

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

FILED³

MAY 18 2004

**Missouri Public
Service Commission**

In the Matter of:)
)
An Investigation into Compliance with the)
Required Registration of Sellers of)
Electricity and Gas for Use or Consumption)
Within Missouri.)

Case No.: GO-2004-0195

**MOTION FOR CLARIFICATION BY CONAGRA ENERGY SERVICES, INC.
N/K/A CONAGRA TRADE GROUP, INC.**

Comes now, ConAgra Energy Services, Inc., n/k/a ConAgra Trade Group, Inc.
("ConAgra Trade Group"), through its undersigned counsel, and for its Motion for
Clarification, states as follows:

1. On or about February 18, 2004, ConAgra Trade Group filed its "Motion
for Dismissal of Conagra Energy Services, Inc. n/k/a ConAgra Trade Group, Inc."
("Motion for Dismissal"). A true and correct copy of this Motion for Dismissal is
attached hereto and marked as Exhibit A.

2. In its Motion for Dismissal, ConAgra Trade Group requested its dismissal
as a named party in this investigatory proceeding because it is not a "distributor" or
"seller" of "energy services" within the meaning of 393.297 et seq., RSMo 2000.

3. In its Order dated March 19, 2004, the Public Service Commission of the
State of Missouri ("PSC") held that "ConAgra Energy Services, L.P.'s motion is granted
and the Company is dismissed from this case." (Order, dated Mar. 19, 2004, at p. 2, ¶ 5,
attached hereto and marked as "Exhibit B") (emphasis added).

4. ConAgra Trade Group is unaware of any entity named "ConAgra Energy
Services, L.P." that has been named as a party to this investigatory proceeding.

5. Instead, ConAgra Trade Group believes that the PSC's dismissal of "ConAgra Energy Services, L.P." as a party, rather than "ConAgra Energy Services, Inc.," was merely a typographical error in the March 19 Order.

6. Therefore, ConAgra Trade Group respectfully requests that the PSC clarify its March 19 Order to reflect the PSC's true intent to dismiss "ConAgra Energy Services, Inc." as a party to this investigatory proceeding, and that the March 19 Order did, in fact, dismiss ConAgra Trade Group from this proceeding.

WHEREFORE, in light of the above, ConAgra Energy Services, Inc., n/k/a ConAgra Trade Group, Inc. respectfully requests that the PSC clarify its March 19, 2004, Order, to reflect that "ConAgra Energy Services, Inc., n/k/a ConAgra Trade Group, Inc." was dismissed as a party to this investigatory proceeding.

Respectfully submitted,

BURROUGHS, HEPLER, BROOM,
MacDONALD, HEBRANK & TRUE, LLP

By: 

Theodore J. MacDonald, Jr. #28465
Michael L. Young # 52058
Attorneys for ConAgra Energy Services,
Inc. n/k/a ConAgra Trade Group, Inc.
1010 Market Street, Suite 500
St. Louis, Missouri 63101
314-355-6160 telephone
618-656-0184 telephone
314-241-6116 facsimile

McGRATH, NORTH, MULLIN &
KRATZ, P.C., LLO

Mark E. Enenbach (NE Bar #15202)
Terry A. White (NE Bar #18282)
3700 First National Tower
1601 Dodge Street
Omaha, Nebraska 68102
402-341-3070 telephone
402-341-0216 facsimile

PROOF OF SERVICE

The undersigned certifies that a complete copy of this instrument was served upon:

