

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

In the Matter of Southern Missouri Gas)
Company, L.P. d/b/a Southern Missouri)
Natural Gas Annual Winter PGA Filing.) **Case No. GR-2011-_____**

**NOTICE OF INTENDED CASE FILING
AND APPLICATION FOR WAIVER OF
SOUTHERN MISSOURI GAS COMPANY, L.P.
D/B/A SOUTHERN MISSOURI NATURAL GAS**

COMES NOW Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas ("SMNG" or "Company") and, pursuant to Missouri Public Service Commission ("Commission") Rules 4 CSR 240-4.020(2) and 4 CSR 240-2.060(4), respectfully submits its Notice of Intended Case Filing ("Notice") and request for a waiver from the application of 4 CSR 240-4.020(2) to its annual Winter PGA filing. In support of its Notice and Application for Waiver, SMNG states as follows:

1. SMNG owns and operates a natural gas transmission and distribution system located in southern Missouri which serves approximately 8,000 customers. SMNG is a "gas corporation" and "public utility" under the jurisdiction of the Missouri Public Service Commission, pursuant to Chapters 386 and 393, RSMo. 2000. The Company's street and mailing address is: 500 W. 19th Street, Mountain Grove, Missouri 65711. The Company's telephone number is: (417) 926-7533.

2. Copies of SMNG's Certificate Of Good Standing from the Missouri Secretary of State and its Fictitious Name Registration were previously filed in Case Nos. GA-2007-0212 and GN-2006-0203, respectively, and are incorporated herein by reference.

3. SMNG has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates which has occurred within three (3) years of the date of the Application.¹ SMNG has no annual report or assessment fees that are overdue.

4. Communication in regard to this Notice and Application should be addressed to the undersigned counsel and:

David Moody
Chief Executive Officer
Southern Missouri Natural Gas
500 W. 19th Street
Mountain Grove, MO 65711
(417) 926-7533
dmoody@smng.biz

5. Commission Rule 4 CSR 240-4.020(2) became effective July 30, 2010, one month ago, and provides in part as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such a case. Such notice shall detail the type of case and issues likely to be before the commission.

4 CSR 240-4.020(2)(B) provides: "Any party may request a waiver of this section for good cause."

6. Pursuant to its approved tariffs, SMNG is required to make a Winter PGA filing between September 15 and November 4 of each calendar year. Such filing includes, *inter alia*, the company's ACA adjustments.

7. At this time, it is unclear whether or not SMNG's Winter PGA filing will become a contested case. In making this filing, SMNG does not intend to create a contested case. It does not appear that SMNG's Winter PGA filing is the type of case

¹ On May 21, 2010, SMNG initiated its Small Company Rate Increase Request designated File No. GR-2010-0347.

intended to be covered by the above-referenced rule. Nevertheless, due to the fact that the rule is new and clarifications have yet to be provided, and due to the strict penalty imposed for not filing a required notice, SMNG is filing this Notice and requesting this waiver out of an abundance of caution. In addition, such filing will not comply with the newly prescribed minimum sixty (60) day period. Accordingly, SMNG respectfully submits that, to the extent 4 CSR 240-4.020(2) may apply to its Winter PGA filing, good cause exists for a waiver of the application of the sixty (60) day minimum filing period of said rule.

WHEREFORE, SMNG respectfully submits its Notice of Intended Case Filing and requests that the Commission grant SMNG's requested waiver of 4 CSR 240-4.020(2) as specifically set forth herein.

Respectfully submitted,

/s/ James M. Fischer

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Attorneys for Southern Missouri Gas
Company, L.P. d/b/a Southern Missouri
Natural Gas

Certificate of Service

I hereby certify that a copy of the above and foregoing document was sent by electronic mail, or hand delivered, on this 7th day of September, 2010 to:

General Counsel
Missouri Public Service Commission
Governor Office Building
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
Governor Office Building, 6th Floor
P.O. Box 2230
Jefferson City, MO 65102-7800

/s/ James M. Fischer

James M. Fischer

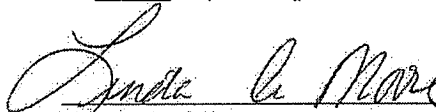
VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF WRIGHT) ss

I, David Moody, of lawful age, state that I am Chief Executive Officer of Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas ("SMNG"); that I have read the above and foregoing pleading; 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 SMNG.


David Moody

Subscribed and sworn to before me this 3rd day of September, 2010.


Notary Public

My Commission Expires:

May 4, 2012

