P.O. 1916

337 Elephant Rock Road

Camdenton, MO 65020

573 873-5548

mtmcduffey@yahoo.com

July 12, 2012

Missouri Public Service Commission

General Counsel Office

P.O. Box 360

200 Madison Street, Suite 800

Jefferson City, MO 65102

RE: Case No. GA-2012-0285

Enclosed is a statement by Michaele McDuffey, party to Case No. GA-2012-0285, in the matter of the application of Summit Natural Gas of Missouri, Inc. for a Certificate of Convenience and Necessity to construct, install, own, operate, control, manage and maintain a distribution system in Benton, Morgan, Camden and Miller Counties in Missouri, as a certified area.

 Respectfully submitted,



 Michaele McDuffey

W/enclosures

BEFORE THE PUBLIC SERVICE COMMISSION

OFTHE STATE OF MISSOURI

In the matter of the application of Summit Natural )

Gas of Missouri, Inc., for a Certificate of )

Convenience and Necessity authorizing it to )

Construct, install, own, operate, control, manage ) Case No. GA-2012-0285

Service in Benton, Morgan, Camden and Miller )

Counties in Missouri, as a certificated area. )

POSTION ON APPLICATION OF SUMMIT NATURAL GAS FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY

 COMES NOW, Michaele McDuffey, having had her application to intervene in Case 2012-0285 granted on June 27, 2012, states as follows to the Missouri Public Service Commission:

POSITION

Michaele McDuffey is not opposed to the application of Summit Natural Gas of Missouri, Inc. (SNG) for a Certificate of Convenience and Necessity authorizing it to construct, install, own, operate, control, manage and maintain service in Benton, Morgan, Camden and Miller Counties in Missouri, as a certificated area.

CONCERNS AND REMEDIES SOUGHT

Michaele McDuffey has several concerns with the application process and would like to see changes made in future applications for Certificates of Convenience and Necessity (CCN). The areas of concern are:

1. Lack of notification of the application to residents and property owners.
2. No opportunity for public input.
3. Lack of notification of the application to owners of the private right-of-way for the proposed 6” gas main.
4. Lack of transparency in the application and approval process.
5. Use of private right-of-way.

LACK OF NOTIFICATION OF THE APPLICATION TO RESIDENTS AND PROPERTY OWNERS

BACKGROUND: This process began March 2, 2012 with the filing of the application by Summit Natural Gas Utility of Missouri, Inc. (SNG) with the Public Service Commission for a CCN. In the application, it states that SNG “will utilize a 6” steel main line to bring gas to this area” for a total distance of 45.74 miles. Of these 45.74 miles, 43.81 miles will be on private right-of-way, and only 1.93 miles will be on public right-of-way.This means that **95.8% of the 6” steel main gas line would be on private right-of-way**.

With the granting of the CCN, SNG will also be granted the power of eminent domain within the proposed area. With nearly 44 miles of private property that will be immediately and directly impacted and subject to eminent domain, one would assume that the property owners and residents of the proposed certificated area were notified of the application by SNG to the Missouri Public Service Commission. Unfortunately, this was not the case.

The Missouri Public Service Commission required that the following be notified of the application by SNG:

1. Benton, Morgan, Camden and Miller County Commissions
2. Members of the General Assembly who represent the counties
3. Ten persons who reside or own land in the proposed service area.

Please note that only ten persons residing or owning land in the proposed service area were notified. **None of the persons who were notified live in the 43.81 miles of private right-of-way**. Each of the notification letters were sent to an address in Camden County. There were no letters sent to persons in Benton, Morgan and Miller Counties.

REMEDY: Although the notification of ten residents meets the requirement of Commission rule 4 CSR 240-3.205(1)(A) 2, which requires notification to no fewer than ten persons residing in the proposed area, it is a very small sample of residents in the proposed service area. It does not require notification to the individuals owning the private right-of-way which will be impacted. In future applications, the Commission should require the applicant to notify those landowners in addition to a representative sampling of residents and landowners in the proposed service area. Residents in each of the counties in the proposed service area should be notified. All notifications could occur early in the application process and prior to the deadline to intervene.

