

**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.	)	

**NOTICE OF VOLUNTARY PARTIAL DISMISSAL AND REQUEST FOR STAY**

Complainant, the Missouri Propane Gas Association (MPGA), by and through undersigned counsel, and for its Notice of Voluntary Partial Dismissal and Request for Stay, states as follows:

1. On October 2, 2015, MPGA filed a Complaint with the Commission pursuant to Sections 396.390, 386.400 RSMo 2000, and 4 CSR 240-2.070.
2. On October 30, 2015, MPGA filed a Motion for Leave to File a First Amended Complaint.
3. On November 4, 2015, Summit Natural Gas of Missouri, Inc. (SNGMO), filed an unopposed Request for Mediation and to Suspend Schedule and Response for Motion for Leave.
4. On November 17, 2015, the Commission issued its Order Granting the Motion to File Amended Complaint and Referring Case to Mediation.
5. A mediation session was held on April 18, 2016. The parties present were the Mediation Judge, MPGA, SNGMO, and Commission Staff. While discussions were robust, the parties were not able to come to an agreement to resolve the case.

6. On April 25, 2016, the Commission issued its Order Setting Deadlines for Filings.

7. On May 13, 2016, SNGMO filed its Answer to the Complaint.

8. On May 13, 2016, after SNGMO had filed its Answer, MPGA filed its Motion for Partial Summary Disposition and Memorandum in Support, pursuant to 4 CSR 240-2.117.

9. On May 16, 2016, the Commission issued its Order Setting Deadline for Response to Motion for Partial Summary Determination. SNGMO's response is due no later than June 13, 2016.

10. After the April 18, 2016 mediation session, MPGA considered the discussions from the session and decided that for MPGA, the issues and scope of the Complaint should be narrowed to one threshold issue: the interpretation of the August 18, 2014, *Partial Stipulation and Agreement As To Dual Fuel and Conversion of Appliances* (the Agreement) signed by SNGMO and MPGA and filed in Case No. GR-2014-0086, and approved by the Commission in that case by Order dated September 3, 2014; and, as a result, MPGA filed its Motion for Partial Summary Disposition and Memorandum in Support on May 13, 2016 on that narrow issue. MPGA felt that after the mediation discussion, other disputed issues should more appropriately be considered and dealt with by Staff or the Office of Public Counsel (OPC), not MPGA.

11. Accordingly, MPGA believes that whatever the Commission decides on MPGA's Motion for Partial Summary Disposition, that decision will dispose of all of the issues relevant to MPGA.

12. Commission Rule 4 CSR 240-2.116(1) provides: "An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice

of dismissal with the commission.” No prepared testimony has been filed and no oral evidence has been offered in this case.

13. Therefore, MPGA voluntarily dismisses with prejudice all other claims and issues except those addressed in its Motion for Partial Summary Disposition and Memorandum in Support.

14. In addition, MPGA notes that the Commission’s April 25, 2016, Order Setting Deadlines for Filings sets deadlines for certain filings. Given that MPGA is voluntarily dismissing all claims and issues except those addressed in its Motion for Partial Summary Disposition and Memorandum in Support, MPGA requests that the Commission stay the Order Setting Deadlines for Filings until after the Commission has considered the Motion for Partial Summary Disposition. If necessary, at that time the parties can get together and develop a proposed procedural schedule acceptable to all of the parties and the Commission. The undersigned counsel communicated with the counsels for Staff, OPC and SNGMO, and they 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 emailed this 20<sup>th</sup> day of May, 2016 to:

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