

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

In the Matter of Southern Union Company)
d/b/a Missouri Gas Energy) Case No. GM-2013-_____

SOUTHERN UNION COMPANY’S NOTICE OF INTENDED CASE FILING

COMES NOW Southern Union Company (“Southern Union”), d/b/a Missouri Gas Energy (“MGE”), by and through counsel, and, pursuant to 4 CSR 240-4.020, states as follows to the Missouri Public Service Commission (“Commission”) as its Notice of Intended Case Filing:

1. Southern Union is duly incorporated under the laws of the State of Delaware and is authorized to and conducts business in Missouri under the fictitious name of “Missouri Gas Energy.” MGE’s principal office and place of business is located at 3420 Broadway, Kansas City, Missouri 64111. Southern Union, through its MGE operating division, currently conducts business as a “gas corporation” and a “public utility” as those terms are defined in §386.020(18) and (43) RSMo 2000 and provides natural gas service to approximately 500,000 customers in several Missouri counties, subject to the jurisdiction of the Commission as provided by law.

2. Commission Rule 4 240-4.020 concerns Ex Parte and Extra-Record Communications. The purpose of the rule is to “regulate communication between the commission, technical advisory staff, and presiding officers, and anticipated parties, parties, agents of parties, and interested persons regarding substantive issues that are not part of the evidentiary record.”

3. Among other things, 4 CSR 240-4.020 provides, in part, as follows:

(2) 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 case. Such notice shall detail the type of case and issues likely to be before the commission.

4. Southern Union is contemplating a transaction whereby it will sell, transfer, assign or otherwise dispose of the franchise, works and system of its MGE operating division and to that end is currently engaged in a process to identify a potential purchaser. Although that process is still on-going and no agreement concerning a potential sale of the MGE assets has been reached, Southern Union has a reasonable expectation that it will ultimately file with the Commission a joint application, with the entity ultimately identified as the purchaser, for approval to undertake this transaction in accordance with §393.190 RSMo 2000.

5. In Commission File No. GO-2011-0281, *In the Matter of the Application of Atmos Energy Corporation for Authority to Sell Part of its Works or System Located at the Hannibal, Missouri Propane Air Plant*, the Commission addressed the applicability of 4 CSR 240-4.020(2) to a proceeding filed pursuant to §393.190.1, RSMo (2000):

The company also requests a waiver of Commission rule 4 CSR 240-4.020(2), which requires a 60-day notice prior to filing what will be a contested case. A contested case “means a proceeding before an agency . . . required by law to be determined after hearing.” Section 393.190.1 does not require the Commission to hold a hearing prior to ruling on this application. This is therefore not a contested case. The Commission’s rule regarding contested cases is inapplicable and a waiver of the rule is unnecessary.¹

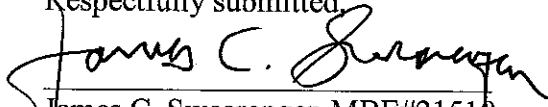
6. While Southern Union may not be required to file this 60-day Notice of Intended Case Filing pursuant to 4 CSR 240-4.020(2), it is doing so out of an abundance of caution. To the extent said rule could be deemed applicable, issues likely to be before the Commission may concern the potential impact of the sale, transfer and assignment of the subject assets on customer rates and service. In addition, should the rule be deemed applicable, Southern Union may seek a waiver that would permit it to file an application in less than 60 days as permitted by Commission rule 4 CSR 240-4.020(2)(B). The purpose of the 60-day notice requirement is to

¹ Order Authorizing Sale of Propane Air Plant Facility Located in Hannibal, Missouri, p. 4, April 19, 2011.

establish a so-called blackout period concerning communications with the Commission about an “anticipated contested case”. Were an application to be filed prior to the expiration of the 60-day period, the principal objective of the rule will be served in that discussions about the substantive issues that will likely be part of the Commission’s review will all be part of the formal record.

WHEREFORE, Southern Union submits to the Commission and its Secretary this Notice of Intended Case Filing.

Respectfully submitted,



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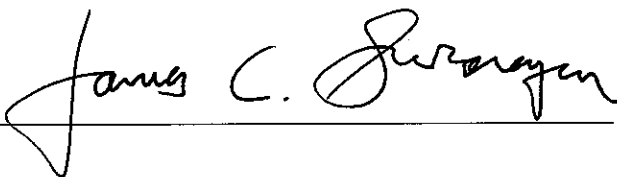
ATTORNEYS FOR SOUTHERN UNION
COMPANY d/b/a MISSOURI GAS ENERGY

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail on this 1st day of November, 2012, to:

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Missouri Public Service Commission
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Lewis R. Mills, Jr.
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James C. Swearingen