- Dana K. Joyce, P.O. Box 360, 200 Madison Street, Suite 800, Jefferson City, Missouri, 65102
- John B. Coffman, P.O. Box 7800, 200 Madison Street, Suite 540, Jefferson City, Missouri, 65102
- Alliance Energy; Valeria Schell, 25920 Oakdale, Lebanon, Missouri, 65536
- Alliance Energy Services, L.L.C., Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Alliance Energy Services, LLC, Jason Doyle, 8608 North Flora Avenue, Kansas City, Missouri, 64155
- AmerenUE, Charles Mueller, 1901 Chouteau Avenue, P.O. Box 65149, St. Louis, Missouri, 63166
- AmerenUE, Tom Byrne, #1 Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri, 63103
- Aquilla Merchant Services, CSC Lawyers Inc. Service Co., 221 Boliver Street, Jefferson City, Missouri, 65102
- Aquilla Networks - L&P, Robert Amdor, 1815 Capitol Avenue, Omaha, Nebraska, 68102
- Aquilla Networks - MPS, Robert Amdor, 1815 Capitol Avenue, Omaha, Nebraska, 68102
- Associated Natural Gas Company, Official Representative, 916 North Green Street, Kirksville, Missouri, 63501
- Associated Natural Gas, Inc., Official Representative, 532 Main Street, Jackson, Missouri, 63755
- Atmos Energy Corporation, Robert Best, 5430 LBJ Freeway, #160, Dallas, Texas, 75204
- Bayer, Official Representative Thomas E. Bayer, Realty, 15510 Olive Boulevard, Suite 110, Chesterfield, Missouri, 63017
- Bowgen Fuel Systems, Office Representative, 3392 Bowgen Parkway, Springfield, Missouri, 65807
- CMS Marketing, Inc., Richard Corbet, 28 Nolan Drive, St. Louis, Missouri, 63122
- CMS Marketing, Services and Trading Company, Official Representative The Corporation Company, 120 South Central Avenue, Clayton, Missouri, 63105
- ConAgra Energy Services, Inc., Gregory Heckman, P.O. Box 2533, Omaha, Nebraska, 68103
- Cornerstone Energy, CT Corporation System, 102 S. Central Avenue, Clayton, Missouri, 63105
- Duke Energy, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy Control Area Services, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105

- Duke Energy Marketing America LLC, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy Merchants, LLC, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy Operating Company, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy Operating Company, LLC, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy St. Francis, LLC, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Duke Energy Trading and Market Services LLC, Official Representative The Corporation Company, 120 South Central Avenue, Clayton, Missouri, 63105
- Energy One Ventures, CSC Lawyers Inc. Service, 221 Bolivar Street, Jefferson City, Missouri, 65101
- Energy One Ventures, Official Representative c/o Utilcorp United, Inc., 20 West 9th Street, Kansas City, Missouri, 64105
- Enserch Energy Services, Official Representative, 1301 Fannin, Suite 2300, Houston, Texas, 77002
- Farmland Industries, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Fidelity Natural Gas, Inc., John Davis, 64 North Oak, P.O. Box 669, Sullivan, Missouri, 63080
- FSG Energy Services, Official Representative 8797 North High Street, Suite 314, Worthington, Ohio, 43085
- Greeley Gas Company, 1301 Pennsylvania Street, Suite 800, Denver, Colorado, 80203
- Kansas City Power & Light, Co., Jeanie Latz, 1201 Walnut, Jefferson City, Missouri, 64108
- Laclede Energy, LLC, Laclede Electric Cooperative, 300 E. Seminole, P.O. Box M, Lebanon, Missouri, 65536
- Laclede Gas Company, Douglas Yaeger, 720 Olive Street, St. Louis, Missouri, 63101
- Laclede Energy Resources, Inc., Mary Kullman, 720 Olive Street, St. Louis, Missouri, 63101
- Laclede Energy Services, Inc., Mary Kullman, 720 Olive St. St. Louis, Missouri, 63101
- Laclede Energy, LLC, Kenneth Miller, 300 E. Seminole, P.O. Box M, Lebanon, Missouri, 65536
- Laclede Electric Cooperative, 300 E. Seminole, P.O. Box M, Lebanon, Missouri, 65536
- Laclede Venture Corp., 720 Olive Street Road, St. Louis, Missouri, 63101
- Miracle Recreation, Michael Rivard, 13523 Barrett Parkway #104, Ballwin, Missouri, 63021
- Miracle Recreation Equipment Co., Michael Rivard, 13523 Barrett Parkway #104, Ballwin, Missouri, 63021

