

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

In the Matter of Missouri Gas Energy's)	
Tariff Sheets Designed to Increase Rates)	
for Gas Service in the Company's)	Case No. GR-2009-0355
Missouri Service Area.)	

**PUBLIC COUNSEL'S REPLY TO MGE'S ARGUMENT
REGARDING THE EFFECTIVE DATE OF THE TARIFF**

COMES NOW the Office of the Public Counsel ("OPC") and for its reply to MGE's arguments regarding the effective date of the tariffs states:

1. On February 17, 2010, MGE filed its Response to Order Directing Filing wherein MGE states that "MGE has some concern, however, that implementation of the compliance tariffs may be delayed beyond the operation of law date in light of the press release issued by the Commission on February 11, 2010". MGE raised similar arguments in its February 16, 2010 Motion for Expedited Treatment and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less Than Thirty Days' Notice, where MGE argued that the Commission must approve the tariff with MGE's proposed effective date or the Commission would violate Section 393.150 RSMo.

2. OPC reminds the Commission that the Commission's Report and Order satisfied the statutory tariff suspension requirement when it *rejected* MGE's proposed tariffs. Ordered paragraph number 4 states that "[t]he proposed tariff sheets filed by Missouri Gas Energy, a division of Southern Union Company, on April 2, 2009, Tariff No. YG-2009-0714, are rejected." This rejection occurred within the 11 months required by Section 393.150 RSMo.

3. OPC urges the Commission to take the time needed to appropriately study the applications for rehearing, the motion for clarification, and OPC's response thereto, and to rule on these motions without being unnecessarily rushed. OPC expects the Commission will need to revisit the evidence when analyzing the claims of error, a process that should take more time than the hurried timeframe urged by MGE. Rushing into an order based on nothing more than MGE's claim that it would miss out on \$40,000 per day is not in the public interest. A proper analysis of the motions before it, in the time necessary to do so, is in the public interest.

WHEREFORE, the Office of the Public Counsel respectfully offers this reply to MGE's arguments regarding the effective date of MGE's tariff.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Deputy Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5558

(573) 751-5562 FAX

marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 23rd day of February 2010:

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Shemwell Lera
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Lera.Shemwell@psc.mo.gov

Finnegan D Jeremiah
Central Missouri State University
(CMSU)
3100 Broadway, Suite 1209
Kansas City, MO 64111
jfinnegan@fcplaw.com

Young Mary Ann
Constellation NewEnergy-Gas Division,
LLC
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
MYoung0654@aol.com

Steinmeier D William
Constellation NewEnergy-Gas Division,
LLC
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
wds@wdspc.com

Woodsmall David
Midwest Gas Users Association
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65101
dwoodsmall@fcplaw.com

Conrad Stuart
Midwest Gas Users Association
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

Woods A Shelley
Missouri Department of Natural Resources
P.O. Box 899
Jefferson City, MO 65102-0899
shelley.woods@ago.mo.gov

Callier B Sarah
Missouri Department of Natural
Resources
P.O. Box 899
Jefferson City, MO 65102
sarah.callier@ago.mo.gov

Cooper L Dean
Missouri Gas Energy
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Swearengen C James
Missouri Gas Energy
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
LRackers@brydonlaw.com

Hale C Vivian
Oneok Energy Marketing Company
100 W. 5th
Tulsa, OK 74102
vhale@oneok.com

Hatfield W Charles
Oneok Energy Marketing Company
230 W. McCarty Street
Jefferson City, MO 65101-1553
chatfield@stinson.com

/s/ Marc Poston