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March 3, 2004

FILED⁴

MAR 03 2004

**Missouri Public
Service Commission**

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

RE: *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*

Mr. Roberts:

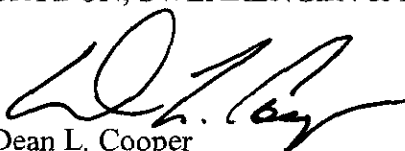
Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Motion for Clarification of Party Concerning Identity Mercado Gas Service, Inc., and for Clarification Concerning Party Missouri Gas Energy, which is being filed on behalf of Missouri Gas Energy. Copies of the foregoing Motion for Clarification have been hand-delivered or mailed this date to all parties.

Thank you for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/jar

Enclosures

cc: Office of the Public Counsel
Dana K. Joyce, General Counsel

FILED⁴

MAR 03 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

Missouri Public
Service Commission

Case No. GO-2004-0195

MOTION FOR CLARIFICATION OF PARTY IDENTITY
CONCERNING MERCADO GAS SERVICE, INC., AND FOR CLARIFICATION
CONCERNING PARTY MISSOURI GAS ENERGY

COMES NOW Missouri Gas Energy, a division of Southern Union Company, ("MGE") by and through its undersigned counsel, and respectfully requests that this Commission clarify its record insofar as such appears to associate MGE with the entity identified as Mercado Gas Service, Inc., when in fact there is no relationship or association between these two entities. MGE further moves this Commission to amend its record identifying the parties to this proceeding to reflect that MGE and Southern Union Company are one and the same party for purposes of this docket, rather than separate entities as currently listed. In support of this Motion, MGE respectfully states as follows:

1. Southern Union Company is a corporation duly incorporated under the laws of the state of Delaware and conducts business in Missouri under the fictitious name of Missouri Gas Energy (movant herein). MGE conducts the business of a "gas corporation" and provides natural gas service in the Missouri counties of Andrew, Barry, Barton, Bates, Buchanan, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cooper, Dade, Dekalb, Greene, Henry, Howard, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Moniteau, Cedar, Pettis, Platte, Ray, Saline, Stone, and Vernon, subject to the jurisdiction of this Commission. MGE's principal office is located at 3420 Broadway, Kansas City, Missouri 64111.

2. MGE understands the purpose of this proceeding to be an investigation and report by Commission Staff concerning whether certain entities are providing "energy services," as defined in section 393.297 -.302, RSMo. 2000, within Missouri.

3. MGE notes that the Commission has included as a party to this proceeding the entity named Mercado Gas Service, Inc., ("Mercado") and shows Mercado as having an address identical to MGE -- 3420

Broadway, Kansas City, Missouri 64111. However, MGE seeks herein to clarify that MGE has no relationship or affiliation with Mercado, and that any issue or matter to be addressed in this proceeding concerning Mercado or MGE will have no effect or direct relevance to the other, and that MGE does not purport to represent Mercado with regard to any of Mercado's interests which may be impacted by this proceeding.

4. Specifically, in October of 2002, Southern Union Company entered into a Purchase and Sale Agreement with ONEOK, an Oklahoma corporation, whereby Southern Union sold to ONEOK all of its equity interests in certain of its subsidiaries, including Mercado. Although Mercado was a subsidiary of Southern Union prior to Mercado's sale to ONEOK on January 1, 2003, there has been no continuing relationship or affiliation between Mercado and Southern Union. In fact, Southern Union's own records reveal that there have been no customers of Mercado within Missouri subsequent to late in the year 2000.

5. Additionally, MGE notes that the Commission has identified it and Southern Union Company as two separate and distinct parties to this proceeding.¹ However, MGE, as noted above, is a division of Southern Union Company and is the fictitious name held by Southern Union Company for its operations within the state of Missouri. Thus, all business conducted by Southern Union within Missouri that might conceivably be at issue in this proceeding is conducted through MGE, thus negating any need to name Southern Union Company as an additional or separate party.

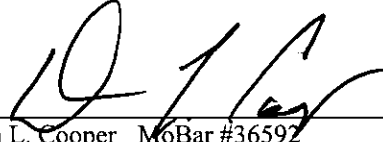
6. Attached hereto is the Affidavit of Mr. Dennis K. Morgan, Executive Vice President – Administration, General Counsel & Corporate Secretary, attesting to the facts set forth herein.