- Missouri Gas Company, LLC, David Ries, 110 Algana Court, St. Peters, Missouri 63376
- Missouri Gas Energy, a division of Southern Union Company, Rob Hack, Pricing & Regulatory Affairs, 3420 Broadway, Kansas City, Missouri, 64111-2402
- Missouri Pipeline Company, LLC, David J Ries, 110 Algana Court, St. Peters, Missouri, 63376
- MRT Energy Mkt., Alice Starkal, 9900 Clayton Road, St. Louis, Missouri, 63124
- MRT Energy Mkt., Noram Energy Services, 1111 Louisiana, Houston, Texas, 77002
- MRT Energy Marketing Company, Alice Starkal, 9900 Clayton Road, St. Louis, Missouri, 63105
- MRT Energy Marketing Company, Noram Energy Services, 1111 Louisiana, Houston, Texas, 77002
- MRT Marketing Energy Company, 9900 Clayton Road, St. Louis, Missouri, 63124
- Mercado Gas Svc., Inc., 3420 Broadway Street, Kansas City, Missouri, 64111
- Omega Pipeline, CT Corporation System, 120 S. Central Avenue, Clayton, Missouri, 63105
- Omega Pipeline Company, LLC, BC Agent Services, Inc., 3500 One Kansas City Place, Kansas City, Missouri, 64105
- Oneok Energy Marketing and Trading Company, L.P., Oneok Energy Marketing, 100 West Fifth Street, Tulsa, Oklahoma, 74103
- Oneok Energy Marketing and Trading Company, II, CSC Lawyers Inc. Service Co., 221 Bolivar Street, Jefferson City, Missouri, 65101
- Oneok Energy Marketing Company, CSC Lawyers, Inc. Services Co., 221 Bolivar Street, Jefferson City, Missouri, 65101
- Oneok Gas Marketing, 100 West Fifth Street, Tulsa, Oklahoma, 74103
- Oneok Power Marketing Co., CSC Lawyers Inc. Services C., 221 Bolivar Street, Jefferson City, Missouri, 65101
- Ozark Natural Gas Company, Inc., Harold Epps, 2580 State Highway 165, Branson, Missouri, 65616
- Ozark Natural Gas Co., 118 S. Commercial Street, Branson, Missouri, 65616
- PG&E Energy Trading, 10825 Watson Road, St. Louis, Missouri, 63127
- Proliance Energy, 111 Monument Circle, Suite 2200, Indianapolis, Indiana, 46204
- Seminole Energy, 1323 East 71st, Suite 300, Tulsa, Oklahoma, 74136
- Southern Missouri Gas Co., L.P., Scott Klemm, 301 East 17th Street, Mountain Grove, Missouri, 65711
- Southern Union Company, 1301 South MoPAC Expressway, Suite 400, Austin, Texas, 78746
- Southwest Energy Training, LLC, Gina Atteberry, 402 Main Street, P.O. Box 278, Joplin, Missouri, 64802-0278

