BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Southern Union Company d/b/a) File No. GE-2011-0282 Missouri Gas Energy's Application for Waiver/Variance)

ORDER GRANTING MOTION FOR LEAVE TO DISMISS

Issue Date: March 19, 2012 Effective Date: March 19, 2012

On March 13, 2012, Southern Union Company d/b/a Missouri Gas Energy ("MGE") filed a motion for leave to dismiss this action with prejudice. Commission Rule 4 CSR 240-2.116(1) provides:

An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of all the parties.

Prepared testimony has been filed by the parties; however, in File Number GM-2011-0412,¹ MGE joined a non-unanimous stipulation and agreement with the Commission's Staff, a provision of which requires it to dismiss this action.² No other party to GM-2011-0412 opposed the agreement, and the Commission issued an order approving that agreement effective on March 10, 2012. No party to GM-2011-0412 filed a motion for rehearing, so approval of that agreement is now final and non-appealable. Because the order approving the agreement in GM-2011-0412 is final and non-appealable, the Commission will grant the motion for leave to dismiss.

¹ File No. GM-2011-0412 involved the joint application of Southern Union Company and Sigma Acquisition Corporation ("SAC") and Energy Transfer Equity, L.P. ("ETE") for a merger. The merger agreement provides that SAC will merge with Southern Union, and Southern Union would survive as a subsidiary of ETE.

² This requirement appears in the "Conditions for Approval" section of the agreement, condition 4A.

THE COMMISSION ORDERS THAT:

- 1. Southern Union Company d/b/a Missouri Gas Energy's motion for leave to dismiss this action with prejudice is granted.
 - 2. This file shall be closed.
 - 3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(SEAL)

Steven C. Reed Secretary

Harold Stearley, Deputy Chief Regulatory Law Judge, by delegation of authority under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 19th day of March, 2012.