

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Beverly A. Johnson,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2008-0295</u>
)	
Missouri Gas Energy,)	
)	
Respondent.)	

ORDER GRANTING PETITION TO FILE AS AMICUS CURIAE OUT OF
TIME AND SETTING DEADLINE FOR RESPONSES

Issue Date: October 7, 2008

Effective Date: October 7, 2008

The Commission held an evidentiary hearing in this matter on August 22, 2008.¹ The Commission set September 26 as the deadline for filing post-hearing briefs. On October 7, the Missouri Energy Development Association (“MEDA”) filed a petition, pursuant to Commission Rule 4 CSR 240-2.075(6), to file a brief as *amicus curiae* out of time. MEDA filed its *amicus* brief in conjunction with its petition. Commission Rule 4 CSR 240-2.075(6) requires *amicus* briefs to be filed no later than the deadline for initial briefs.

In its petition, MEDA seeks to address the legal argument raised on the day of the evidentiary hearing regarding the applicability of a specific statute of limitations to an alleged unpaid debt to Missouri Gas Energy (“MGE”). MEDA asserts that this issue is important to all regulated utilities in the state because of the potential conflict between the statute of limitations and existing Commission rules and company tariffs.

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

The Commission finds MEDA's stated reasons for filing its *amicus* brief to be good cause for granting its request. Because the Commission is allowing this late filing, it will allow the other parties to this action to respond and, because some of the arguments raised by MEDA in its *amicus* brief mirror arguments raised in MGE's post-hearing brief the parties shall be allowed to reply to the initial briefs when filing their responses to MEDA's *amicus* brief.

THE COMMISSION ORDERS THAT:

1. The "Petition of Missouri Energy Development Association for Leave to File a Brief as *Amicus Curiae* Out of Time" is hereby granted.
2. The *Amicus Curiae* Brief of the Missouri Energy Development Association is deemed to be filed on October 7, 2008, the date of its submission to the Commission.
3. Any party wishing to file a reply brief, as described in the body of this order, shall file such brief no later than October 17, 2008
4. This order shall become effective immediately upon issue.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of October, 2008.