

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

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

**MOTION OF MISSOURI GAS ENERGY FOR ADDITIONAL TIME TO REPLY  
TO PUBLIC COUNSEL'S REPLY TO MGE'S OBJECTIONS REGARDING  
CUSTOMER COMMENTS, TO MAKE FURTHER OBJECTIONS AND FOR  
EXPEDITED TREATMENT**

COMES NOW Missouri Gas Energy ("MGE" or the "Company"), and requests that the Commission grant additional time for MGE to reply to Public Counsel's Reply to MGE's Objections Regarding Customer Comments filed at approximately 1:30 p.m. on Wednesday, November 11, 2009. In support thereof, MGE states as follows:

Public Counsel has requested leave of the Commission to late-file its Reply to MGE's Objections to Public Counsel's request that the Commission take official notice of customer comment cards. Public Counsel's pleading includes at least one new issue, that is, its suggestion that the Commission should allow the cards into the record as survey evidence under § 536.070(11), RSMo<sup>1</sup>. As MGE specifically noted in its initial objections in footnote 1:

MGE has limited its legal memorandum to the issue of whether the Commission should take official notice of the comment cards as requested by Public Counsel and to the admission of pages 2 and 3 of Exhibit 103. It reserves the right to submit

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<sup>1</sup> See, Public Counsel Reply ¶ 6.

additional legal argument addressing topics on other than the matter directly at hand. (emphasis added)

MGE does not object to the late-filing by Public Counsel of its response to MGE's objections given the well-publicized circumstances attending the Governor Office Building on November 10th. MGE should, however, be given a reasonable opportunity to address this claimed new ground for admission before the matter is taken up by the Commission for a ruling on the merits of the matter. MGE states that there are good grounds to reject Public Counsel's claim that the comment cards are admissible as "survey" evidence and that the Company should, as a matter of fairness and fundamental due process, be given an opportunity to state its further objections and otherwise reply to Public Counsel's various claims which are at odds with the record evidence prior to the Commission ruling on the topic.

Pursuant to Commission rule 4 CSR 240-2.080(16), MGE requests that the Commission act on this request at the time this topic comes up for discussion on the morning of November 12, 2009, perhaps as early as 9:30 a.m.. Unless the Commission grants the relief requested, MGE will not have been given an opportunity to object to Public Counsel's newly-fashioned offer of evidence. This pleading was filed as soon as it reasonably could have been in the circumstances.

WHEREFORE, for good cause shown, MGE requests leave of the Commission for additional time to address the matters raised in Public Counsel's Reply and for expedited treatment.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 11<sup>th</sup> day of November, 2009, to the following:

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