LACK OF OPPORTUNITY FOR PUBLIC COMMENT

BACKGROUND: In addition, Summit Natural Gas **was not required** to place a legal notice in any of the newspapers serving the proposed area.

Although the proposed 6” gas line exceeds 45 miles in length and effects persons in 4 counties, **no informational public meetings were held**. How can the property owners and residents of this proposed area in four counties voice their concerns, questions, support or opposition when they are never informed of the application and the process?

The PSC did issue a press release announcing the application by Summit Natural Gas. However the media did not pass the information on to the public.

REMEDY: Make greater efforts early in the application process to inform the residents and property owners in the proposed service area. This can be achieved by placing legal notices in the newspapers, informational ads using print, television, radio, and/or internet. Give interested persons the opportunity to express their concerns, ask questions, provide comments to the PSC and to express support for the application. Informational meetings could also be held. In short, make the process more transparent. Improved communication is needed.

LACK OF NOTIFICATION OF THE APPLICATION TO THE OWNERS OF THE PRIVATE RIGHT-OF-WAY TO BE USED FOR THE PROPOSED 6” NATURAL GAS MAIN.

BACKGROUND: The proposed 6’ gas main was to lie on the property of Michael and Michaele McDuffey. However they were not notified of the application until after May 10, 2012. This was well past the deadline to intervene of April 5, 2012.

REMEDY: In future applications, it should be a requirement to notify owners of the private right-of-way for a proposed major pipeline early in the application process and prior to the deadline to intervene.

LACK OF TRANSPARENCY IN THE APPLICATION AND APPROVAL PROCESS

The lack of transparency is due to poor notification requirements. Keeping the public informed of applications and providing the public with the opportunity to ask questions and provide input will improve the transparency as well as being the right thing to do. There are times when serving the public that going beyond the minimum requirements of the regulations is what is best for the public, the Commission, and the applicant.

USE OF PRIVATE RIGHT-OF-WAY

BACKGROUND: The application stated that more than 95% of the 6” main gas line will on private right-of-way. Did PSC Staff question the use of large percentage of use of private land for the proposed gas line?

REMEDY: In future applications, the PSC Staff and the Commission should investigate whether more use of public right-of-way in place of private right-of-way might not better serve the public as well as the individual landowners who will be impacted. Staff could work with the applicant to see if more public right-of-way is available for an alternate route.

WHEREFORE, for the foregoing reasons, Michaele McDuffey respectfully requests that the Commission give full consideration to the concerns raised and the remedies suggested.

 Respectfully submitted,

  Michaele McDuffey

 P.O. Box 1916

 337 Elephant Rock Road

 Camdenton, MO 65020

 573 873-5548

 mtmcduffey@yahoo.com

Dated: July 12, 2012

CERTIFICATE OF SERVICE

 The undersigned does hereby certify that a true and correct copy of the above and foregoing document was served either by electronic means, or by U.S. mail, postage prepaid, this 12th day of July, 2012 addressed to all parties by their attorneys of record as shown below:

Missouri Public Service Commission

General Counsel Office

P.O. Box 360

200 Madison Street, Suite 800

Jefferson City, MO 65102

gencounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston

P.O. Box 2230

200 Madison Street, Suite 650

Jefferson City, Mo 65102

marc.poston@ded.mo.gov

Missouri Public Service Commission

Bob Berlin

P.O. Box 360

200 Madison Street, Suite 360

Jefferson City, MO 65102

bob.berlin@psc.mo.gov

Summit Natural Gas of Missouri, Inc.

Dean L. Cooper

312 East Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102-0456

dcooper@brydonlaw.com

 

 Michaele McDuffey