

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

The Staff of the Missouri Public Service Commission,

Complainant,

vs.

Missouri Gas Energy, a Division of Southern Union Company,

Respondent.

Case No. GC-2011-0100

MOTION TO SUSPEND PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, pursuant to Section 386.390, RSMo 2000,¹ and for its Motion to Suspend the Procedural Schedule previously adopted herein, states as follows:

1. This matter arises on Staff’s *Complaint*, filed on October 7, 2010, asserting that Sheet R-34 of the tariff of Missouri Gas Energy (“MGE”), which purports to limit MGE’s liability to its customers, (1) is not just and reasonable pursuant to § 393.140(5), RSMo, and (2) is not compliant with the Commission’s Gas Safety Rules, 4 CSR 240-40.030(10)(J) and 4 CSR 240-40.030(12)(S), and thus is in violation of a Commission rule pursuant to § 386.390.1. For relief, Staff prays that the Commission will make the findings requested by Staff and require MGE to file revised tariff sheets.²

2. Staff filed its *Motion for Summary Determination* herein on December 1, 2010, and the Commission has directed that MGE response, if any, is due by January 31,

¹ All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (“RSMo”), revision of 2000.

² Staff does not seek penalties from MGE.

2011.

3. The *Procedural Schedule* adopted by the Commission for this case on December 23, 2010, calls for Staff to file its direct testimony on January 19, 2011, although Staff's *Motion for Summary Determination* will not have been ruled as of that date.

4. A primary purpose of summary determination is to conserve scarce resources by resolving without trial those cases where no trial is necessary. If Staff nonetheless must prepare direct testimony for filing on January 19, Staff will be deprived of the chief benefit it sought in seeking summary determination.

5. Consequently, Staff urges the Commission to suspend the procedural schedule herein until it has ruled on Staff's *Motion for Summary Determination*.

WHEREFORE, Staff prays that the Commission will suspend the procedural schedule herein until it has ruled on Staff's *Motion for Summary Determination*; and grant such other and further relief as the Commission deems just in the premises.

Respectfully Submitted,

/s/ Kevin A. Thompson

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **11th day of January, 2011**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson