CT CORPORATION SYSTEM

December 10, 2003

FILED² DEC 1 1 2003

.

Missouri Public Service Commission

Dale Hardy Roberts Secretary/Chief Regulatory Missouri Public Service Commission Governor Office Bldg 200 Madison St Jefferson City MO 65101

RE: SW ENERGY, Case#GO20040195

Dear Mr. Roberts:

After checking our records and the records of the Secretary of State of Missouri, it has been determined that C T Corporation System is not the registered Agent in Missouri for a company by the name of SW ENERGY.

Accordingly we are returning the enclosed documents.

Sincerely,

Edythe L. King Sr. Process Specialist

Encl. FEDERAL EXPRESS cc: New York Office/Agent Service Division/Annie log #5913328

120 South Central Avenue Clayton, MO 63105 Tel. 314 863 5545 Fax 314 863 0259

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A CCH LEGAL INFORMATION SERVICES COMPANY

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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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In the Matter of an Investigation into Compliance with the Required Registration of Sellers of Electricity and Gas for Use or Consumption Within Missouri.

Case No. GO-2004-0195

ORDER OPENING CASE, ADDING PARTIES, DIRECTING NOTICE AND SETTING PREHEARING CONFERENCE

On October 24, 2004, the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission open a case to investigate the sale or distribution of gas and electricity in Missouri by entities that are not certificated by the Commission. In its motion, Staff states that it received a request from the Assistant Superintendent of Salem R-80 Schools for information about a company offering natural gas service. After investigating, Staff determined that the company, Cornerstone Energy, Inc., is not certificated with the Missouri Public Service Commission to provide energy service under Section 393.299, RSMo 2000. Additionally, Staff had no information regarding Cornerstone's financial health or its customer service record with regard to the sale of natural gas.

Based on information gathered by Staff and the specific example of Cornerstone, Staff states "it appears that energy services are likely being offered in Missouri by entities not registered with the Commission, in violation of Sections 393.297-.302, RSMo 2000." Staff therefore moves the Commission to open a case, directing that Staff investigate and report on issues regarding the sale and distribution of energy services in the State of

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Missouri. Staff also recommends that the Commission notify certain entities, listed in Exhibit 3, attached to Staff's motion. Staff further recommends that the Commission order a prehearing conference to be held 30 days after the mailing of the requested notice.

The Commission has reviewed Staff's motion and finds that Staff's request is reasonable and will grant the motion. The Commission will require that Staff investigate and report on the following items:

- a. What sellers are providing "energy services" as defined by Sections 393.297-.302, RSMo.2000?_____
 - b. Of these sellers providing "energy services," which ones are operating without the required certification from the Commission?
 - c. Are any of these sellers affiliated with electric and gas distributors in Missouri?
 - d. Are these sellers registered with the Missouri Secretary of State to do business in Missouri?
 - e. Should the Commission's certification process be modified to address the financial, technical, and managerial capabilities of sellers providing service in Missouri?
 - f. What plan of action do the parties in this case recommend to ensue full compliance with the statutes by all energy sellers?

The Commission will make the following entities parties to this matter and require that its

Data-Center send a copy of this order to those companies as listed:

Ameren Energy	Aquila Merchant Services	Bayer
Tom Byrne	CSC Lawyers Inc. Service	Thomas E. Bayer Realty
1 Ameren Plaza	Co.	15510 Olive Blvd. #110
1901 Chouteau Ave.	221 Bolivar Street	Chesterfield, MO 63017
St. Louis, MO 63103	Jefferson City, MO 65101	
Alliance Energy	Alliance Energy Services,	Alliance Energy Services, LLC.
Valeria Schall	LLC.	Jason P. Doyle
25920 Oakdale	CT Corporation System	8608 N. Flora Ave.
Lebanon, MO 65536	120 South Central Ave.	Kansas City, MO 64155
	Clayton, MO 63105	

