BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)	File No. GR-2010-0347
Southern Missouri Gas Company, L.P.)	
Request for a Small Company Rate Increase)	Tracking No. JG-2011-0253

ORDER SUSPENDING TARIFF

Issue Date: December 17, 2010 Effective Date: December 17, 2010

The Missouri Public Service Commission is suspending the revised and substitute tariff sheets ("tariff") currently pending because the Office of Public Counsel ["OPC"] filed a motion for evidentiary hearing.

A. Background

Southern Missouri Gas Company, L.P. ("the utility") filed a letter seeking rate relief on May 21, 2010, initiating this action under 4 CSR 240-3.050 ("the regulation"). On November 17, 2010, Staff filed a disposition agreement signed by Staff and the utility. The utility filed the tariff on November 17, 2010. On December 9, 2010, the utility filed substitute tariff sheets. On December 14, 2010, OPC filed [OPC]'s Response in Opposition to Agreement and Request for Evidentiary Hearing ("motion").

B. Reasons

Suspending the tariff is within the Commission's authority under certain statutory conditions including a written statement of the Commission's reasons for suspending the tariff.¹ The Commission's reasons for suspending the tariff include the mandate in Section (20) of the regulation:

If [OPC] files a request for an evidentiary hearing, the... utility's pending tariff revisions shall then be suspended, and

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¹ Section 393.150.1, RSMo 2000.

the utility's case shall be resolved through contested case procedures [.]

"Shall" signifies a mandate, and means "must" in the present tense,² so the tariff's suspension is required under the quoted provision. The quoted provision also requires a contested case, which necessitates time to prepare for an evidentiary hearing. At the hearing, the utility has the burden of proof to show that the tariff is just and reasonable.³

C. Period

The Commission's authority to suspend the tariff is subject to time limits:

- 1. [T]he commission . . . may suspend the operation of such [tariff] and defer the use of such [tariff,] but not for a longer period than one hundred and twenty days beyond the time when such [tariff] would otherwise go into effect [.]
- 2. If any such hearing cannot be concluded within the period of suspension, as above stated, the commission may, in its discretion, extend the time of suspension for a further period not exceeding six months. [⁴]

Therefore, the Commission will suspend the tariff for 120 days and reserve ruling on an extension of such period.

THE COMMISSION ORDERS THAT:

- 1. The tariff sheets to which the Commission assigned Tracking No. JG-2011-0253 are suspended until May 1, 2011.
 - 2. The specific tariff sheets suspended are:

P.S.C. MO No. 1

1st revised Sheet No. iv, cancelling original Sheet No. iv. 2nd revised Sheet No. 1, cancelling 1st revised Sheet No. 1. 3rd revised Sheet No. 1.1, cancelling 2nd revised Sheet No. 1.1. 2nd revised Sheet No. 1.2, cancelling 1st revised Sheet No. 1.2. 2nd revised Sheet No. 2, cancelling 1st revised Sheet No. 2.

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² State ex rel. Scott v. Kirkpatrick, 484 S.W.2d 161, 164 (Mo. banc 1972).

³ Section 393.150.2, RSMo 2000.

⁴ Section 393.150, RSMo 2000.

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2<sup>nd</sup> revised Sheet No. 4, cancelling 1<sup>st</sup> revised Sheet No. 4.
 3<sup>rd</sup> revised Sheet No. 6, cancelling 2<sup>nd</sup> revised Sheet No. 6.
1<sup>st</sup> revised Sheet No. 15.1, cancelling original Sheet No. 15.1.
1<sup>st</sup> revised Sheet No. 18.1, cancelling original Sheet No. 18.1.
1<sup>st</sup> revised Sheet No. 18.2, cancelling original Sheet No. 18.2.
1<sup>st</sup> revised Sheet No. 18.3, cancelling original Sheet No. 18.3.
1<sup>st</sup> revised Sheet No. 18.4, cancelling original Sheet No. 18.4.
1<sup>st</sup> revised Sheet No. 18.5, cancelling original Sheet No. 18.5.
1<sup>st</sup> revised Sheet No. 18.6, cancelling original Sheet No. 18.6.
1<sup>st</sup> revised Sheet No. 18.7, cancelling original Sheet No. 18.7.
2<sup>nd</sup> revised Sheet No. 28, cancelling 1<sup>st</sup> revised Sheet No. 28.
2<sup>nd</sup> revised Sheet No. 29, cancelling 1<sup>st</sup> revised Sheet No. 29.
  1<sup>st</sup> revised Sheet No. 30, cancelling original Sheet No. 30.
  1<sup>st</sup> revised Sheet No. 45, cancelling original Sheet No. 45.
  1<sup>st</sup> revised Sheet No. 48, cancelling original Sheet No. 48.
  1<sup>st</sup> revised Sheet No. 54, cancelling original Sheet No. 54.
2<sup>nd</sup> revised Sheet No. 60, cancelling 1<sup>st</sup> revised Sheet No. 60.
3<sup>rd</sup> revised Sheet No. 65, cancelling 2<sup>nd</sup> revised Sheet No. 65.
2<sup>nd</sup> revised Sheet No. 66, cancelling 1<sup>st</sup> revised Sheet No. 66.
4<sup>th</sup> revised Sheet No. 71, cancelling 3<sup>rd</sup> revised Sheet No. 71.
2<sup>nd</sup> revised Sheet No. 72, cancelling 1<sup>st</sup> revised Sheet No. 72.
2<sup>nd</sup> revised Sheet No. 73, cancelling 1<sup>st</sup> revised Sheet No. 73.
2<sup>nd</sup> revised Sheet No. 74, cancelling 1<sup>st</sup> revised Sheet No. 74.
  1<sup>st</sup> revised Sheet No. 75, cancelling original Sheet No. 75.
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3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(SEAL)

Steven C. Reed Secretary

Daniel Jordan, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 17th day of December 2010.