

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

In the Matter of the Application of)
Summit Natural Gas of Missouri Inc.,)
for Permission and Approval and a Certificate of)
Convenience and Necessity to Construct, Install, Own,) File No. GA-2017-0016
Operate, Maintain, and Otherwise Control and Manage)
a Natural Gas Distribution System to Provide Gas)
Service in various counties as an Expansion of its)
Existing Certificated Areas)

**MISSOURI PROPANE GAS ASSOCIATION’S REPLY
TO SUMMIT NATURAL GAS OF MISSOURI, INC.’S RESPONSE
IN OPPOSITION TO APPLICATION TO INTERVENE**

COMES NOW the Missouri Propane Gas Association (“MPGA”), by and through counsel, and respectfully files its Reply to Summit Natural Gas of Missouri, Inc.’s (“Summit”) Response in Opposition to Application to Intervene. For its Reply, MPGA states as follows:

1. MPGA timely filed its Application to Intervene on August 12, 2016.
2. Summit filed its Response in Opposition to Application to Intervene on August 22, 2016.
3. On August 24, 2016, the Commission issued its “Order Setting Deadline for Filing Reply to Response in Opposition to Application to Intervene.” In that Order, the Commission stated that MPGA may file a reply no later than Monday, August 29, 2016.
4. In its Response, Summit makes several spurious and inflammatory allegations, including speculating that MPGA’s “only interest in this issue is anticompetitive”. That is false. On the subject of competition, MPGA’s interest in this case is in fair competition on a level playing field. Summit’s attempt to demonize MPGA and attribute bad intent to MPGA’s request to intervene in this case is simply wrong and in bad form.

5. Summit also alleges that MPGA has not shown how its interest may be adversely affected by a Commission Order in this case, stating that “any effect granting the application would have on MPGA would be indirect; i.e., it would potentially create or increase competition for MPGA’s members in areas where SNGMO has requested authority to provide regulated natural gas service.” The potential loss of customers and the resultant economic loss to the propane dealers that MPGA represents is very real and adverse, whether or not Summit believes the interest is “indirect.” Furthermore, as noted in paragraph eight below, any adverse impact does not have to be direct for the Commission to grant intervention.

6. Summit also alleges in its Response that “The application does not allege making MPGA an intervener would otherwise be in the public interest.” To the contrary, MPGA alleges in paragraph six of its Application: “MPGA believes that its intervention and participation in this proceeding would serve the public interest by clarifying the issues under consideration, ensuring completeness of the record, and assisting the Commission in its decision-making in this case”.

7. As MPGA stated in paragraph four of its Application, based on Summit’s past performance in Missouri, MPGA is concerned that Summit may not be able to meet projected customer conversions and sales volumes in the proposed expansion areas. This has the potential for Summit to be unable to meet its service obligations to customers, which has a direct bearing on this case. Members of MPGA already serve customers in Summit’s current and proposed expansion areas, and thus MPGA is uniquely qualified to inform the Commission on this issue.

8. MPGA’s Application clearly meets all of the requirements of Commission Rule 4 CSR 240-2.075. Furthermore, as stated in numerous past cases, it is the policy of the Commission to liberally grant intervention to organizations. For example, in its “Order

Regarding Applications to Intervene,” issued on November 24, 2014, in File No. ER-2014-0370¹, the Commission granted Brightergy, LLC’s Application to Intervene, stating as follows:

“[N]o direct pecuniary or property rights, or infringement of civil rights of a person, must be involved before [an applicant] could be a party to a proceeding before the Commission”. It has been the Commission’s practice to liberally grant intervention to organizations that promote various public policy positions in order to consider a full range of views before reaching a decision. The Commission concludes that Brightergy’s application satisfies all requirements of Commission Rule 4 CSR 240-2.075 and intervention will be granted.² (citation omitted).

In this case, that is all MPGA asks—to be given an opportunity provide facts, evidence and/or testimony so that the Commission may consider a full range of views before reaching a decision.

WHEREFORE, MPGA respectfully requests that the Commission grant its Application to Intervene, entitling it to fully participate in this proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 26th day of August, 2016.



Terry M. Jarrett

¹ EFIS Item No. 45, File No. ER-2014-0370.

² *Id.* at page 2.