

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of the Application of Missouri Gas Energy,     )  
a Division of Southern Union Company, for a Certificate     )  
of Public Convenience and Necessity Authorizing it to     )  
Construct, Install, Own, Operate, Control, Manager and     ) Case No. GA-2007-0289  
Maintain a Natural Gas Distribution System to Provide     )  
Gas Service in Platte County, Missouri, as an Expansion     )  
Of its Existing Certified Area     )

**MOTION TO STRIKE PORTIONS OF APPLICATION**

COMES NOW Missouri Gas Energy, a division of Southern Union Company (MGE) by  
and through its counsel, and states:

1.     On May 30, 2007 The Empire District Gas Company (EDG) filed an application pursuant to section 393.170 RSMo., 4 CSR 240-2.060 and 4 CSR 240-3.205 for a Certificate of Public Convenience and Necessity. The Commission consolidated that application into this docket by order dated May 31, 2007.

2.     In paragraphs 12, 13 and 14 of its application EDG makes allegations that MGE has performed the unauthorized construction of distribution facilities in section 12 in Township 52 North, Range 35 West in Platte County, Missouri.

3.     There is no provision in the Commission's rules regarding certificate applications for such applications to contain complaints about another utility's alleged violations of statutes.

4.     Complaints are governed by 4 CSR 240-2.070. Any person who feels aggrieved by violation of any statute, rule, order or decision within the Commission's jurisdiction may file a complaint.

5.     MGE has been lawfully serving customers in section 12 since at least May of 2006 pursuant to an agreement with the developers of the Seven Bridges housing development

and under the authority of MGE's tariff (attached as Exhibit A is the relevant MGE tariff sheet) which provides that section 12 is part of MGE's service territory.

6. Nothing prevented Empire from filing a complaint against MGE last year when MGE began serving customers in the Seven Bridges development if Empire believed that its service territory was being unlawfully encroached by MGE. Instead, Empire waited until after MGE filed its application to serve the remainder of the Seven Bridges development in sections 13 and 14 to intervene. Empire then delayed the procedural schedule of MGE's certificate application so that it could file its own application to serve sections 13 and 14.

7. In this docket the Commission will determine which company will be granted a certificate to serve sections 13 and 14. The Commission will determine which company is most qualified to serve these sections under the criteria it has established regarding the need for service, the qualifications of each applicant, the financial ability of the applicants, the economic feasibility of each company's proposals and whether the public interest is served. The Commission should not allow Empire to further delay and disrupt MGE's application by injecting complaint issues into a certification proceeding.

WHEREFORE, MGE requests that the Commission strike all unauthorized provision of service allegations against MGE contained in EDG's application.

Respectfully submitted,

/s/ Roger W. Steiner

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Attorney for Missouri Gas Energy

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was emailed to the following counsel this 11th day of June, 2007:

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

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/s/ Roger W. Steiner

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# Exhibit A

P.S.C. MO. No. 1

Original

SHEET No. 6.15

Missouri Gas Energy,  
a Division of Southern Union Company

For: All Missouri Service Areas

<u>INDEX OF CERTIFICATED AREAS</u>		
<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTIONS</u>
<u>PETTIS COUNTY</u>		
T43n	R23w	6,7
T44n	R23w	31
T46n	R23w	11,14,15,22,23
T47n	R22w	13,14,23,24,25,26
T48n	R22w	32
<u>PLATTE COUNTY</u>		
T50n	R33w	4,5,6,7,8,9
T51n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T51n	R34w	1,2,3,4,5,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23, 24,25,26,27,28,29,30,31,32,33,34,35,36
T51n	R35w	11,12
T52n	R33w	4,5,7,8,9,16,17,18,19,20,21,28,29,30,31,32,33
T52n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,26,27,28,29,30,31,32,33,34,35,36
T52n	R35w	1,2,3,4,5,6,7,8,9,10,11,12
T52n	R36w	1,12
T54n	R33w	4,5,6,7,8,9,16,17,18,19,20,21,28
T54n	R34w	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,28,29,30,31,32,33
T54n	R35w	1,2,3,4,5,8,9,10,11,12,13,14,15,16,17,
T55n	R34w	31
T55n	R35w	32,33,34,35,36

DATE OF ISSUE February 21 1997  
month day year

DATE EFFECTIVE May 21 1997  
month day year

ISSUED BY: Charles B. Hernandez

Director, Pricing & Regulatory Affairs  
Missouri Gas Energy  
Kansas City, MO. 64111

**Filed**

Missouri Public  
Service Commission