

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of Missouri Gas Energy's)	
Tariff Sheets Designed to Increase)	
Rates for Gas Service in the)	Case No. GR-2009-0355
Company's Missouri Service Area)	

MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY OUT OF TIME

COMES NOW Missouri Gas Energy ("MGE") and requests leave of the Commission to file the prepared Surrebuttal Testimony of company witness David N. Kirkland out of time. In support of this motion, MGE states the following:

1. The Commission's Order Setting Procedural Schedule dated May 27, 2009 (Scheduling Order) provided for the filing of Surrebuttal Testimony by all parties on Wednesday, October 14, 2009.

2. In accordance with the Scheduling Order, MGE filed the Surrebuttal Testimony of eleven (11) witnesses covering a variety of issues raised in the Rebuttal Testimony of numerous other parties to the case.

3. Because of the press of this and other related business, MGE was unable to finalize and file the testimony of company witness David N. Kirkland, Director of Gas Supply for MGE on the 14th. Mr. Kirkland's Surrebuttal Testimony addresses a number of tariff issues associated with the topic of natural gas transportation, a subject addressed in the Rebuttal Testimony of Constellation witness Richard Haubensak and Donald Johnstone on behalf of Midwest Gas Users Association and Superior Bowen Asphalt Company, LLC.

4. MGE requests leave to file Mr. Kirkland's Surrebuttal Testimony two (2) days out of time. No party will be prejudiced in that there are no further rounds of pre-filed prepared testimony pursuant to which any party needs to respond to Mr. Kirkland's prepared testimony and in that the evidentiary hearing in the case does not commence until Monday, October 26th. Even in that event, it is unlikely that the natural gas transportation tariff issue will be heard until late in the proceeding which is currently scheduled for two weeks.

WHEREFORE, for good cause shown, MGE requests leave of the Commission to file the Surrebuttal Testimony of David N. Kirkland two days out of time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 16th day of October, 2009, to the following:

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