

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

In the matter of the application of Missouri Gas)
Utility, Inc., for a certificate of convenience and)
necessity authorizing it to construct, install, own,)
operate, control, manage and maintain a natural)
gas transmission line and a distribution system to)
provide gas service in Greene, Polk and Dallas)
Counties, Missouri, as a new certificated area.)

Case No. _____

APPLICATION

COMES NOW Missouri Gas Utility, Inc. (MGU or Applicant), by and through its counsel, and as its Application pursuant to §393.170, RSMo (2000), 4 CSR 240-2.060 and 4 CSR 240-3.205, for a certificate of convenience and necessity for a gas transmission line and a service area, respectfully states as follows:

1. Applicant is Missouri Gas Utility, Inc. MGU's principal office is located at 7810 Shaffer Parkway, Suite 120, Littleton, CO 80127.

2. MGU is a corporation duly incorporated under the laws of the State of Colorado. A copy of a certificate from the Missouri Secretary of State that MGU is authorized to do business in Missouri as a foreign corporation was submitted in Case No. GA-2007-0421 and is incorporated by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G). Other than cases that have been docketed at the Commission, MGU has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three (3) years that involve customer service or rates. MGU has no annual report or assessment fees that are overdue.

3. MGU conducts the business of a "gas corporation" and provides natural gas service in the Missouri counties of Harrison, Daviess, Caldwell, Benton and Pettis subject to the jurisdiction of the Missouri Public Service Commission (Commission).

4. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and:

Tim Johnston, P.E.
Executive Vice President and Chief Operating Officer
Missouri Gas Utility, Inc.
7810 Shaffer Parkway, Suite 120
Littleton, CO 80127
Telephone: (800) 927-0787
Facsimile: (303) 979-7892
Email: tjohnston@SummitUtilitiesInc.net

SUMMARY

5. MGU proposes to install a natural gas distribution system to provide natural gas sales and transportation service in Bolivar and Buffalo, which are 4th Class cities located in Polk and Dallas Counties. Bolivar is located in parts of Sections 1, 2, 3, 4, 10, 11, 12, 13, 14 and 15 in Township 33N, Range 23W, and Sections 6 and 7 of Township 33N, Range 22W, all in Polk County. Buffalo is located in parts of Sections 22, 23, 24, 25, 26, 27, 34 and 35 in Township 34N, Range 20W, all in Dallas County. Service will also be provided along Hwy 13 south of Bolivar along the mainline route and between Bolivar and Buffalo along Hwy 32, including areas as shown on Appendix A. This is an area where MGU currently does not hold a certificate for natural gas service from the Commission. MGU does not intend to begin construction on this system until March 2011. The required gas transportation capacity on the Southern Star Central Gas Pipeline transmission line to be accessed will not be available until the summer of 2011.

LINE CERTIFICATE

6. MGU will utilize a 6" steel main pipeline to serve these communities. This line will begin at a tap on the Southern Star Central Pipeline transmission line in Section 23, Township 28 North, Range 23 West. The first segment of the line will proceed east within the

right-of-way of Farm Road 178 for a distance of 0.25 miles, then north within the right-of-way of Farm Road 107 for a distance of 2.2 miles, then continue north in private right-of-way for 0.75 miles. The line will continue north within the right-of-way of Rose Drive for 1.2 miles, then continue north in private right-of-way for 1.8 miles. The line will continue north within the right-of-way of N. Kaylor Drive for 2.1 miles, then turn west within the right-of-way of W. State Hwy EE for 0.4 miles. The line then turns north within the right-of-way of County Road 103 for a distance of 2.4 miles, then turns east within the right-of-way of County Road 94 for 1.25 miles. The line then turns north within the right-of-way of Ross Road for a distance of 1.25 miles, then again turns east for a distance of 0.5 miles within the right-of-way of W. Farm Road 82, then north again within the right-of-way of Farm Road 117 for 1.0 mile. The line then proceeds east and north within the right-of-way of W. State Hwy O for a distance of 2.8 miles to the intersection of Hwy O and Hwy 13. The line then follows the east side of Hwy 13, within the right-of-way, for a distance of 3.8 miles, to a point where it enters the area for which MGU is requesting a CCN in this Case. This first segment will have no taps or customers served, and for this first segment MGU is requesting a line certificate only. This line will cross natural gas distribution lines operated by the City of Springfield Municipal Utilities and by Missouri Gas Energy. It will also cross two sets of railroad tracks operated by Burlington Northern Santa Fe. MGU also assumes that the line will cross residential electric and telephone lines, for which locates will be obtained through the Missouri One-Call program at the time of construction.

7. Missouri Gas Energy holds a certificate for Section 23, Township 28 North, Range 23 West (the location of the Southern Star Central Pipeline tap) and also for various other sections along the first segment of the proposed MGU mainline.

AREA CERTIFICATE

8. From the north end of this first segment, at the intersection of the south line of Section 27, Township 31N, Range 22W and Highway 13, the 6" main line will continue north along Highway 13 for 12 miles, then east 0.5 miles, then north four miles to Highway 32. Bolivar will be served by a 6" HDPE line and a 4" HDPE line originating at this point and proceeding west, south and north to form a loop around the central part of the town. Buffalo will be served by a 6" HDPE line that will proceed east along Hwy 32 and various County Roads for a distance of 16 miles, terminating in a 4" HDPE loop around the central business district of that town.

