

OF THE STATE OF MISSOURI

Case No. GD-2008-_____

MOTION TO CANCEL CERTIFICATE OF CONVENIENCE AND NECESSITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Missouri Public Service Commission (Commission) to find null and void Ozark Natural Gas Co., Inc.'s (ONG) certificate of convenience and necessity (CCN) to build and operate intrastate natural gas pipelines and to cancel the applicable tariff. In support of its Motion, Staff respectfully states as follows:

1. On August 4, 1998, the Commission issued an order in GA-98-227, granting a CCN to ONG to build and operate an intrastate natural gas pipeline in southwestern Missouri to serve customers in Christian, Stone and Taney counties.
2. ONG filed Tariff No. 9900099 August 5, 1998, corrected by substitute sheets filed August 19, 1998, and August 26, 1998.
3. In its September 1, 1998 Order, the Commission approved Tariff No. 9900099, as corrected, for service on or after September 4, 1998.
4. On March 31, 2008, the Commission received a letter from Harold I. Epps, President of ONG, stating ONG “never did the construction for a district natural gas system.” “Therefore, the certificate is no longer needed and from our information the actual certificate was reversed sometime ago.”
5. An April 14, 2008 search of the Commission’s Electronic Filing & Information System (EFIS) finds ONG registered as “Certificated” and its status listed as “Active.”
6. ONG did not build an intrastate pipeline as permitted by its certificate.

7. ONG has no annual report on file for calendar years 1998, 1999, 2000, and 2001.
8. ONG has produced zero revenue in calendar years 2002, 2003, 2004, 2005, and 2006.
9. ONG has yet to file its annual report for calendar year 2007, and at the date of this filing, has not requested an extension.
10. Because ONG has requested cancellation of its certificate and is not providing service in Missouri, the Staff recommends the Commission issue an Order finding null and void ONG's certificate and cancel the applicable tariff. §393.170.3 RSMo (2000).
11. Pursuant to Section 393.170.3 RSMo (2000), "[u]nless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void."
12. Staff has verified that ONG does not owe any Commission fees or assessments.

WHEREFORE, the Staff recommends the Commission find null and void the August 4, 1998 certificate of convenience and necessity of Ozark Natural Gas Co., Inc. to build and operate intrastate natural gas pipelines in Missouri; and cancel Tariff No. 9900099, as approved for service on or after September 4, 1998.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was mailed, first-class postage prepaid, hand-delivered or electronically mailed to all parties of record on this 16th day of April, 2008.

/s/ Jennifer Hernandez

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Attn: Harold Epps, Registered Agent
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(via certified mail)

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