

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In re the Transportation Tariff	)	
Proposed Modification of Missouri	)	Case No. GT-2008-0393
Gas Energy filed on May 15, 2008	)	[JG-2008-0680]
Proposing Changes to the Existing	)	
Transportation Tariff	)	

RENEWED REQUEST TO SUSPEND AND TO SCHEDULE HEARING

REQUEST FOR EXPEDITED CONSIDERATION

STATUS REPORT

COMES NOW Midwest Gas Users' Association (Midwest) and renews its earlier request that this proposed tariff be suspended, that a hearing be set, that this request be given expedited consideration and that the contained status report be received.

1. This case began with concealment and, apparently, will end with continued concealment by Missouri Gas Energy (MGE).

2. Although having full and recent knowledge of Midwest Gas Users' Association's (Midwest) perennial involvement in its cases, those of its predecessors, and even Federal Energy Regulatory Commission cases of its pipeline suppliers, MGE nevertheless made a filing on May 15 and thereafter concealed from affected customers and their representatives that such filing had even been made and concealed the fact and content of the proposal from affected customers who are fully known to MGE that would be affected by the proposal.

3. Since the commission's original order of suspension, as described in earlier pleadings, Midwest has been dili-

gent in attempting to work with MGE to reach an appropriate resolution, MGE has failed or refused not only to respond to Midwest's data requests or to contact Midwest with respect to any portion of them that might delay responses, but also to even conduct further discussions with Midwest, now for more than a week and through the date hereof.

4. Apparently MGE takes comfort in the shortened suspension period, enhanced by the public statement of a previously-thought objective commissioner at the Agenda meeting on June 19, after hearing only one side of the issue (and that in violation of the commission's own *ex parte* rules), who indicated that the proposal ought not to be further suspended and that Midwest counsel who sought to protect his clients' interest by attempting to timely object to the *ex parte* communication, was threatened with physical violence by members of the commission.

5. On June 23, 2008 Midwest filed a request that the suspension period be further extended along with a request that the time within which MGE might respond to Midwest's data requests be shortened. Although expedited consideration was requested for Midwest's motion along with a request for a shortened response time, the commission has thus far abjectly ignored Midwest's requests and motions.

6. Accordingly Midwest now requests that a full suspension period allowed by law be assigned to this proposed tariff change and that a full evidentiary hearing be scheduled for this matter at which MGE may demonstrate that it can meet its

burden of proof regarding the proposed change, if it can, and that in the interests of due process other parties may have the opportunity to cross-examine such witnesses as are offered in support of this proposal as well as potentially offer its own evidence in opposition.

### **Status Report**

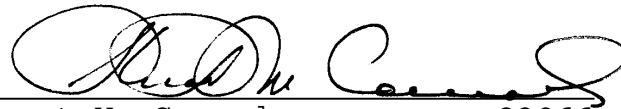
7. Although placing numerous calls to counsel for MGE, Midwest has heard nothing whatsoever other than promises of future responses from MGE through its counsel. Even though the commission encouraged the parties to confer in an effort to resolve this issue, that effort has been completely one-sided, and that only by Midwest. MGE has communicated to Midwest counsel no intention of meeting further with Midwest, Staff or anyone else regarding this matter beyond empty promises. Hence this proposal that MGE began in stealth by concealing its proposal from the customers that would be affected by it ends with MGE continuing in stealth to conceal any support that it may have for the proposal.

### **Request for Expedited Consideration**

8. On June 19, 2008 this proposal was suspended for the second time "until June 27." Accordingly, unless the commission acts to further suspend this tariff (relief that was requested earlier by Midwest but, thus far, has been ignored), the proposed change to the detriment of transportation customers will

go into effect. They will have been (1) denied proper notice of the proposal; (2) a fair hearing of the other side of the issue; (3) the ability to obtain discovery regarding the contentions of the utility that has the burden of proof; (4) denial of recourse to the commission to seek to hasten that discovery; (5) access to a fair and impartial tribunal; (6) denial of the ability even to object without treats or intimidation to the commission's unlawful processes; and (7) an apparent rejection without even consideration of their legitimate requests to even have their positions and concerns heard by the commission.

FINNEGAN, CONRAD & PETERSON, L.C.

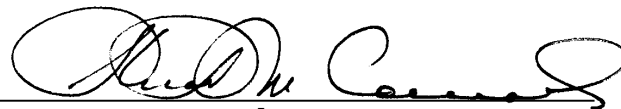


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ATTORNEYS FOR MIDWEST GAS USERS'  
ASSOCIATION

**SERVICE CERTIFICATE**

I certify that I have caused a copy of the foregoing pleading to be served upon representatives of Missouri Gas Energy according to the Commission's Rules of Procedure by e-mail, facsimile or by United States First Class Mail on this 26th day of June, 2008.



Stuart W. Conrad