9. For the area north of the first segment of the mainline, as described above, MGU requests an order from the Commission granting it a certificate of convenience and necessity (CCN) in areas shown in Appendix A. MGU stands ready, if necessary, to serve any potential customers in these sections, under the terms of its Main Extension tariff, as set forth on Sheets 72 – 76.

10. The legal description of the area to be certificated in Greene County is as follows:

Greene County		
<u>Township</u>	<u>Range</u>	<u>Sections</u>
31 North	22 West	15-17, 20-22, and 27-29

The legal description of the area to be certificated in Dallas County is as follows:

Dallas County		
<u>Township</u>	<u>Range</u>	<u>Sections</u>
33 North	20 West	2-10, and 15-21*
34 North	20 West	22-36

The legal description of the area to be certificated in Polk County is as follows:

Polk County		
<u>Township</u>	<u>Range</u>	<u>Sections</u>
31 North	21 West	4-6
31 North	22 West	1-5, 8-10
32 North	21 West	19, 20, and 29-33
32 North	22 West	4-10, 15-30, and 32-36
32 North	23 West	22-27
33 North	21 West	1-14, 23, 24*
33 North	22 West	1-12, 15-21, and 28-33
33 North	23 West	1-5, 8-17, 22-27, 35, 36
34 North	21 West	25, 33-36
34 North	22 West	31
34 North	23 West	32-36

PROJECT INFORMATION

11. The proposed line certificate route and proposed service area are shown on the map attached hereto as **Appendix A**.

12. Attached hereto and marked as **Appendix B** is a feasibility study containing a description of the plans and specifications for the project, to include the estimated cost of construction and an estimate of the number of customers, revenues and expenses during the first three years of operations. This feasibility study also includes the following rates that MGU intends to charge in this new CCN area:

Rate Description	Rate
GS Class Customer Charge	\$15.00/month
GS Class Commodity Charge	\$0.550/CCF
CS Class Customer Charge	\$30.00/month
CS Class Commodity Charge	\$0.600/CCF
LVS Class Customer Charge	\$100.00/month
LVS Class Commodity Charge	\$0.600/CCF

TS Class Customer Charge	\$200.00/month
TS Class Commodity Charge	\$0.600/CCF

These are the same rates as charged within the remainder of the MGU South Service Area, of which this new area will become a part.

13. MGU intends to finance this project by issuing indebtedness, as evidenced by a mortgage and security agreement that will secure said indebtedness. MGU will seek Commission approval for this financing through a separate application. It is MGU's intent to file that application with the Commission by April 15, 2010.

14. Construction methods will follow MGU's customary standards and the rules of the Commission. MGU plans to use the general terms and conditions of service found in MGU's currently approved tariffs, as supplemented by the rates described above.

15. Attached hereto and marked as **Appendix C** is a list of at least ten persons who reside, or own land, within the proposed service area.

16. MGU has not yet begun to seek commitments from potential customers in the cities or rural areas contained within the CCN requested in this filing. However, MGU does intend to begin these activities by June 1, 2010. Such commitments would be clearly conditioned upon MGU's receipt of the requested certificates.

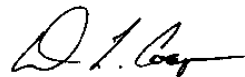
17. Applicant has obtained franchises from the Cities of Bolivar and Buffalo. Copies of those franchises are attached hereto as **Appendix D**. If MGU determines that additional franchises are necessary or desirous in regard to this project, it will supplement its filing at a later date in accordance with Commission Rule CSR 240-3-205(2). Applicant will not require any other franchises or permits from municipalities, counties, or other authorities in connection with

the proposed construction other than the usual and customary state highway, railroad and county road permits, which will be obtained prior to construction.

18. The area in which MGU is seeking to be certificated hereby is already developed. Service from a natural gas supplier is not available in this area at the present time. MGU has the ability to provide service in this area by construction of new facilities and MGU believes that potential new customers should be afforded the opportunity to take service from MGU if they so desire. These facts support a finding that a grant of this application is required by the public convenience and necessity.

WHEREFORE, Applicant requests an order from the Commission granting it a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain a gas transmission line and a distribution system for the provision of natural gas service to the public pursuant to the proposed rates, and approved rules and regulations, in the Sections listed above in Greene, Polk and Dallas Counties, in the State of Missouri.

Respectfully submitted,



Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
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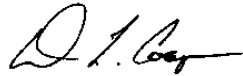
Attorneys for Missouri Gas Utility, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to the following counsel this 22nd day of December, 2009:

Office of the General Counsel
Missouri Public Service Commission
Governor State Office Building
Jefferson City, Missouri 65101

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Governor State Office Building
Jefferson City, Missouri 65101

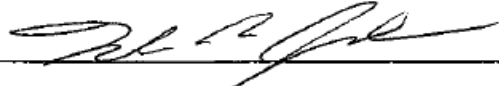


Dean L. Cooper

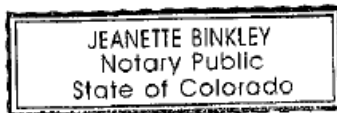
VERIFICATION

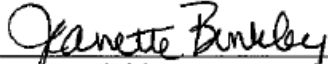
STATE OF COLORADO)
)ss
COUNTY OF Jefferson)

I, Timothy R. Johnston, state that I am the Executive Vice President of Missouri Gas Utility, Inc. (MGU); that I have read the above and foregoing document; that the statements contained therein 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 MGU.



Subscribed and sworn to before me this 18th day of December, 2009.





Jeanette Binkley, Notary Public