

**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,) Case No. GA-2009-_____
operate, control, manage and maintain a)
distribution system to provide gas service in)
Benton County, Missouri, as a new certificated area.)

APPLICATION AND MOTION FOR EXPEDITED TREATMENT

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, 4 CSR 240-3.205 and 4 CSR 240-2.080(16), for a certificate of convenience and necessity for a gas service area, respectfully states as follows:

APPLICANT

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 and Caldwell, 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: (720) 981-2129
Email: tjohnston@SummitUtilitiesInc.net

CERTIFICATE APPLICATION

5. On April 29, 2009, the Commission issued its Order Granting Certificate of Public Convenience and Necessity in Case No. GA-2009-0264. The certificate granted by the Commission permitted MGU to provide service in specified sections of Pettis and Benton Counties, to include the communities of Green Ridge, Cole Camp, Lincoln and Warsaw.

6. As a part of this project, MGU planned to bring a part of its main line south along Highway 65 from Highway ZZ to the city of Warsaw. MGU was to locate this line in the public right of way.

7. In its last meeting with the Missouri Department of Transportation (MoDOT), MGU was informed that MoDOT plans to expand a portion of Highway 65 from two lanes to four lanes within the next couple of years. This includes the area along Highway 65 where MGU planned to place its main line. At this time, MoDOT is in the process of acquiring additional right-of-way between the towns of Lincoln and Warsaw and is therefore unsure of the exact route and which side of Highway 65 the highway would be expanded. Thus, if MGU were to

place its line along this portion of Highway 65 as originally planned, MGU would likely be required to move the line, at MGU's cost, within a couple of years.

8. As a result, MGU has worked with the Benton County Commission to identify an alternate route using Benton County right of way. MGU plans to take the main line east at the point where Highway HH crosses Highway 65. The main line will follow Benton county right of way south and east before turning to the south and west and returning to Highway 65 at the intersection with Cedar Gate Drive, north of Warsaw. MGU has confirmed with MoDOT the easterly right-of-way boundary on Highway 65 between this intersection and the town of Warsaw will remain unchanged, thus allowing MGU to install its pipeline as originally intended. Using this route will allow MGU to take a different route to Cole Camp than originally planned (along Highway F), also in county right of way. The described main line to Warsaw, MO will be constructed out of 6" Steel line. The described main line to Cole Camp, MO will be constructed out of 4" PE100 line.

9. The legal description of the new area to be certificated in Benton County is as follows:

Sections 5, 6, 7 in Township 41 North, Range 21 West

Sections 1, 12, 13 in Township 41 North, Range 22 West

Sections 2, 3, 9, 10, 15, 16, 17, 19, 20, 21, 28, 29, 30, 31, 32 in Township 42 North, Range 21 West

Sections 12, 13, 24, 25, 36 in Township 42 North, Range 22 West

PROJECT INFORMATION

10. The proposed certificate route is shown on the map attached hereto as **Appendix**

A.

11. MGU incorporates by reference the feasibility study previously filed with its application in Case No. GA-2009-0264. That study contained 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. MGU proposes to use the rates approved by the Commission in Case No. GA-2009-0264. The change in route proposed by this Application will not have material impact on the previously filed feasibility study because the additional footage cost will be offset by additional customer usage.

12. MGU's financing for this project is being addressed in Commission Case No. GF-2009-0331, which is pending before the Commission. No additional financing will be required for the project described herein.

13. 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.

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

15. Applicant has obtained franchises from the Cities of Green Ridge, Cole Camp, Lincoln and Warsaw. Copies of those franchises were provided to the Commission in Case No. GA-2009-0264 and are hereby incorporated by referenced. 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 have been obtained.

16. This area requested to be certificated by this application is important in order to provide service to the communities of Green Ridge, Cole Camp, Lincoln and Warsaw, as well as

other areas that were certificated in Case No. GA-2009-0264. Service from a natural gas supplier is not available in the proposed service 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.

MOTION FOR EXPEDITED TREATMENT

17. MGU has begun construction on the northern portions of the Green Ridge, Cole Camp, Lincoln and Warsaw system. MGU already has 98 subscribers to its natural gas service in Cole Camp, 76 subscribers in Lincoln and 145 subscribers in Warsaw.

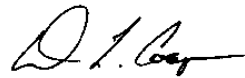
18. In order to complete construction before the 2009-2010 winter, MGU needs to obtain the additional certificate by August 1, 2009. Failure to complete the system during this building season will leave Cole Camp, Lincoln and Warsaw without natural gas until the 2010-2011 winter. Further, the certificated area requested herein represents only a modification of the project that has already been considered and approved by the Commission in Case No. GA-2009-0264. There should be no negative effect on the public as a result of a grant of this motion.

19. Accordingly, MGU asks that the Commission expedite its treatment of this application. MGU has filed this application as soon as possible following its identification of the alternate route.

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 Benton County.

Respectfully submitted,



Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
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Jefferson City, Missouri 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
Email: Dcooper@brydonlaw.com

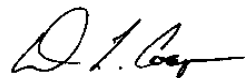
Attorneys for Missouri Gas Utility, Inc.

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 May, 2009:

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

Mr. Marc Poston
Office of the Public Counsel
Governor State Office Building
Jefferson City, Missouri 65101

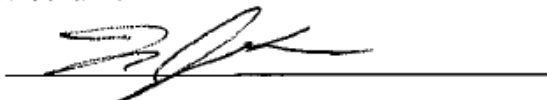


Dean L. Cooper

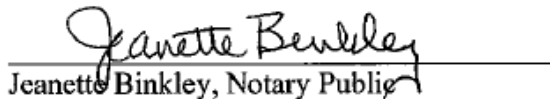
VERIFICATION

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 22nd day of May, 2009.



Jeanette Binkley, Notary Public

APPENDIX B

1. Jeremy L. Godwin
RR 3
Cole Camp 65325
2. Kenneth Eckhoff
17588 Hwy F
Cole Camp 65325
3. Ronald Dent Jr.
18867 Hwy F
Cole Camp 65325
4. Harold Schultz
21998 Old Balltown Ave
Lincoln 65338
5. Darrel Ehlers
24642 Jc Park Rd
Lincoln 65338
6. Gary Reyburn
23625 Fordney Rd
Cole Camp 65325
7. William Halsey
RR 3
Cole Camp 65325
8. Stephen Williams
17930 Hwy F
Cole Camp 65325
9. Jerry Kreisler
21738 Hwy 65
Lincoln 65338
10. Josh Young
21539 Coffey Rd
Lincoln 65338