

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 6<sup>th</sup> day of  
June, 2018.

Paul Brown and Debra Brown

Complainants,

v.

Summit Natural Gas of Missouri, Inc.,

Respondent

**File No. GC-2017-0199**

**ORDER APPROVING STIPULATION AND AGREEMENT**

Issue Date: June 6, 2018

Effective Date: June 16, 2018

On January 20, 2017, Paul Brown and Debra Brown (Complainants) filed a complaint against Summit Natural Gas of Missouri, Inc. (Summit). The Complainants alleged that Summit offered to provide natural gas service to the Complainants' residence, accepted their application for service, and constructed approximately 400 feet of gas lines across the Complainants' property to within 12 inches of their house without having a certificate of convenience and necessity to service the residence. Complainants alleged that they had relied to their detriment on Summit's representations and requested that Summit be granted a certificate of convenience and necessity to serve the area.

Summit responded that the Complainants' house lies in its Branson Division, an area formerly owned by Southern Missouri Gas Company, d/b/a Southern Missouri Natural Gas, and primarily certificated only for a line certificate. Summit indicated that

some customers are served along that line certificate as “farm taps” in accordance with a Commission order and an approved stipulation and agreement between Southern Missouri Natural Gas and Missouri Gas Energy (now Spire Missouri Inc.).<sup>1</sup> However, Summit stated that the Complainants’ house was not one of the line certificate exceptions.

The parties began negotiating a resolution and eventually entered into mediation. On May 23, 2018, the parties filed a confidential stipulation and agreement as the resolution of all issues. The specifics of the stipulation and agreement are confidential, but require, among other things, that Summit request authority to serve the Complainants’ home and a waiver from the provisions of the Commission-approved agreement in GA-2007-0168.

The stipulation and agreement currently before the Commission is non-unanimous in that it was not signed by all parties. However, Commission Rule 4 CSR 240-2.115(2) provides that other parties have seven days in which to object to a non-unanimous stipulation and agreement. If no party files a timely objection to a non-unanimous stipulation and agreement, the Commission may treat it as a unanimous stipulation and agreement. More than seven days have passed since the stipulation and agreement was filed, and no objections have been received. The Staff of the Missouri Public Service Commission (Staff) filed a reservation of objection noting that even though it was not objecting to the stipulation and agreement it was not forgoing its right to object in any future proceeding initiated as a result of the agreement. Since

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<sup>1</sup> See, File No. GA-2007-0168, *Report and Order* (issued February 5, 2008) and *Stipulation and Agreement of SMNG and MGE* (December 4, 2007).

there was no objection to the agreement, the Commission will treat the stipulation and agreement as a unanimous stipulation and agreement.

After reviewing the stipulation and agreement, the Commission independently finds and concludes that the stipulation and agreement is a reasonable resolution of the complaint and that it should be approved. The Commission also notes that it has not made any prejudgment of future applications that may be filed as a result of the stipulation and agreement, but will evaluate those applications when filed.

**THE COMMISSION ORDERS THAT:**

1. The stipulation and agreement filed on May 23, 2018, is approved. The signatory parties are ordered to comply with the terms of the stipulation and agreement. A copy of the stipulation and agreement is attached to this order.

2. This order shall be effective on June 16, 2018.

3. This file shall be closed on June 17, 2018.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and  
Silvey, CC., concur.

Dippell, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 6<sup>th</sup> day of June 2018.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**June 6, 2018**

**File/Case No. GC-2017-0199**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.