

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

In the Matter of Liberty Energy (Midstates) Corp.    )  
d/b/a Liberty Utilities' Purchased Gas Adjustment    )    Case No. GR-2014-\_\_\_\_  
Tariff Filing.    )

**LIBERTY UTILITIES'  
NOTICE OF INTENDED CASE FILING  
AND APPLICATION FOR WAIVER**

COMES NOW Liberty Energy (Midstates) Corp. d/b/a Liberty Utilities (“Liberty Utilities”) and, pursuant to Missouri Public Service Commission (“Commission”) Rules 4 CSR 240-4.020(2) and 4 CSR 240-2.060(4), respectfully submits its Notice of Intended Case Filing (“Notice”) and request for a waiver from the application of 4 CSR 240-4.020(2) to its next Purchased Gas Adjustment (“PGA”) tariff filing. In support of its Notice and Application for Waiver, Liberty Utilities states as follows:

1. By its Order Approving Unanimous Stipulation And Agreement (“Order”) issued on March 14, 2012 and effective March 24, 2012, in File No. GM-2012-0037, *In the Matter of the Joint Application of Atmos Energy Corporation and Liberty Energy (Midstates) Corp. for Authority to Sell Certain Missouri Assets to Liberty Energy (Midstates) Corp. and, in Connection Therewith, Certain Other Related Transactions*, the Missouri Public Service Commission (“Commission”) approved the Unanimous Stipulation and Agreement (“Stipulation”) entered in said proceeding and authorized Atmos Energy Corporation to sell, and Liberty Utilities to purchase, the Missouri assets identified in the Joint Application in Case No. GM-2012-0037, and the Commission further issued new certificates of convenience and necessity to Liberty Utilities for the service areas formerly served by Atmos Energy Corporation. Liberty Utilities has no

pending actions against it involving customer service or rates having occurred within three (3) years, nor does it have any annual reports or assessment fees that are overdue.

2. On July 2, 2012, Liberty Utilities filed a tariff adoption notice and request for name change to (1) adopt Atmos Energy Corporation's tariffs and (2) authorize the use of the fictitious name "Liberty Utilities." A Certificate of Good Standing from the Office of Secretary of State was filed at that time, and is incorporated herein by reference. (GM-2012-0037 and GN-2013-0001) By its *Order Recognizing Name Change and Approving Tariff Sheets*, the Commission approved the adoption of the tariffs and recognized the fictitious name, effective August 1, 2012. As a result of these approvals by the Commission, Liberty Utilities is a "gas corporation" and a "public utility" as those terms are defined in Section 386.020 of the Revised Statutes of Missouri and as such is subject to the jurisdiction of the Commission as provided by law.

3. Communications in regard to this Notice and Application should be addressed to the undersigned counsel and:

Victor Edwards  
Director, Regulatory and Governmental Affairs  
Liberty Utilities  
2370 N High Street, Suite 1, Jackson, MO 63755  
victor.edwards@libertyutilities.com

4. Commission Rule 4 CSR 240-4.020(2) provides in part as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such a case. Such notice shall detail the type of case and issues likely to be before the commission.

4 CSR 240-4.020(2)(B) provides: "Any party may request a waiver of this section for good cause."

5. Pursuant to its approved tariffs, Liberty Utilities is required to make its Winter PGA filing between October 15 and November 4 of each calendar year. Liberty Utilities also is permitted to make three (3) Optional PGA filings.

6. In making its next Winter PGA filing, Liberty Utilities does not intend to create a contested case. It does not appear that Liberty Utilities' PGA filings are the type of case intended to be covered by the above-referenced rule. Nevertheless, Liberty Utilities is filing this Notice and requesting this waiver out of an abundance of caution. To the extent Liberty Utilities makes its Winter PGA tariff filing prior to November 4, 2013, such filing will not comply with the prescribed minimum sixty (60) day period. Liberty Utilities' previous Winter PGA filing was submitted in Case No. GR-2012-0129, a case established by Atmos Energy Corporation to track the company's PGA factors. Liberty Utilities has not previously initiated a new case for the purpose of tracking PGA factors. Accordingly, Liberty Utilities respectfully submits that, to the extent 4 CSR 240-4.020(2) may apply to its next Winter PGA filing, good cause exists for a waiver of the application of the sixty (60) day minimum filing period of said rule.

WHEREFORE, Liberty Utilities respectfully submits its Notice of Intended Case Filing and requests that the Commission grant its requested waiver of 4 CSR 240-4.020(2) as specifically set forth herein.

Respectfully submitted,

/s/ Larry W. Dority

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Attorneys for Liberty Energy (Midstates)  
Corp. d/b/a Liberty Utilities

**Certificate of Service**

I hereby certify that a copy of the above and foregoing document was sent by electronic mail, or hand delivered, on this 5<sup>th</sup> day of September, 2013 to:

General Counsel  
Missouri Public Service Commission  
Governor Office Building  
P.O. Box 360  
Jefferson City, MO 65102

Office of the Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
P.O. Box 2230  
Jefferson City, MO 65102-7800

/s/ Larry W. Dority

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Larry W. Dority

VERIFICATION

State of Missouri                    )  
  )            ss  
County of Cape Girardeau        )

I, Victor Edwards, being of lawful age, state: that I am Director, Regulatory and Governmental Affairs for Liberty Energy (Midstates) Corp. d/b/a Liberty Utilities; that I have read the foregoing pleading; that the statements and information set forth in such pleading are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of Liberty Utilities.

Victor Edwards

Subscribed and sworn to before me this 5 day of September, 2013.

Justa Ann Sanderson  
Notary Public

My Commission expires: 4-28-14.

