BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

| In re: FERC Docket No. CP07-450, |) |
|----------------------------------|-------------------------|
| MoGas Request for Authorization |) Case No. GO-2009-0094 |
| under Blanket Certificate |) |

MOTION FOR LEAVE TO FILE AMENDED APPLICATION TO TERMINATE

COMES NOW Applicant MoGas Pipeline LLC ("MoGas") and states as follows.

- 1. There have been numerous pleadings in this action, which have placed various related issues before the Commission, some general in nature, and some specific.
- 2. The general authority of the Commission to intervene through outside counsel in FERC cases has been challenged, as has the Commission's specific intervention in two related but distinct FERC cases as to which Applicant is a party.
- 3. Applicant has been aggrieved by both interventions, which both raise the general issue whether the Commission may lawfully intervene through outside counsel in FERC cases.
- 4. The Commission's General Counsel has filed a pleading suggesting that this action is most and should be dismissed because one of the two FERC cases at issue has concluded.
- 5. Although Applicant believes that the pleadings in this action clearly raise issues—including the lawfulness of the Commission's now-pending intervention in the second FERC case—that are ripe for determination in this action, in an abundance of caution, and to make the record clear for purposes of appeal, Applicant moves for leave to amend its Application to Terminate to expressly encompass all of the issues that have been placed before the Commission for determination in this action.

6. Applicant's First Amended Application to Terminate is being filed concurrently with this motion for leave.

WHEREFORE, MoGas moves for leave to file its First Amended Application to Terminate.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/ David G. Brown

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 5th day of February, 2009, to:

General Counsel Office Missouri Public Service Commission 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102 GenCounsel@psc.mo.gov

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/s/ David Brown