

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

In the Matter of the Cancellation of the )  
Certificates of Convenience and Necessity ) Case No. GD-2009-\_\_\_\_\_  
and Tariffs of Missouri Gas Company, LLC )  
and Missouri Pipeline Company, LLC )

**MOTION TO CANCEL CERTIFICATES OF CONVENIENCE AND NECESSITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and requests that the Missouri Public Service Commission (Commission) cancel the certificates of convenience and necessity (CCN) of Missouri Gas Company, LLC and Missouri Pipeline Company, LLC and the associated tariffs. In support of its Motion, Staff respectfully states the following:

1. On December 3, 1996, Missouri Gas Company, LLC was originally granted a CCN by the Commission in Case No. GA-95-231, as Missouri Gas Company.
2. In 2003, Missouri Gas Company changed its name to Missouri Gas Company, LLC, and the Commission issued a new CCN reflecting this change in Case No. GN-2002-1101.
3. On August 1, 1989, Missouri Pipeline Company, LLC was originally granted a CCN by the Commission in Case No. GA-89-126, as Missouri Pipeline Company.
4. In 2002, Missouri Pipeline Company changed its name to Missouri Pipeline Company, LLC, and the Commission issued a new CCN reflecting this change in Case No. GN-2003-0017.
5. On April 7, 2008, The Federal Energy Regulatory Commission (FERC) issued an order authorizing Missouri Interstate Gas, LLC, Missouri Gas Company, LLC, and Missouri Pipeline Company, LLC to combine into a single interstate pipeline. Missouri Interstate Gas, LLC, 119 FERC ¶ 61,074 (2008).

6. On June 1, 2008, FERC issued an order authorizing the new pipeline company, MoGas Pipeline, LLC, to commence interstate services. MoGas Pipeline, LLC, 123 FERC ¶ 61,236 (2008).

7. Pursuant to Section 386.250 (1) RSMo (2000), the Commission has jurisdiction over the manufacture, sale, or distribution of gas within the state.

8. Section 386.030 RSMo (2000) provides that no provision of Chapter 386 shall apply or be construed to apply to interstate commerce.

9. As FERC has authorized MoGas Pipeline, LLC, to commence interstate services, the Commission no longer has jurisdiction over MoGas Pipeline, LLC, or its pre-merger counterparts, and it is Staff's recommendation that the CCNs granted in Case Nos. GN-2002-1101 and GN-2003-0017 be cancelled.

10. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

**WHEREFORE**, the Staff respectfully recommends the Commission cancel the certificates of convenience and necessity granted to Missouri Gas Company, LLC, and Missouri Pipeline Company, LLC, and the associated tariffs.

Respectfully submitted,

/s/ Jennifer Hernandez  
Jennifer Hernandez  
Legal Counsel  
Missouri Bar No. 59814

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[jennifer.hernandez@psc.mo.gov](mailto:jennifer.hernandez@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on Michael Mertz, registered agent for Missouri Gas Company, LLC, and Missouri Pipeline Company, LLC, Mogas Pipeline Company, LLC, 110 Algana Court, Saint Peters, Missouri, 63376; and The Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 16<sup>th</sup> day of April, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Jennifer Hernandez