ONO Marketter Lee		
CMS Marketing, Inc.	Cornerstone Energy	Duke Energy
Richard Corbet	CT Corporation System	CT Corporation System
28 Nolan Dr.	120 South Central Ave.	120 South Central Ave.
St. Louis, MO 63122	Clayton, MO 63105	Clayton, MO 63105
Energy One Ventures	Farmland Industries	Kansas City Power & Light
CSC Lawyers Inc. Service	CT Corporation System	Company
221 Bolivar St.	120 South Central Ave.	Jeanie Sell Latz
Jefferson City, MO 65101	Clayton, MO 63105	1201 Walnut
		Kansas City, MO 64106-2124
Laclede Energy Resources,	Laclede Energy Services,	Laclede Energy, LLC.
Inc.	Inc.	Kenneth L. Miller
Mary Caola Kullman	Mary Caola Kullman	300 E. Seminole
720 Olive St.	720 Olive St.	P.O. Box M
St. Louis, MO 63101	St. Louis, MO 63101	Lebanon, MO 65536
Laclede Electric Cooperative	Miracle Recreation	MRT Energy Mkt.
300 E. Seminole	Michael Rivard	Alice Sterkel
P.O. Box M	13523 Barrett Parkway #104	9900 Clayton Rd.
Lebanon, MO 65536	Ballwin, MO 63021	St. Louis, MO 63124-7001
MRT Energy Mkt.	Omega Pipeline	Omega Pipeline Company,
Noram Energy Services	CT Corporation System	LLC.
1111 Louisiana	120 South Central Ave.	BC Agent Services, Inc.
Houston, TX 77002	Clayton, MO 63105	3500 One Kansas City PL
		Kansas City, MO 64105
Oneok Energy Marketing and	Oneok Energy Marketing	Oneok Power Marketing
Trading Company, II	Company	Company
CSC Lawyers Inc. Service	CSC Lawyers Inc. Services	CSC Lawyers Inc. Services
Co.	Co.	Co.
221 Bolivar Street	221 Bolivar Street	221 Bolivar Street
Jefferson City, MO 65101	Jefferson City, MO 65101	Jefferson City, MO 65101
SW Energy Distributors, Inc.	Southwest Energy Training,	Talbot Industries, Inc.
CT Corporation System		Ernest C. Jett
120 South Central Ave.	Gina D. Atteberry	No. 1 Leggett Road
Clayton, MO 63105	402 Main St.	
		Carthage, MO 64836
	P.O. Box 278	
	Joplin, MO 64802-0278	TVILLE normy Detail Company
TXU Energy – Retail	TXU Energy – Trading	TXU Energy Retail Company
TXU Energy Solution C	TXU Merger Energy Trad	TXU Energy Solution C
1601 Bryan Energy Plz EP	1601 Bryan Energy Plz	1601 Bryan Energy Plz EP
34108	EP3108	34108 Dallas, TX 75201
Dallas, TX 75201	Dallas, TX 75201	
TXU Energy Retail Company,	TXU Energy Services	TXU Energy Services
LP	TXU SEM Company	Company
CT Corporation	9000 E. Nichols Ave.	CT Corporation
120 South Central Ave.	Ste. 150	120 South Central Ave.
Clayton, MO 63105	Englewood, CO 89112-3474	Clayton, MO 63105