- Strategic Energy LLC, Two Gateway Center, 9th Floor, Pittsburgh, Pennsylvania, 15222
- Summit Energy, 10350 Ormsby Park Place, Suite 400, Louisville, Kentucky, 40223
- SW Energy, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Talbot Industries, Inc., Ernest Jett, No. 1 Leggett Road, Carthage, Missouri, 64836
- TXU Energy-Retail; Official Representative CT Corporation, 120 South Central Avenue, Clayton, Missouri, 63105
- TXU Energy Retail Company, Official Representative TXU Energy Solution C, 1601 Bryan Energy Plaza EP 34108, Dallas, Texas, 75201
- TXU Energy Retail Company LP, Official Representative TXU Energy Retail Management, 1601 Bryan St., Dallas, Texas, 75201
- TXU Energy Services, Official Representative TXU SEM Company, 9000 East Nichols Avenue, Suite 150, Englewood, CO, 89112-3474
- TXU Energy Services Co., Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- TXU Energy Solutions Co. LP, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- TXU Energy Solutions Company LP, Official Representative TXU Energy Solutions Management, 1601 Bryan Street, Dallas, Texas, 75201
- TXU Energy Trading Co., Official Representative TXU Merger Energy Trad., 1601 Bryan Energy Plaza, EP3108, Dallas, Texas, 75201
- TXU Energy Trading Company, Official Representative The Corporation Company, 120 South Central Avenue, Clayton, Missouri, 63105
- TXU Energy, Retail, Official Representative TXU Energy Solutions C, 1601 Bryan Energy Plaza EP 34108, Dallas, Texas, 75201
- TXU Energy, Trading, Official Representative, TXU Merger Energy Trad., 1601 Bryan Energy Plaza EP 3108, Dallas, Texas, 75201
- TXU Energy-Retail, Official Representative TXU Energy Solution C, 1601 Bryan Energy Plaza EP 34108, Dallas, Texas, 75201
- TXU Energy-Trading, Official Representative, TXU Merger Energy Trad., 1601 Bryan Energy Plaza EP 3108, Dallas, Texas, 75201
- Tyson Ambiac Electric, Inc., Dallart Tyson, 2311 East 12th Street, Kansas City, Missouri, 64127
- Tyson and Tyson Services, Inc., David Nachman, 2405 Grand, Suite 300, Kansas City, Missouri, 64108
- Tyson Pipeline Co., James Tyson, 515 South Gordon, Alvin, Texas, 77511
- Tyson Technologies, Inc., Roger Tyson, 1710 East 304th Street, Drexel, Missouri, 64742
- United Cities Gas Company, Official Representative 810 Crescent Centre Drive, Suite 600, Franklin, Tennessee 37057
- United States Gypsum Company, L.W. Parrish, 314 N. Broadway, St. Louis, Missouri, 63102

- Unites States Gypsum Co., Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- US Oil Company, Official Representative CT Corporation System, 120 South Central Avenue, Clayton, Missouri, 63105
- Williams Natural Gas Co., Official Representative 6300 South Range Line Road, Joplin, Missouri, 54804
- Woodward Marketing, LLC, Official Representative 11251 NW Expressway #400, Houston, Texas, 77092
- Robert V. Franson, Senior Counsel, Attorney for the Staff of the Missouri Public Service Commission, 200 Madison Street, Jefferson City, Missouri, 63101
- Honorable Dale Hard Roberts, Chief Judge and Secretary, Missouri Public Service Commission, Governor Office Building, 200 Madison Street, Jefferson City, Missouri, 65101

Courtesy copies to:

- Honorable Robert Franson, Regulatory Law Judge, Missouri Public Service Commission, Governor Office Building, 200 Madison Street, Jefferson City, Missouri, 65101
- Honorable Kennard L. Jones, Regulatory Law Judge, Missouri Public Service Commission, Governor Office Building, 200 Madison Street, Jefferson City, Missouri, 65101

by first class mail, postage prepaid, and by depositing in a U.S. Post Office mail box, this

14 day of May, 2004.

 _____

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

COPY

In the Matter of an Investigation into
Compliance with the Required Registration of
Sellers of Electricity and Gas for Use or
Consumption Within Missouri

)
)
)
)
) Case No. GO-2004-0195
)
)
)
)
)
)
)
)

**MOTION FOR DISMISSAL OF CONAGRA ENERGY SERVICES, INC. N/K/A
CONAGRA TRADE GROUP, INC.**

ConAgra Energy Services, Inc., n/k/a ConAgra Trade Group, Inc. ("ConAgra Trade Group") through its undersigned counsel, respectfully requests that this Commission dismiss it as a named party in this investigatory proceeding, and that it be allowed to withdraw from all further participation. In support of this Motion, ConAgra Trade Group respectfully states as follows:

- 1) ConAgra Trade Group is a wholly-owned subsidiary of ConAgra Foods, Inc.
- 2) ConAgra Trade Group purchases natural gas only for use at plants owned by ConAgra Foods, Inc.; such natural gas is not used for retail sale, redistribution or for any other type of resale in the general market.
- 3) ConAgra Trade Group is not a "distributor" or "seller" of "energy services" within the meaning of 393.297 *et seq.*, RSMO 2000.



