

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

Office of Public Counsel,	)	
	)	
Complainant	)	
	)	
v.	)	Case No. GC-2011-0339
	)	
Southern Union Company d/b/a	)	
Missouri Gas Energy	)	
	)	
Respondent	)	

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'  
APPLICATION TO INTERVENE**

COMES NOW Missouri Department of Natural Resources (MDNR) and, pursuant to Commission Rule 4 CSR 240-2.075, respectfully requests that the Commission issue its order granting MDNR's Application to Intervene. For its Application, MDNR states as follows:

1. On April 12, 2011, the Office of Public Counsel (OPC) filed a complaint with the Missouri Public Service Commission alleging that Missouri Gas Energy ("MGE") made a unilateral decision regarding MGE's energy efficiency program pursuant to the company's last rate case GR-2009-0035, and violated the Commission's *Report and Order* effective February 10, 2010. The Commission issued a formal Notice of Complaint to MGE on April 14, 2011, and MGE filed a timely Answer and Motion to Dismiss. On May 31, 2011, Staff filed a request to schedule a prehearing conference in lieu of a response to the

MGE pleadings. By order dated June 1, 2011, the Commission granted Staff's request and ordered a prehearing conference on June 13, 2011 at 1:00 p.m.

2. MDNR, and specifically its Division of Energy, is a state agency vested with the powers and duties set forth in Section 640.150, RSMo.

3. MDNR has an interest different than that of the general public, and its intervention will serve a public interest in that the Division of Energy is a party to the last MGE rate case, GR-2009-0035 and is a member of the Energy Efficiency Collaborative (hereafter 'Collaborative') identified in the Commission's *Report and Order* in that case. MDNR's participation will be from a formal policy and planning perspective as well as looking at the potential impacts on environmental quality. The Division of Energy's participation also will be in relation to the mandate set forth in Section 640.150, RSMo. which includes planning for energy resource development; analyzing energy management issues; consulting and cooperating with all state and federal governmental agencies on matters of energy research and development, management, conservation and distribution; assessing the potential impacts on environmental quality; and analyzing the potential for increased use of energy alternatives and making recommendations for the expanded use of such alternate energy sources and technologies.

4. MDNR has not determined the specific position it will take in this case; however, the Division of Energy has an interest in participating in this matter. As an active participant in the Collaborative, and the only Collaborative member not already a party to this case, MDNR is interested in Staff's suggestion that a prehearing conference "may be productive in narrowing the issues, if not resulting in actual settlement" and would participate in such a conference if scheduled by the Commission.

5. Communications, correspondence, orders and decision in this matter should be addressed to:

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WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matter.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General

/s/ Jennifer S. Frazier  
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**Attorney for Missouri Department of  
Natural Resources**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 6th day of June 2011.