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TXU Energy Solutions	TXU Energy Trading	TXU Energy, Retail
Company, LP	Company	TXU Energy Solutions C
CT Corporation	The Corporation Company	1601 Bryan Energy Plz EP
120 South Central Ave.	120 South Central Ave.	34108
Clayton, MO 63105	Clayton, MO 63105	Dallas, TX 75201
TXU Energy, Trading	Tyson Ambiac Electric, Inc.	Tyson and Tyson Services,
TXU Merger Energy Trad	Dallart R. Tyson	Inc.
1601 Bryan Energy Plz	2311 E. 12 th St.	David R. Nachman
EP3108	Kansas City, MO 64127	2405 Grand, Ste 300
Dallas TX 75201		Kansas City, MO 64108
Tyson Pipeline Co	Tyson Sales and Distribution	Tyson Shared Services, Inc.
James Richard Tyson	CT Corporation System	CT Corporation System
515 S. Gordon	120 South Central Avenue	120 South Central Avenue
Alvin, TX 77511-2838	Clayton, MO 63105	Clayton, MO 63105
Tyson Technologies, Inc	United States Gypsum	
Roger J. Tyson	Company	
1710 E. 304 th Street	L.W. Parrish	
Drexel, MO 64742	314 North Broadway	
	St. Louis, MO 63102-2035	
United States Gypsum	US Oil Company	Aquila, Inc. d/b/a Aquila
Company	CT Corporation System	Networks-L&P
CT Corporation System	120 South Central Ave.	Robert Amdor, Manager
120 South Central Ave.	Clayton, MO 63105	Regulatory Services
Clayton, MO 63105		1815 Capitol Avenue
		Omaha, NE 68102
Aquila, Inc. d/b/a Aquila	Atmos Energy Corporation	Fidelity Natural Gas, Inc.
Networks-MPS	Robert Best, President	John T. Davis, President
Robert Amdor, Manager	5430 LBJ Freeway,	64 North Oak
Regulatory Services	Suite 160	P.O. Box 669
1815 Capitol Avenue	Dallas, TX 75204	Sullivan, MO 63080-0669
Omaha, NE 68102		
Greeley Gas Company	Laclede Gas Company	Missouri Gas Company, LLC
	Douglas H. Yaeger,	David J. Ries, President
1301 Pennsylvania Street,	Chairman & CEO	-
Suite 800		110 Algana Court St. Peters, MO 63376
Denver, CO 80203	720 Olive Street	SI. Felers, MO 03370
	St. Louis, MO 63101	Onork-Niet-Tral Cost Company
Missouri Gas Energy, a	Missouri Pipeline Company,	Ozárk Natūral Gas Company,
division of Southern Union	LLC. Dovid I Pice President	Inc. Harold Epps, President
Company Rob Hook Vice President	David J. Ries, President	Harold Epps, President 2580 State Highway 165
Rob Hack, Vice President	110 Algana Court St. Peters, MO 63376	Branson, MO 65616
Pricing and Regulatory Affairs		
3420 Broadway		
Kansa City, MO 64111-2402	Southern Linion Company	Union Electric Company
Southern Missouri Gas	Southern Union Company	Union Electric Company
Company, L.P.	1301 South MoPAC	d/b/a AmerenUE
Scott Klemm	Expressway, Suite 400	Charles W. Mueller, President
301 East 17 th Street	Austin, TX 78746	& CEO
Mountain Grove, MO 65711		1901 Chouteau Avenue
· ·		P.O. Box 66149
		St. Louis, MO 63166-6149

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Woodward Marketing, L.L.C 11251 Northwest Expressway #400 Houston, TX 77092	PG&E Energy Trading 10825 Watson Rd. St. Louis, MO 63127-1031	Ozark Natural Gas Co. 118 S. Commercial Street Branson, MO 65616-2702
Bowgen Fuel Systems 3392 Bowgen Parkway Springfield, MO 65807-7403	Mercado Gas Svc., Inc. 3420 Broadywat St. Kansas City, MO 64111- 7516	Associated Natural Gas, Inc. 532 Main Street Jackson, MO 63755-1741
Williams Natural Gas Co. 6300 S. Range Line Rd. Joplin, MO 64804-9215	Laclede Venture Corp. 720 Olive Street Rd. St. Louis, MO 63101-2338	Associated Natural Gas Co. 916 N. Green Street Kirksville, MO 63501-2443

The Commission will also order that the Data Center serve a copy of this order upon all local distribution companies certificated by the Commission to operate in Missouri. Finally, this matter is at issue and a prehearing conference is appropriate to ensure its prompt resolution. Upon Staff's motion the Commission therefore will order that this matter be set

for prehearing conference.

