BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Southern Missouri Gas Company, L.P.)	File No. GR-2010-0347
Request for a Small Company Rate Increase)	

ORDER TO FILE TARIFF

Issue Date: December 16, 2010 Effective Date: December 16, 2010

The Missouri Public Service Commission is directing the filing of tariff sheets.

Southern Missouri Gas Company, L.P. ("the utility") filed a letter seeking rate relief on May 21, 2010, initiating this action. Such action is subject to 4 CSR 240-3.050 ("the regulation"). On November 17, 2010, Staff filed a disposition agreement signed by only Staff and the utility.

The regulation provides at Section (14):

If the disposition agreement filed by the staff provides for a full resolution of the utility's request but is executed by only the utility and the staff, the utility shall file new and/or revised tariff sheets, bearing an effective date that is not fewer than forty-five (45) days after they are filed, to implement the agreement.

But the parties have filed only the example or specimen tariff sheets ("draft tariff") that accompany the disposition agreement. The parties state that the utility will file revised tariff sheets if the Commission approves the agreement. It is true that no filing period for revised tariff sheets expressly appears in the regulation.

But the regulation provides that a request for an evidentiary hearing results in suspension of revised tariff sheets:

(15) [T]he public counsel shall file a pleading stating its position regarding the utility/staff agreement and the related tariff revisions, or requesting that the commission hold a

local public hearing or an evidentiary hearing, and providing the reasons for its position or request.

* * *

(20) If the public counsel files a request for an evidentiary hearing, [the] utility's pending tariff revisions shall then be suspended [.]

A draft tariff is neither "pending tariff revisions" nor subject to suspension. By contrast, a draft tariff must expressly accompany a settlement proposal, under Section (10) of the regulation. The Commission concludes that a draft tariff is not within Section (20) of the regulation, and therefore not within Section (14) of the regulation.

For that reason, the Commission will order the utility to file revised tariff sheets in compliance with Section (14) of the regulation.

THE COMMISSION ORDERS THAT:

- 1. Southern Missouri Gas Company, L.P. tariff sheets described in the body of this order no later than December 23, 2010.
 - 2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

Steven C. Reed Secretary

(SEAL)

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

Dated at Jefferson City, Missouri, on this 16th day of December 2010.