

**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.)	

PUBLIC COUNSEL'S OBJECTION TO TARIFF

COMES NOW the Office of the Public Counsel ("OPC") and for its Objection to
Tariff states as follows:

1. On February 10, 2010, the Commission issued its Report and Order, and on February 16, 2010, Missouri Gas Energy (MGE) filed compliance tariffs. The Commission's February 18, 2010 Order Granting Request for Extension of Time directs any party wishing to object to MGE's compliance tariffs to do so no later than February 22, 2010.

2. On February 19, 2010, OPC filed an Application for Rehearing. OPC objects to the compliance tariffs for the same reasons that OPC seeks rehearing; the Report and Order's findings and conclusions regarding the SFV rate design and energy efficiency are unjust and unreasonable and tariffs implementing those portions of that Order are also unjust and unreasonable.

3. In Case No. GR-2006-0387, the Staff argued that despite the Court of Appeal's reversal of the Commission's decision, the tariff implementing that decision remains in effect until the Commission issues a new order. The Commission responded in its February 3, 2010 Order Consolidating Cases and concluded:

It is important to note that the Western District did not expressly find the current tariff implementing the straight fixed variable rate design to be unlawful. That determination is essentially on hold while the Commission reconsiders the issues pursuant to the Western District's instructions. The tariff remains operational until the Commission makes its decision on remand and new compliance tariffs become effective in conformity with that subsequent order.

OPC disagrees with this conclusion, as stated in OPC's February 13, 2010 Application for Rehearing filed in GR-2006-0387. However, given the Commission's conclusions in Case No. GR-2006-0387, OPC is compelled to object to the tariff filed by MGE in Case No. GR-2009-0355.

WHEREFORE, the Office of the Public Counsel respectfully objects to the compliance tariffs filed by MGE.

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 22nd day of February 2010:

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