IT IS THEREFORE ORDERED:

1. That the Staff of the Commission shall investigate and report on the following

items:

- a. What sellers are providing "energy services" as defined by Section 393.297-.302, RSMo 2000?
- b. Of these sellers providing "energy services," which ones are operating without the required certification from the Commission?
- c. Are any of these sellers affiliated with electric and gas distributors in Missouri?
- d. Are these sellers registered with the Missouri Secretary of State to do business in Missouri?
- e. Should the Commission's certification process be modified to address the financial, technical, and managerial capabilities of sellers providing service in Missouri?
- f. What plan of action do the parties in this case recommend to ensue full compliance with the statutes by all energy sellers?

2. That those companies listed in the body of this order are made parties to this matter.

3. That a prehearing conference shall be held on February 4, 2004, beginning at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The prehearing conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this prehearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the prehearing conference.

4. That the Data Center of the Commission shall serve a copy of this order as described herein.

5. That this order is effective on December 9, 2003.

BY THE COMMISSION

Hole Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

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Kennard L. Jones, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 9th day of December, 2003.

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STATE OF MISSOURI

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OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,

Missouri, this $\underline{9^{th}}$ day of December 2003.

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Ask Hred Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

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MISSOURI PUBLIC SERVICE COMMISSION December 9, 2003

Case No. GO-2004-0195

Dana K Joyce P.O. Box 360 200 Madison Street, Suite 800 Jefferson City, MO 65102

Aquila Merchant Services CSC Lawyers Inc. Service Co. 221 Bolivar Street Jefferson City, MO 65101

Alliance Energy Services, LLC CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Cornerstone Energy CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Farmland Industries CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Laclede Energy Services, Inc. Mary Caola Kullman 720 Olive St. St. Louis, MO 63101

Miracle Recreation Michael Rivard 13523 Barrett Parkway #104 Ballwin, MO 63021

Omega Pipeline CT Corporation System 120 S. Central Ave. Clayton, MO 63105 John B Coffman P.O. Box 7800 200 Madison Street, Suite 640 Jefferson City, MO 65102

Bayer Thomas E. Bayer Realty 15510 Olive Blvd. #110 Chesterfield, MO 63017

Alliance Energy Services, LLC Jason P. Doyle 8608 N. Flora Ave. Kansas City, MO 64155

Duke Energy CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Kansas City Power & Light Co. Jeanie Sell Latz 1201 Walnut Jefferson City, MO 64106

Laclede Energy, LLC Kenneth L. Miller 300 E. Seminole P.O. Box M Lebanon, MO 65536

MRT Energy Mkt. Alice Sterkel 9900 Clayton Rd St. Louis, MO 63124

Omega Pipeline Company, LLC BC Agent Services, Inc. 3500 One Kansas City PL Kansas City, MO 64105 Tom Byrne Ameren Energy 1 Ameren Plaza 1901 Chouteau Ave. St. Louis, MO 63103

Alliance Energy Valeria Schall 25920 Oakdale Lebanon, MO 65536

CMS Marketing, Inc. Richard Corbet 28 Nolan Dr. St. Louis, MO 63122

Energy One Ventures CSC Lawyers Inc. Service 221 Bolivar St. Jefferson City, MO 65101

Laclede Energy Resources, Inc. Mary Caola Kullman 720 Olive St. St. Louis, MO 63101

Laclede Electric Cooperative 300 E. Seminole P.O. Box M Lebanon, MO 65536

MRT Energy Mkt. Noram Energy Services 1111 Louisiana Houston, TX 77002

Oneok Energy Marketing and Trading Company, II CSC Lawyers Inc. Service Co. 221 Bolivar St. Jefferson City, MO 65101

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Oneok Energy Marketing Company CSC Lawyers, Inc. Services Co. 221 Bolivar St. Jefferson City, MO 65101

Southwest Energy Training, LLC Gina D. Atteberry 402 Main St. P.O. Box 278 Joplin, MO 64802-0278

TXU Energy-Trading TXU Merger Energy Trad 1601 Bryan Energy Plz EP3108 Dallas, TX 75201

TXU Energy Services TXU SEM Company 9000 E. Nichols Ave. Ste. 150 Englewood, CO 89112-3474

TXU Energy Trading Company The Corporation Company 120 S. Central Ave. Clayton, MO 63105