- 4) Attached hereto is the Affidavit of Mr. Dennis Stieren, who is ConAgra Trade Group's Vice President of Risk Control, attesting to the facts set forth herein and supporting this motion.
- 5) Based on the foregoing, ConAgra Trade believes it has erroneously been included in the scope and jurisdiction of these proceedings.

WHEREFORE, having no stake in the outcome of this proceeding, ConAgra Trade Group respectfully requests it be dismissed therefrom and relieved from all further participation as a party to this matter.

Respectfully submitted,

By: Michael T. Young
Theodore J. MacDonald, Jr.
Michael Young
Burroughs, Hepler, Broom, MacDonald &
Hebrank
Two Mark Twain Plaza, Suite 300
103 West Vandalia Street
Edwardsville, IL 62025
Telephone: (618) 656-0184
Facsimile: (618) 656-1364

and

Mark E. Enenbach (NE Bar # 15202)
Terry A. White (NE Bar #18282)
McGrath, North, Mullin & Kratz, PC LLO
3700 First National Tower
1601 Dodge Street
Omaha, Nebraska 68102
Telephone: (402) 341-3070
Facsimile: (402) 341-0216

COPY

Case No. GO-2004-0195

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

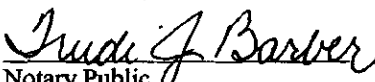
7. The natural gas purchased by ConAgra Trade Group is consumed; not resold, redistributed or put into the retail market place for sale to a consumer or customer.

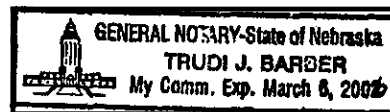
8. In Missouri, ConAgra Trade Group has not sold and does not sell natural gas to third parties.

FURTHER AFFIANT SAYETH NOT.


Dennis Stieren

Signed and sworn to before me this 12 day of February, 2004


Notary Public



In the Matter of an Investigation into Compliance with
the Required Registration of Sellers of Electricity and
Gas for Use or Consumption in Missouri.)
) **Case No. GO-2004-0195**
)



following companies are reasonable: Tyson Sales and Distribution; Tyson Shared Services, Inc.; Summit Energy; Miracle Recreation; ConAgra Energy Services, LP; Greeley Gas Company; United Cities Gas Company; and Ozark Natural Gas Company. However, because Staff opposes dismissing CMS as a party, the Commission will deny CMS's motion, pending further investigation by Staff.

IT IS THEREFORE ORDERED:

1. That Tyson Sales and Distribution's motion is granted and the Company is dismissed from this case.
2. That Tyson Shared Services, Inc.'s motion is granted and the Company is dismissed from this case.
3. That Summit Energy's motion is granted and the Company is dismissed from this case.
4. That Miracle Recreation's motion is granted and the Company is dismissed from this case.
5. That ConAgra Energy Services, L.P.'s motion is granted and the Company is dismissed from this case.
6. That Greeley Gas Company's motion is granted and the Company is dismissed from this case.
7. That United Cities Gas Company's motion is granted and the Company is dismissed from this case.
8. That Ozark Natural Gas Company's motion is granted and the Company is dismissed from this case.
9. That CMS Marketing, Services and Trading Co.'s motion to be dismissed is denied.
10. That the Commission's records shall be updated to show CMS Marketing, Services and Trading Co.'s current name to be CMS Energy Resources Management Co.
11. That this order shall become effective on March 29, 2004.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of March, 2004.