WHEREFORE, Missouri Gas Energy, a division of Southern Union Company, respectfully requests that the Commission clarify its record in the present proceeding to reflect that MGE and Mercado Gas Service, Inc. bear no relationship to one another and that their respective interests at issue herein are separate and distinct; MGE further respectfully requests that this Commission amend its record to remove Southern Union Company as a

¹In its "Order Opening Case, Adding Parties, Directing Notice and Setting Prehearing Conference," issued on December 9, 2003, the Commission listed, among numerous other parties, "Missouri Gas Energy, a division of Southern Union Company" and showed its Kansas City, Missouri address; the Commission also listed "Southern Union Company," showing an address in Austin, Texas.

separate party to this proceeding, in that its interests herein are identical to those of MGE and adequately represented by MGE for all further proceedings in this matter.

Respectfully submitted,

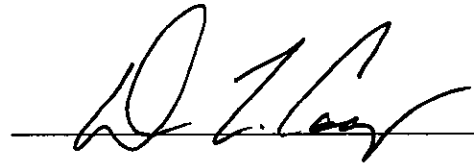


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ATTORNEYS FOR MISSOURI GAS ENERGY, A
DIVISION OF SOUTHERN UNION COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served by hand delivery this 31st day of March 2004 upon the Office of the Public Counsel and the Office of the General Counsel.



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

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

AFFIDAVIT OF DENNIS K. MORGAN

COMES NOW Dennis K. Morgan, and states as follows:

1. My name is Dennis K. Morgan. I am presently employed by Southern Union Company; my title is Executive Vice President – Administration, General Counsel & Corporate Secretary. My responsibilities have included involvement in the disposition of a number of subsidiary corporations, including Mercado Gas Service, Inc. ("Mercado"). I have read the accompanying "Motion For Clarification of Party Identity Concerning Mercado Gas Service, Inc.," etc. and I am duly authorized to make this affidavit on behalf of Southern Union Company; I have knowledge of the statements made herein, and the matters and things stated herein are true and correct to the best of my information, knowledge and belief.

2. I am aware that MGE has been named as a party in the above-captioned matter currently pending before the Public Service Commission of the State of Missouri.

3. MGE operates in the State of Missouri as the fictitious name of Southern Union Company, and conducts the business of a "gas corporation," providing natural gas service in the Missouri counties of Andrew, Barry, Barton, Bates, Buchanan, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cooper, Dade, Dekalb, Greene, Henry, Howard, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Moniteau, Cedar, Pettis, Platte, Ray, Saline, Stone, and Vernon. MGE is, accordingly, subject to this Commission's regulatory jurisdiction and authority, and operates pursuant thereto. MGE's principal office is located at 3420 Broadway, Kansas City, Missouri 64111.

4. Until the fall of 2002, Mercado was a subsidiary of Southern Union Company engaged in the marketing of natural gas in a number of areas. In October of that year, Southern Union Company entered into a Purchase and Sale Agreement with ONEOK, an Oklahoma corporation,

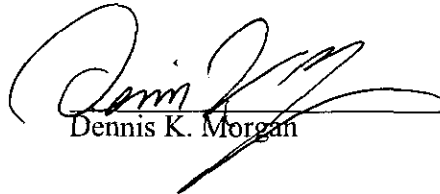
whereby Southern Union, effective January 1, 2003, sold to ONEOK all of its equity interests in certain of its subsidiaries, including Mercado.

5. There has been no continuing relationship or affiliation of any kind between Mercado and Southern Union, or between Mercado and MGE, since the sale of Mercado to ONEOK on January 1, 2003.

6. According to Southern Union's records, there were no customers of Mercado within Missouri from late in the year 2000 through the sale of this entity on January 1, 2003.

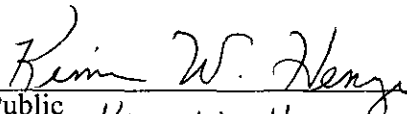
7. MGE operates as a division of Southern Union Company; "Missouri Gas Energy" is the fictitious name held by Southern Union Company for its operations within the state of Missouri. All business conducted by Southern Union Company within the state of Missouri is conducted through its MGE division.

Further Affiant sayeth not.


Dennis K. Morgan

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

Subscribed and sworn to before me this 26th day of February, 2004.


Notary Public Kim W. Henzi

My Commission expires: Feb. 3, 2007