Tyson Ambiac Electric, Inc. Dallart R. Tyson 2311 E. 12th St. Kansas City, MO 64127

Tyson Sales and Distribution CT Corporation System 120-S. Central Ave: Clayton, MO 63105

United States Gypsum Company L.W. Parrish 314 N. Broadway St. Louis, MO 63102

Aquila, Inc. d/b/a Aquila Networks-L&P Robert Amdor, Manager Regulatory Services 1815 Capitol Ave. Omaha, NE 68102

Oneok Power Marketing Co. CSC Lawyers Inc. Services Co. 221 Bolivar St. Jefferson City, MO 65101

Talbot Industries, Inc. Ernest C. Jett No. 1 Leggett Rd Carthage, MO 64836

TXU Energy Retail Company **TXU Energy Solution C** 1601 Byran Energy Plz EP34108 120 S. Central Ave. Dallas, TX 75201

TXU Energy Services Co. CT Corporation 120 S. Central Ave. Clayton, MO 63105

TXU Energy, Retail **TXU Energy Solutions C** 1601 Bryan Energy Plz EP34108 Dallas TX, 75201

Tyson and Tyson Services, Inc. David R. Nachman 2405 Grand, Ste. 300 Kansas City, MO 64108

Tyson Shared Services, Inc. CT Corporation System 120 S. Central Ave. Clayton, MO 63105

United States Gypsum Co. **CT** Corporation System 120 S. Central Ave. Clayton, MO 63105

Aguila, Inc. d/b/a Aguila Networks-MPS Robert Amdor, Manager Regulatory Services 1815 Capitol Ave. Omaha, NE 68102

SW Energy Distributors, Inc. **CT Corporation System** 120 S. Central Ave. Clayton, MO 63105

TXU Energy-Retail TXU Energy Solution C 1601 Bryan Energy Plz EP 34108 Dallas, TX 75201

TXU Energy Retail Company, LP CT Corporation Clayton, MO 63105

TXU Energy Solutions Co. LP CT Corporation 120 S. Central Ave. Clayton, MO 63105

TXU Energy, Trading TXU Merger Energy Trad 1601 Bryan Energy Plz EP3108 Dallas, TX 75201

Tyson Pipeline Co. James Richard Tyson 515 S. Gordon Alvin, TX 77511

Tyson Technologies, Inc. Roger J. Tyson 1710 E. 304th St. Drexel MO 64742

US Oil Company CT Corporation System 120 S. Central Ave. Clayton, MOI 63105

Atmos Energy Corporation Robert Best, President 5430 LBJ Freeway, Ste. 160 Dallas, TX 75204

Fidelity Natural Gas, Inc. John T. Davis, President 64 N. Oak P.O. Box 669 Sullivan, MO 63080-0669

Missouri Gas Company, LLC David J. Ries, President 110 Algana Court St. Peters, MO 63376

Ozark Natural Gas Company, Inc. Harold Epps, President 2580 State Highway 165 Branson, MO 65616

Union Electric Company d/b/a AmerenUE Charles W. Mueller, President & CEO 1901 Chouteau Ave. P.O. Box 66149 St. Louis, MO 63166

Duke Energy Control Area Services, LLC CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Duke Energy Operating Company CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Duke Energy Trading and Market Services, LLC The Corporation Company 120 S. Central Ave, Clayton, MO 63105

Miracle Recreation Equipment Co Michael Rivard 13523 Barrett Parkway #104 Ballwin, MO 63021

Greeley Gas Company 1301 Pennsylvania St., Ste. 800 Denver, CO 80203

Missouri Gas Energy, a division of Southern Union Company Rob Hack, Vice President Pricing & Regulatory Affairs 3420 Broadway Kansas City, MO 64111-2402

Southern Missouri Gas Co. L.P. Scott Klemm 301 E. 17th St. Mountain Grove, MO 65711

United Cities Gas Company 810 Crescent Centre Dr. Ste. 600 The Corporation Company Franklin, TN 37067

Duke Energy Marketing America, LLC **CT** Corporation System 120 S. Central Ave. Clayton, MO 63105

