



**FILED**

**FEB 19 2015**

**Missouri Public Service Commission** 4:00pm  
(Date File Stamp) *MM*

**Missouri Public Service Commission**

Judge or Division:	Appellate Number:	
Appellant: The Office of the Public Counsel		Missouri Public Service Commission File Number: GR-2014-0152
vs.		
Respondent: The Missouri Public Service Commission		

**Notice of Appeal**

Notice is given that The Office of the Public Counsel appeals to the Missouri Court of Appeals  Western  Eastern  Southern District.

2/19/2015  
Date Notice of Appeal  
(to be filled in by Secretary of Commission)

*Marc Poston*  
Filed Signature of Attorney or Appellant

The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. The appellant(s) must file the original and (2) two copies and pay the docket fee required by court rule to the Secretary of the Commission within the time specified by law. **Please make checks or money orders payable to the Missouri Court of Appeals.** At the same time, Appellant must serve a copy of the Notice of Appeal on attorneys of record of all parties other than appellant(s), and on all parties not represented by an attorney.

**CASE INFORMATION**

Appellant Attorney / Bar Number: Marc Poston Mo Bar #45722	Respondent's Attorney / Bar Number: Shelley Brueggemann, MO Bar #52173	
Address: 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102	Address: 200 Madison Street, Suite 800 PO Box 360 Jefferson City, MO 65102	
Telephone: 573-751-4857      Fax: 573-751-5562	Telephone: 573-751-7393      Fax: 573-522-4016	
Date of Commission Decision:  12/3/2014	Date of Application for Rehearing Filed: 12/30/2014	Date Application for Rehearing Ruled On:  1/21/2015

**DIRECTIONS TO COMMISSION**

A copy of the notice of appeal and the docket fee shall be mailed to the clerk of the appellate court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals.

Certificate of Service

I certify that on 2-19-2015, I served a copy of the notice of appeal on the following parties, at the following address(es), by the method of service indicated.

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Missouri Public Service Commission – Hand delivered  
Kevin Thompson #36288  
PO Box 360  
Jefferson City, MO 65102

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Liberty Utilities – U.S. Mail Service  
Larry W. Dority #25617  
100 Madison Street, Suite 400  
Jefferson City, MO 65101

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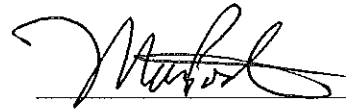
Missouri Division of Energy – U.S. Mail Service  
Jeremy D Knee #64644  
P.O. Box 1157  
Jefferson City, MO 65102

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Noranda Aluminum, Inc. – U.S. Mail Service  
Diana M. Vuylsteke #42419  
Bryan Cave LLP  
211 N. Broadway, Suite 3600  
St. Louis, Missouri 63102

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Noranda Aluminum, Inc. – U.S. Mail Service  
Edward F. Downey #28866  
Bryan Cave LLP  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65109



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Appellant or Attorney for Appellant

## LIST OF PARTIES TO THE COMMISSION PROCEEDING

(As required by § 386.510 RSMo)

The following parties participated in Public Service Commission Case Number GR-2014-0152:

<p><b>Liberty Utilities:</b></p> <p>Larry W. Dority, MBN 25617 Fischer &amp; Dority, P.C. 101 Madison Street, Suite 400 Jefferson City, MO 65101 Telephone: (573) 636-6758 Facsimile: (573) 636-0383 <a href="mailto:lydority@sprintmail.com">lydority@sprintmail.com</a></p> <p>Attorney for Liberty Utilities</p>	<p><b>Office of the Public Counsel:</b></p> <p>Marc D. Poston, MBN 45722 Deputy Public Counsel P. O. Box 2230 Jefferson City MO 65102 Telephone: (573) 751-5558 Fax: (573) 751-5562 <a href="mailto:marc.poston@ded.mo.gov">marc.poston@ded.mo.gov</a></p> <p>Attorney for the Office of the Public Counsel</p>
<p><b>Public Service Commission Staff:</b></p> <p>Kevin Thompson, MBN 36288 Chief Staff Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102 Telephone: (573) 751-6514 Fax: (573) 526-6969 <a href="mailto:kevin.thompson@psc.mo.gov">kevin.thompson@psc.mo.gov</a></p> <p>Attorney for the Staff of the Missouri Public Service Commission.</p>	<p><b>Missouri Division of Energy:</b></p> <p>Jeremy D Knee, MBN 64644 Associate General Counsel Missouri Department of Economic Development 301 West High Street P.O. Box 1157 Jefferson City, MO 65102 Telephone: (573) 522-3304 Fax: (573) 526-7700 <a href="mailto:jeremy.knee@ded.mo.gov">jeremy.knee@ded.mo.gov</a></p> <p>Attorney for Missouri Division of Energy</p>
<p><b>Noranda Aluminum, Inc.:</b></p> <p>Diana M. Vuylsteke, MBN 42419 Bryan Cave LLP 211 N. Broadway, Suite 3600 St. Louis, Missouri 63102 Telephone (314) 259-2543 Fax: (314) 259-2020 <a href="mailto:dmvuylsteke@bryancave.com">dmvuylsteke@bryancave.com</a></p> <p>Attorney for Noranda</p>	<p><b>Noranda Aluminum, Inc.:</b></p> <p>Edward F. Downey, MBN 28866 Bryan Cave LLP 221 Bolivar Street, Suite 101 Jefferson City, MO 65109 Telephone: (573) 556-6622 Fax: (573) 556-7442 <a href="mailto:efdowney@bryancave.com">efdowney@bryancave.com</a></p> <p>Attorney for Noranda</p>

## STATEMENT OF THE ISSUES

(As required by § 386.510 RSMo)

Appellant Public Counsel will raise the following issues on appeal:

1. OPC challenges the lawfulness and reasonableness of the Public Service Commission's findings and conclusions issued in its December 3, 2014 *Report and Order* issued in Case Number GR-2014-0152 granting a rate increase for Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities.

**FORM 1. CIVIL CASE INFORMATION FORM SUPPLEMENT**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

No. WD \_\_\_\_\_

Public Counsel,

Petitioner/Appellant

Marc Poston, Bar Number 45722

P.O. Box 2230

Jefferson City, MO 65102

vs.

Missouri Public Service Commission

Defendant/Respondent

Shelly Brueggemann, Bar Number 52173

P.O. Box 360

Jefferson City, MO 65102

Date Notice filed with the Public Service Commission February 19, 2015

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The Record on Appeal will consist of a Legal File Only. (This will include records filed pursuant to Rules 81.13 and 81.16)

**FACTUAL BACKGROUND:** (Events Giving Rise to Cause of Action)

Judicial Review of the Missouri Public Service Commission's December 3, 2014 *Report and Order* issued in Case Number GR-2014-0152, In the Matter of Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities' Tariff Revisions Designed to Implement a General Rate Increase for Natural Gas Service in the Missouri Service Areas of the Company.

**ISSUE(S):** (Anticipated to be Presented by the Appeal; Appellant is Not Bound by this Designation)

OPC challenges the lawfulness and reasonableness of the Public Service Commission's findings and conclusions issued in its December 3, 2014 *Report and Order* issued in Case Number GR-2014-0152.