



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

September 24, 2001

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. KOLILIS  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

FILED<sup>2</sup>

SEP 24 2001

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. GR-99-304**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **MOTION FOR LEAVE TO FILE OUT OF TIME, AND SEPTEMBER, 2001, STAFF FILING.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Thomas R. Schwarz, Jr.  
Deputy General Counsel  
(573) 751-5239  
(573) 751-9285 (Fax)

TRS:sw  
Enclosure  
cc: Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

**FILED<sup>2</sup>**

SEP 24 2001

Missouri Public  
Service Commission

In the Matter of Missouri Gas Energy's )  
Purchased Gas Adjustment Factors to be )  
Reviewed in its 1998-1999 Actual Cost )  
Adjustment. )

Case No. GR-99-304

**MOTION FOR LEAVE TO FILE OUT OF TIME, AND**

**SEPTEMBER, 2001, STAFF FILING**

1. On February 26, 2001, the Commission ordered the Staff to apprise it of the status of each case whose resolution will address issues currently pending in MGE's 1996-1997 ACA case, and that should be held in abeyance pending resolution of Case No. GR-96-450.
2. Staff was to have made this filing last Monday, September 17, 2001. The hearing in the lead case, Case No. GR-96-450 was held September 17 through 21, 2001. Staff was actively engaged in the preparation and presentation of that hearing, and, furthermore, delaying the filing permits Staff to inform the Commission more fully on the status of the lead case at this time. Staff therefore respectfully moves the Commission to accept this filing out of time.
2. These MGE ACA cases are currently pending:

GR-96-450 1996/97 ACA. The hearing in this case was held September 17 through 21, 2001. The Commission has

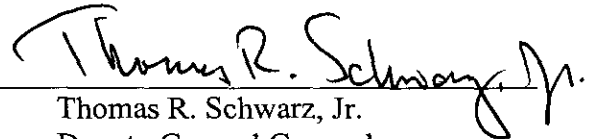
directed that parties file initial briefs on or before November 8, 2001, and reply briefs on November 28, 2001.

- GR-98-167 1997/98 ACA. Staff recommendation filed 8/12/99; MGE response filed 10/19/99.
- GR-99-304 1998/99 ACA. Case being held in abeyance pending resolution of GR-96-450.
- GR-2000-425 1999/00 ACA. Staff recommendation ordered filed by 12/1/01.
- GR-2001-382 2000/01 ACA. On April 23, Commission adopted a *procedural schedule to dispose of case on an accelerated basis*. The schedule calls for Staff's recommendation to be filed 11/2/01; MGE's response filed on 12/20/01; direct testimony of all parties on 1/24/02; rebuttal of all parties on 2/28/02; surrebuttal of all parties on 3/28/02; and hearing on 4/15 through 4/19/02.

3. In each of the above-listed cases the Staff has proposed, or anticipates proposing, an adjustment based upon the prudence of MGE's contract with Kansas Pipeline Company/Riverside Partnership for transportation of natural gas. The Commission's decision on this issue in Case No. GR-96-450 will directly and substantially affect the procedure in the ensuing ACA cases. With the exception of Case No. GR-2001-382, the Staff suggests that the Commission continue to hold MGE's ACA cases in abeyance pending its resolution of Case No. GR-96-450.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

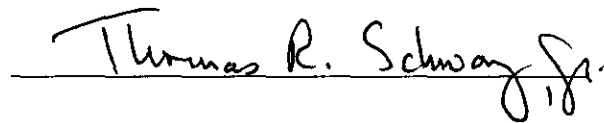


Thomas R. Schwarz, Jr.  
Deputy General Counsel  
Missouri Bar No. 29645

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-5239 (Telephone)  
(573) 751-9285 (Fax)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this September 24, 2001.



**Service List for  
Case No. GR-99-304  
Revised: September 24, 2001 (SW)**

**Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102**

**Jeffrey A. Keevil  
Stewart & Keevil Law Offices  
1001 East Cherry St.  
Columbia, MO 65201**

**Robert J. Hack  
Missouri Gas Energy  
3420 Broadway  
Kansas City, MO 64111**