

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

In the Matter of the Verified Application and)
Petition of Liberty Energy (Midstates) Corp.) **File No. GO-2014-0006**
d/b/a Liberty Utilities to Change its Infrastructure)
System Replacement Surcharge.)

In the Matter of the Verified Application)
and Petition of Liberty Utilities (Midstates)
Natural Gas) Corp. d/b/a Liberty Utilities) **File No. GO-2015-0350**
for Establishment of an Infrastructure) **Tariff Tracking No. YG-2015-0372**
System Replacement Surcharge.)

JOINT MOTION TO CONSOLIDATE CASES

COMES NOW Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty Utilities” or “Company”), the Staff of the Missouri Public Service Commission (“Commission”) (“Staff”), and the Office of the Public Counsel (“OPC”) (collectively “Joint Movants”) and for their Joint Motion To Consolidate Cases, respectfully state as follows:

1. On June 30, 2015, Liberty Utilities initiated above-captioned File No. GO-2015-0350 to establish a new Infrastructure System Replacement Surcharge (“ISRS”). In accordance with Section 393.1015.6, Liberty Utilities’ ISRS was reset to zero when new base rates and charges became effective in its most recent general rate proceeding, Case No. GR-2014-0152.

2. The ISRS issue was resolved in Case No. GR-2014-0152 as reflected in the “Revised Second Partial Stipulation and Agreement as to Certain Issues” (“Partial Stipulation”) filed in that matter on September 10, 2014. Paragraph 3 of the Partial Stipulation provides, in part, as follows:

ISRS:

a. OPC has appealed the Commission's Report and Order ("Order") issued in Case No. GO-2014-0006, *In the Matter Of The Verified Application and Petition Of Liberty Energy (Midstates) Corp d/b/a Liberty Utilities To Change Its Infrastructure System Replacement Surcharge*, and the Missouri Court of Appeals – Western District issued its Opinion on July 29, 2014 in Case No. WD77089, affirming the Commission's Order. OPC is filing Post-Disposition Motions. The Signatories agree that the Company shall record a regulatory liability account in the amount of \$111,149 (estimate to be trued-up later if OPC prevails on the issue) to be used as a regulatory mechanism to preserve funds that could be used to credit the Company's ratepayers in the event that a court of competent jurisdiction reverses and remands the Commission's decision in the above-referenced case. In the event that no court of competent jurisdiction reverses and remands the Commission's decision and said decision becomes final, then the amounts booked in the regulatory liability account shall be reversed and no amounts will be credited to the Company's ratepayers. If upon remand the refund determined by the Commission is less than the regulatory liability, then the difference shall be reversed.

b. The Company further agrees that it will exclude from all future ISRS filings costs associated with damage to infrastructure caused by Company or third parties.

The terms of the Partial Stipulation were approved and the signatories were ordered to comply with its terms pursuant to the Commission's Report and Order issued December 3, 2014, effective January 2, 2015, in Case No. GR-2014-0152.

3. By its Opinion issued June 16, 2015 in Case No. SC94470, the Missouri Supreme Court reversed the Commission's decision in Case No. GO-2014-0006 and remanded the case to the Commission. The certified copy of the Mandate and Opinion was sent to the Commission on August 3, 2015.

4. Pursuant to the above-referenced Partial Stipulation, Liberty Utilities is truing up the \$111,149 amount recorded in the regulatory liability account to reflect the additional time period of recovery from the date of the Partial Stipulation until the ISRS surcharge was zeroed out on January 4, 2015.

5. Whereas the ISRS statutes contemplate that a gas corporation shall offset its ISRS in the future as necessary to recognize and account for any overcollections, the Joint Movants believe that consolidation of the above-captioned cases is the most appropriate and efficient method for effectuating the resulting refund due Liberty Utilities' customers.

6. Commission Rule 4 CSR 240-2.110(3) provides:

When pending actions involve related questions of law or fact, the commission may order a joint hearing or any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

WHEREFORE, Liberty Utilities, Staff and OPC respectfully request that the Commission grant this Joint Motion To Consolidate Cases.

Respectfully submitted,

/s/ Larry W. Dority

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 10th day of August, 2015.

/s/ Larry W. Dority

Larry W. Dority