Duke Energy Operating Co. LLC CT Corporation System 120 S. Central Ave. Clayton, MO 63105

Energy One Ventures UtiliCorp United, Inc. 20 W. 9th St. Kansas City, MO 64105

MRT Energy Mkt Noram Energy Services 1111 Louisiana Houston, TX 77002

Laclede Gas Company Douglas H. Yaeger, Chairman & CEO 720 Olive St. St. Louis, MO 63101

Missouri Pipeline Company, LLC David J. Ries, President 110 Algana Court St. Peters, MO 63376

Southern Union Company 1301 S. MoPAC Expressway, Ste. 400 Austin, TX 78746

CMS Marketing, Services and Trading Company 120 S. Central Ave. Clayton, MO 63105

Duke Energy Merchants, LLC **CT Corporation System** 120 S. Central Ave. Clayton, MO 63105

Duke Energy St. Francis, LLC CT Corporation System 120 S Central Ave. Clayton, MO 63105

> Laclede Energy, LLC Laclede Electric Cooperative 300 E. Seminole P.O. Box M Lebanon, MO 65536

MRT Energy Marketing Company Alice Sterkel 9900 Clayton Rd. St. Louis, MO 63105

MRT Energy Marketing Company Noram Energy Services 1111 Louisiana Houston, TX 77002

SW Energy CT Corporation System 120 S. Central Ave. Clayton, MO 63105

TXU Energy Trading Company TXU Merger Energy Trad 1601 Bryan Energy PIz EP3108 Dallas, TX 75201

FSG Energy Services 6797 N. High St. Ste. 314 Worthington, OH 43085

Proliance Energy 111 Monument Circle, Ste. 2200 Indianapolis, IN 46204

Strategic Energy LLC Two Gateway Center, 9th Floor Pittsburgh, PA 15222

Ozark Natural Gas Co. 118 S. Commercial St. Branson, MO 65616

Associated Natural Gas, Inc. 532 Main Street Jackson, MO 63755 Talbot Industries, Inc. Ernest C. Jett No. 1 Leggett Road Carthage, MO 64836

TXU Energy Retail Company LP TXU Energy Retail Management 1601 Bryan St. Dallas, TX 75201

ConAgra Energy Services, Inc. Gregory A. Heckman, President P.O. Box 2533 Omaha, NE 68103

MRT Marketing Energy CompanyOneok Gas Marketing9900 Clayton Rd100 West Fifth StreetSt. Louis, MO 63124Tulsa, OK 74103

Seminole Energy 1323 E. 71^{st,} Ste. 300 Tulsa, OK 74136

Woodward Marketing, L.L.C. 11251 NW Expressway #400 Houston, TX 77092

Bowgen Fuel Systems 3392 Bowgen Parkway Springfield, MO 65807

Williams Natural Gas Co. 6300 S. Range Line Rd. Joplin, MO 64804

Oneok Energy Marketing and Trading Company, L.P Oneok Energy Marketing 100 West Fifth Street Tulsa, OK 74103

TXU Energy Solutions Company LP TXU Energy Solutions Management 1601 Bryan St. Dallas, TX 75201

Enserch Energy Services 1301 Fannín, Ste. 2300 Houston, TX 77002

Summit Energy

10350 Ormsby Park Pl. Ste. 400 Louisville, KY 40223

PG&E Energy Trading 10825 Watson Rd St. Louis, MO 63127

Mercado Gas Svc., Inc. 3420 Broadway St. Kansas City, MO 64111

Laclede Venture Corp. 720 Olive Street Rd. St. Louis, MO 63101

Associated Natural Gas Co. 916 N. Green Street Kirksville, MO 63501

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Holk Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

Missouri Public Service Commission

Adjudication Division - Data Center P.O. Box 360 Jefferson City, Missouri 65102-0360

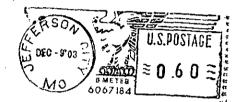
<u>(</u> MO 419-2651 (9-01)

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SW Energy CT Corporation System 120 S. Central Ave. Clayton, MO 63105

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