

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

MISSOURI PROPANE GAS ASSOCIATION,	)	
	)	
Complainant,	)	
	)	
vs.	)	File No. GC-2016-0083
	)	
SUMMIT NATURAL GAS OF MISSOURI, INC.,	)	
	)	
Respondent.	)	

**MOTION FOR PARTIAL LIFTING OF STAY**

Complainant, the Missouri Propane Gas Association (MPGA), by and through undersigned counsel, and for its Motion for Partial Lifting of Stay, states as follows:

1. On October 2, 2015, MPGA filed a Complaint with the Commission pursuant to Sections 396.390, 386.400 RSMo 2000, and 4 CSR 240-2.070.
2. On October 30, 2015, MPGA filed a Motion for Leave to File a First Amended Complaint.
3. On November 4, 2015, Summit Natural Gas of Missouri, Inc. (SNGMO), filed an unopposed Request for Mediation and to Suspend Schedule and Response for Motion for Leave.
4. On November 17, 2015, the Commission issued its Order Granting the Motion to File Amended Complaint and Referring Case to Mediation.
5. A mediation session was held on April 18, 2016. The parties present were the Mediation Judge, MPGA, SNGMO, and Commission Staff. While discussions were robust, the parties were not able to come to an agreement to resolve the case.

6. On April 25, the Commission issued its Order Setting Deadlines for Filings.
7. On May 13, 2016, SNGMO filed its Answer to the Complaint.
8. On May 13, 2016, MPGA filed its Motion for Partial Summary Disposition and Memorandum in Support, pursuant to 4 CSR 240-2.117.
9. On May 16, 2016, the Commission issued its Order Setting Deadline for Response to Motion for Partial Summary Determination. SNGMO's response was due no later than June 13, 2016.
10. On May 20, 2016, MPGA filed its Motion to Stay Discovery and For Extension of Time to File Procedural Schedule. As stated in that Motion, after the April 18, 2016 mediation session, MPGA considered the discussions from the session and decided that for MPGA, the issues and scope of the Complaint should be narrowed to one threshold issue: the interpretation of the August 18, 2014, *Partial Stipulation and Agreement As To Dual Fuel and Conversion of Appliances* (the Agreement) signed by SNGMO and MPGA and filed in Case No. GR-2014-0086, and approved by the Commission in that case by Order dated September 3, 2014. MPGA felt that after the mediation discussion, other disputed issues should more appropriately be considered and dealt with by Staff or the Office of Public Counsel (OPC), not MPGA. Accordingly, MPGA believes that whatever the Commission ultimately decides on MPGA's Motion for Partial Summary Disposition, that decision will dispose of all of the issues that relate to MPGA, and MPGA will not be pursuing any further action on the Complaint, other than to dismiss the remaining Count 1 and all other issues and prayers for relief not addressed in the Motion for Partial Summary Disposition and Memorandum in Support.
11. On May 20, 2016, The Commission granted MPGA's Motion to Stay Discovery and For Extension of Time to File Procedural Schedule.

12. On June 13, 2016, SNGMO filed its Response in Opposition to Motion for Partial Summary Determination and Legal Memorandum in Support.

13. On June 17, 2016, MPGA filed its Motion to File Reply in Support of Motion for Partial Summary Disposition. Attached to MPGA's Motion was its Reply to SNGMO's Response in Opposition.

14. On June 27, 2016, SNGMO filed its Response to Reply of Missouri Propane Gas Association.

15. At this point in the proceeding, MPGA believes that its Motion for Partial Summary Determination is ripe for decision.

16. Since MPGA's Motion for Partial Summary Determination is now ripe for decision, MPGA requests that the Commission issue an order partially lifting its stay for the limited purpose of taking up MPGA's Motion for Partial Summary Determination for consideration and decision.

WHEREFORE, MPGA respectfully requests that the Commission grant its Motion for Partial Lifting of Stay, and also requests that the Commission take up its Motion for Partial Summary Determination for consideration and final decision as soon as is practicable.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed this 2<sup>nd</sup> day of November, 2016 to:

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