

GOLLER, GARDNER AND FEATHER

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

David R. Goller
Paul H. Gardner
Jean S. Feather
Pamela Q. Henrickson

131 East High Street
Jefferson City, Missouri 65101
Telephone 573/635-6181
Facsimile 573/635-1155
E-mail: info@gollerlaw.com

Robert W. Hedrick
1918-1988

May 26, 2004

FILED

MAY 26 2004

Judge Dale Roberts
Missouri Public Service commission
P. O. Box 360
Jefferson City, Mo 65102

**Missouri Public
Service Commission**

Re: In the Matter of an Investigation into Compliance with the Required Registration of Sellers of
Electricity and Gas, MOPSC Case No. GO-2004-0195

Dear Judge Roberts:

Enclosed for filing is an original and eight (8) copies of the MOTION FOR
RECONSIDERATION AND/OR APPLICATION FOR REHEARING. Copies of this Motion
have been served on all parties of record.

Thank you for your attention to this matter.

Sincerely,

Paul H. Gardner
Paul H. Gardner *gks*

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

FILED

MAY 26 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 of Consumption in Missouri)

Case No. GO-2004-0195

MOTION FOR RECONSIDERATION AND/OR APPLICATION FOR REHEARING

COME NOW ONEOK Power Marketing Company, ONEOK Energy Marketing and Trading Company, II, and ONEOK Gas Marketing Company pursuant to 4 CSR 2402.160 and Section 386.500 RSMo and state as follows:

1. On April 20, 2004 ONEOK Power Marketing Company, ONEOK Energy Marketing and Trading Company, II and ONEOK Gas Marketing Company (hereinafter the "ONEOK Companies") filed a Motion to Dismiss those entities as parties to this case, supported by the Affidavit of Donald England, Manager for Regulatory Affairs of ONEOK Energy Marketing and Trading Company.

2. On May 17, 2004 this Commission issued its ORDER DISMISSING PARTIES FROM CASE which declined to dismiss the ONEOK Companies on the ground that the Commission Staff was "working on new Data Requests to further clarify its understanding of business practices of various energy marketers and will consult with counsel for the one ONEOK Companies."

3. Although the May 17 Order recites that "at this time, staff objects to the dismissal of the ONEOK Companies", neither the Commission's Order or any filing by the Staff explains how any such Data Requests would preclude the dismissal sought by the ONEOK Power

Marketing Company, ONEOK Energy Marketing and Trading Company, II and ONEOK Gas Marketing Company.

4. The ONEOK Companies seeking dismissal respectfully request that the Commission reconsider and/or grant rehearing on the Motion to Dismiss filed by ONEOK Companies on the following grounds:

(a) The refusal to dismiss the ONEOK Companies seeking dismissal is unsupported by competent and substantial evidence because the grounds for dismissal set forth in the affidavit of Donald England are uncontradicted by any facts set forth in the Staff's opposition to dismissal of the ONEOK Companies;

(b) The refusal to dismiss the ONEOK Companies based on the need "to further clarify its understanding of the business practices of various energy marketers" is unreasonable, arbitrary, capricious and constitutes an abuse of discretion because it fails to address the grounds for dismissal sought by the ONEOK Companies or explain how unspecified additional data requests by the Staff could produce evidence supporting the refusal to dismiss the ONEOK Companies;

(c) The refusal to dismiss these ONEOK Companies is unlawful and unreasonable because the commission does not have jurisdiction or authority over the ONEOK Companies who do no business in Missouri; and

(d) ONEOK Energy Marketing Company and ONEOK Energy Marketing and Trading Company are the only ONEOK entities that do business in Missouri and will remain as parties to this case after dismissal of ONEOK Power Marketing Company, ONEOK Energy Marketing and Trading Company, II and ONEOK Gas Marketing Company.

WHEREFORE, the ONEOK companies seeking dismissal respectfully request that this Commission reconsider and/or rehear their Motion to Dismiss and dismiss ONEOK Power

Marketing Company, ONEOK Energy Marketing and Trading Company, II and ONEOK
Marketing Company as parties to this case.

Paul H. Gardner / jkl

Paul H. Gardner - MO Bar #28159
Goller, Gardner and Feather, PC
131 East High Street
Jefferson City, MO 65101
Voice: 573-635-6181 Fax: 573-635-1155
info@gollerlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Reconsideration and/or Application for Rehearing was served upon all parties of record by U.S. Mail, postage prepaid, on this 26th day of May, 2004.

Paul H. Gardner / jkl

Paul H. Gardner