

**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.)	

RESPONSE TO MOTION FOR STAY

COMES NOW the Missouri Propane Gas Association (“MPGA”), by and through its counsel of record, and for its Response to Motion for Stay, states as follows:

1. On April 3, 2017, Summit Natural Gas of Missouri, Inc. (“Summit”), filed a Motion for Stay in this proceeding. In that April 3 Motion, Summit requests that this Commission stay all activity in this case while the Commission considers its Motion for Summary Determination or Dismissal, also filed on April 3.

2. As support for its Motion for Stay, Summit states that “Summit submits that like MPGA, it should have its opportunity at summary determination to achieve an efficient resolution of this case.” MPGA has never denied Summit any opportunity to file a Motion for Summary Determination. Commission rule 4 CSR 240-2.117(1)(A) provides that any party to a case may “seek disposition of all or any part of a case by summary determination at any time after the filing of a responsive pleading, if there is a respondent, or at any time after the close of the intervention period” so long as it is filed 60 days before the hearing date.

3. Nevertheless, MPGA does not have an objection to Summit's Motion for Stay, with three very important caveats. First, the stay should be for discovery only, not other activities in the case. For example, MPGA plans to file a response to Summit's Motion for Summary Determination or Dismissal, which by rule is due no later than May 3. A stay on all activities as requested by Summit would preclude MPGA from making such a filing. Limiting the stay to discovery is reasonable, especially since a procedural schedule has not yet been adopted by the Commission.

4. Second, as Summit noted in its Motion for Stay, both MPGA and Summit filed competing proposed procedural schedules on February 9, 2017. Both schedules agreed, however, on evidentiary hearing dates of October 24-25 in this matter. That is over 6 months away from the date of this filing. Given the narrow scope of this proceeding, 6-plus months is more than ample time for further discovery, filing of rebuttal and surrebuttal testimony, and preparation for hearing. MPGA therefore asks that if the Commission grants Summit's Motion for Stay, then it should limit the stay to discovery only and should also set the hearing dates in this matter for October 24-25, or on dates as close as possible thereto. Once the hearing dates have been set, an appropriate procedural schedule can be adopted after the Commission considers and decides Summit's Motion for Summary Determination.

5. Third, the stay of discovery should only remain in effect until the Commission acts on Summit's Motion for Summary Determination or Dismissal. If all three of MPGA's caveats are looked upon favorably by the Commission, then MPGA would have no objection to a stay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 13th day of April, 2017.



Terry M. Jarrett