

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day of May
2009.

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

ORDER ACCEPTING MISSOURI GAS UTILITY'S ANNUAL REPORT

Issue Date: May 27, 2009

Effective Date: June 6, 2009

On May 6, 2009, Missouri Gas Utility, Inc. (MGU) filed a pleading that it entitled "Application for Waiver Concerning Annual Report Filing." MGU's pleading explains that Commission Rule 4 CSR 240-3.245(2) requires gas utilities to submit their annual report on a form provided by the Commission. The form provided by the Commission, which may be found on the Commission's internet web page, requires the gas utility to answer two pages of general questions about its operations in Missouri. In addition, the form requires the gas utility to submit a completed FERC Form 2.¹ MGU's pleading seeks to avoid having to file a FERC Form 2 as part of its annual report to the Commission.

The FERC Form 2 that Staff would require all gas utilities to file indicates on its title page that it is an annual report of "major natural gas companies". Page i of the FERC Form 2 instructions indicate that only companies that transported or stored 50 million dekatherms of gas in each of the previous three years are required to submit the Form 2. Companies that transported or stored less than 50 million dekatherms, but more than 200,000 dekatherms are required to file a less extensive Form 2-A. MGU transported or stored less

than 200,000 dekatherms in each of the three previous years, therefore, it would not be required to file either a Form 2 or a Form 2-A with the FERC. Nevertheless, MGU completed and attached a Form 2-A to the 2008 annual report it filed with the Commission. However, MGU indicates Staff told it that its annual report was deficient because it does not include a completed Form 2.

The Commission directed Staff to file a response to MGU's pleading and Staff complied by filing a recommendation on May 15. Staff's recommendation recognizes the burden that would be placed on MGU if it were required to submit a Form 2 and indicates its willingness to accept the Form 2-A filed by MGU as a substitute.

MGU, as well as Staff, suggest the Commission grant MGU a waiver from the requirement that it file a FERC Form 2 as a part of its annual report. However, the Commission approved annual report filing form's requirement that a gas utility submit a FERC Form 2 as part of its annual report filing is neither a rule of the Commission, nor is it a tariff of the company. As a result, there is nothing for the Commission to waive. However, the Commission certainly does not wish to burden MGU by requiring it to file a FERC Form 2 when Staff is willing to accept a FERC Form 2-A as a substitute. Therefore, the Commission will simply accept MGU's 2008 annual report with the FERC Form 2-A substituted for the FERC Form 2.

THE COMMISSION ORDERS THAT:

1. Missouri Gas Utility, Inc.'s 2008 Annual Report is accepted with the FERC Form 2-A substituted for the FERC Form 2.

¹ The FERC Form 2 Staff would require the company to submit is approximately 140 pages long.

2. This order shall become effective on June 6, 2009.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis, Jarrett,
and Gunn, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge