

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Staff of the)	
Missouri Public Service Commission,)	
)	
Complainant,)	
)	
vs.)	File No. GC-2011-0100
)	
Southern Union Company,)	
)	
Respondent.)	

ORDER DENYING MOTION TO REJECT

Issue Date: July 21, 2011

Effective Date: July 21, 2011

The Missouri Public Service Commission is denying the Office of Public Counsel’s (“OPC”) motion to reject.¹

The motion to reject is among the many filings related to the pending motions for summary determination of Staff and Southern Union Company (“the utility”). The utility’s motion for summary determination is the subject of Staff’s suggestions in opposition (“Staff’s suggestions”).² Staff’s suggestions prompted the utility’s reply suggestions.³

The utility’s reply suggestions are the target of OPC’s motion to reject. The utility filed a response.⁴ OPC filed a reply.⁵

OPC argues that the utility’s reply suggestions are too late in responding to Staff’s suggestions under the 10-day regulatory deadline for filing a response to a

¹ [OPC]’s Motion to Reject Filing, filed on June 16. Dates are in 2011.

² Filed on May 18.

³ Filed on June 16.

⁴ [The Utility]’s Response to [OPC]’s Motion to Reject Filing, filed on June 17.

⁵ [OPC]’s Reply to [the Utility]’s Response Regarding [OPC]’s Motion to Reject, filed on June 27.

pleading.⁶ A “pleading,” the utility argues, does not include the utility’s reply suggestions:

Pleading means any application, complaint, petition, answer, motion, staff recommendation, or other similar written document, which is not a tariff or correspondence, and which is filed in a case. A brief is not a pleading under this definition. [⁷]

The utility’s reading is either correct, or close enough to constitute the excusable neglect that excuses late filing, under the Commission’s regulation.⁸

Therefore, the Commission will deny OPC’s motion to reject.

THE COMMISSION ORDERS THAT:

1. *Public Counsel's Motion to Reject Filing* is denied.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 21st day of July, 2011.

⁶ 4 CSR 240-2.080(15). Staff’s suggestions were filed on May 18. The tenth day following was Saturday, May 28. The next day that was not a Sunday or a State holiday was May 31. 4 CSR 240-2.050(1). The utility filed the reply suggestions on June 16. That date is sixteen days after May 31, six days late, according to OPC’s theory.

⁷ 4 CSR 240-2.010(13).

⁸ 4 CSR 240-2.050(3)(B).