

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

In the Matter of Missouri Gas Utility,)
Inc.'s Request for Waiver Concerning Its)
Annual Report Filing.)
Case No. _____

**APPLICATION FOR WAIVER
CONCERNING ANNUAL REPORT FILING**

COMES NOW Missouri Gas Utility, Inc. (MGU or Company), pursuant to Section 4 CSR 240-2.060(4), and, for its Application for Waiver Concerning Annual Report Filing, states as follows to the Missouri Public Service Commission (Commission):

SUMMARY

MGU has completed Federal Energy Regulatory Commission (FERC) Form 2-A and supplied this report along with its 2008 Gas Annual Report. There is some indication that the Commission's annual report form requires MGU to instead complete FERC Form 2. To the extent necessary, MGU hereby requests a waiver such that it is not required to complete and file FERC Form 2 because of the significant time and resources that would be required.

APPLICANT

1. Applicant is Missouri Gas Utility, Inc. MGU's principal office is located at 7810 Shaffer Parkway, Suite 120, Littleton, CO 80127.

2. MGU is a corporation duly incorporated under the laws of the State of Colorado. A copy of a certificate from the Missouri Secretary of State that MGU is authorized to do business in Missouri as a foreign corporation was submitted in Case No. GA-2007-0421 and is incorporated by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G). Other than cases that have been docketed at the Commission, MGU has no pending action or final

unsatisfied judgments or decisions against it from any state or federal agency or court within the past three (3) years that involve customer service or rates. MGU has no annual report or assessment fees that are overdue.

3. MGU conducts the business of a “gas corporation” and provides natural gas service in the Missouri counties of Harrison, Daviess and Caldwell, subject to the jurisdiction of the Missouri Public Service Commission (Commission).

4. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and:

Tim Johnston, P.E.
Executive Vice President and Chief Operating Officer
Missouri Gas Utility, Inc.
7810 Shaffer Parkway, Suite 120
Littleton, CO 80127
Telephone: (800) 927-0787
Facsimile: (303) 979-7892
Email: tjohnston@SummitUtilitiesInc.net

REQUEST FOR WAIVER

5. Commission Rule 4 CSR 240-3.245(2) states that “Gas utilities shall submit their annual reports either on a form provided by the commission or on a computer-generated replica that is acceptable to the commission.”

6. The Commission’s Gas Annual Report Supplemental Pages indicate that the “complete FERC Form 2 must be submitted by the certificated company in addition to the Missouri Jurisdictional Supplement.” (Supplement, page 2). However, the FERC Form attached to the Commission’s Gas Annual Report provides instructions for FERC Forms 2, 2-A and 3Q. These instructions direct the utility as follows:

Who Must Submit

Each natural gas company whose combined gas transported or stored for a fee exceed 50 million dekatherms in each of the previous three years must submit FERC Form 2 and 3-Q.

Each natural gas company not meeting the filing threshold for FERC Form 2, but having total gas sales or volume transactions exceeding 200,000 dekatherms in each of the previous three calendar years must submit FERC Form 2-A and 3-Q.

Gas Annual Report, General Information, page i.

7. MGU had “total gas sales or volume transactions” of *less than* 200,000 dekatherms in each of the previous three calendar years (163,270 dth in 2008). Thus, it is not required by FERC to file the FERC Form 2, or the FERC Form 2-A. However, for the purposes of its Missouri Annual Report, MGU has completed and timely filed the FERC Form 2-A.

8. MGU has this year received communication from the Staff indicating that Staff believes the 2008 Annual Report to be deficient because MGU has not filed FERC Form 2. The time and resources necessary to prepare and file the FERC Form 2 are quite significant. Attached hereto is a listing of the additional pages/information that would be required if MGU must complete and file FERC Form 2 (Appendix A). It is estimated by the Company that compilation and reporting of the additional information would require an additional month of work for MGU’s Senior FERC Accountant.

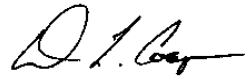
9. This estimate is, if anything, perhaps understated, as the form itself states that the “public reporting burden for the *Form 2* collection of information is estimated to average *1,623 hours per response*, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data-needed, and completing and reviewing the collection of information.” Gas Annual Report, General Information, page ii. While the “public reporting burden for the *Form 2A* collection of information is estimated to average *250 hours per response.*” *Id.*

10. Because the Commission's Gas Annual Report specifically includes instructions as to what entities are required to file the FERC Form 2, Form 2-A or neither, it appears that MGU may not be required to file the FERC Form 2. To the extent it is determined that MGU is required to file the FERC Form 2, it hereby requests a waiver of that requirement such that it only be required to submit the FERC Form 2-A.

11. MGU believes that the time and resources that would be required to complete the additional documents would not be j information that might be obtained because of MGU's small size. Accordingly, MGU asks that, to the extent necessary, it be granted a waiver such that it is only required to complete and file FERC Form 2-A with its Gas Annual Report.

WHEREFORE, MGU respectfully requests the Commission issue its order granting the waiver requested herein.

Respectfully submitted,



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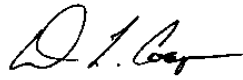
Attorneys for Missouri Gas Utility, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to the following this 6th day of May, 2009:

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

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Governor State Office Building
Jefferson City, Missouri 65101

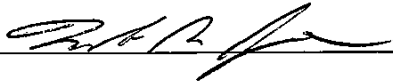


Dean L. Cooper

VERIFICATION


STATE OF COLORADO)
)ss
COUNTY OF Jefferson)

I, Timothy R. Johnston, state that I am the Executive Vice President of Missouri Gas Utility, Inc. (MGU); that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of MGU.



Subscribed and sworn to before me this 6th day of May, 2009.




_____, Notary Public