

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

In the Matter of Missouri Gas Energy and)
Its Tariff Filing to Implement a General Rate)
Increase for Natural Gas Service) **File No. GR-2009-0355**

ORDER DENYING ADMISSION OF NEW EVIDENCE INTO THE RECORD

Issue\ Date: December 7, 2009

Effective Date: December 7, 2009

On November 2, 2009, during the evidentiary hearing, Commissioner Davis asked Missouri Gas Energy to file a late-filed exhibit that would show a rate design similar to that of Laclede Gas Company's. On November 6, 2009, the Office of the Public Counsel (hereafter "OPC") objected. It states, among other arguments, that such evidence would deprive it of an opportunity to rebut that evidence because its expert witness on rate design is unavailable to file rebuttal testimony.

At the Commission's December 2, 2009 Agenda meeting, Commissioner Davis indicated that he was withdrawing his request for the late-filed exhibit to which OPC objects. With the request being withdrawn, there is no need to admit the exhibit into evidence.

THE COMMISSION ORDERS THAT:

1. The late-filed exhibit offered by Missouri Gas Energy is not admitted into evidence.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of December, 2009.