

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

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

### A. Background

## B. Reasons

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

<sup>1</sup> 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,<sup>2</sup> 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.<sup>3</sup>

### 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. [<sup>4</sup>]

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**

- 1<sup>st</sup> revised Sheet No. iv, cancelling original Sheet No. iv.
- 2<sup>nd</sup> revised Sheet No. 1, cancelling 1<sup>st</sup> revised Sheet No. 1.
- 3<sup>rd</sup> revised Sheet No. 1.1, cancelling 2<sup>nd</sup> revised Sheet No. 1.1.
- 2<sup>nd</sup> revised Sheet No. 1.2, cancelling 1<sup>st</sup> revised Sheet No. 1.2.
- 2<sup>nd</sup> revised Sheet No. 2, cancelling 1<sup>st</sup> revised Sheet No. 2.

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

<sup>3</sup> Section 393.150.2, RSMo 2000.

<sup>4</sup> Section 393.150, RSMo 2000.

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.

3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,  
on this 17<sup>th</sup> day of December 2010.