FERC).

4. In its Application, MGU stated that because it is a small natural gas company with sales or volume transactions of less than 200,000 dekatherms in each of the previous three

calendar years¹, the Company is not required by FERC to file the FERC Form 2, or the FERC Form 2-A. The Company asserts in para. 9 of its Application that submitting the FERC Form 2 would require an enormous manpower burden, noting the form itself states that the "public reporting burden for the Form 2 collection of information is estimated to average 1,623 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data-needed, and completing and reviewing the collection of information."

5. The Staff agrees that MGU is a small natural gas company and if it were required to file an annual report with FERC, it would file FERC Form 2-A. Though the FERC Form 2-A contains fewer pages than the Form 2, Staff does not believe all parts of the FERC Form 2 apply to small natural gas companies, therefore not filling out inapplicable parts would alleviate some manpower burden. Nonetheless, Staff recognizes there could be a significant burden imposed on the Company from filling out additional FERC Form 2 documents.

6. Based on its review of the Application, the Staff believes the Company has stated sufficient reasons to establish good cause for its requested waiver as required by Commission rule 4 CSR 240-2.060(4)(B). For reasons stated above, Staff believes the Commission should grant MGU its requested waiver allowing the Company to file the FERC Form 2-A as a substitute for the FERC Form 2.

WHEREFORE, the Staff submits its recommendation as directed by the Commission.

¹ MGU's Application (para. 7) states it did 163,270 dekatherms in 2008.

Respectfully submitted,

/s/ Robert S. Berlin

Robert S. Berlin
Senior Counsel
Missouri Bar No. 51709
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-7779 (Telephone)
(573) 751-9285 (Fax)
E-mail: bob.berlin@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 15th day of May 2009.

/s/ Robert S. Berlin

VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF COLE)

Comes now Kimberly Bolin, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the foregoing pleading styled "In the Matter of Missouri Gas Utility Inc.'s Request for Waiver Concerning Its Annual Report Filing" and that the facts therein are true and correct.

Kimberly Bolin
Kimberly Bolin
Affiant

Subscribed and affirmed before me this 15th day of May, 2009.
I am commissioned as a notary public within the County of Osage, State of Missouri, and my commission expires on October 1, 2011.

NIKKI SENN
Notary Public - Notary Seal
State of Missouri
Commissioned for Osage County
My Commission Expires: October 01, 2011
Commission Number: 07287016

Nikki Senn
NOTARY PUBLIC