

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

In the Matter of the Application of Ozark Energy )  
Partners, LLC for a Certificate of Public Convenience )  
And Necessity to Construct and Operate an Intrastate ) Case No. GA-2006-0561  
Natural Gas Pipeline and Gas Utility to Serve Portions )  
Of the Missouri Counties of Christian, Stone and )  
Taney, and for Establishment of Utility Rates )

**Objection To Non-Unanimous Stipulation And Agreement  
And Request For Hearing**

COMES NOW Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas ("SMNG"), and pursuant Section 393.170 RSMo 2000, 4 CSR 240-2.080 and 4 CSR 240-2.115(2)(B), files its Objection To Non-Unanimous Stipulation And Agreement and Request For Hearing ("Objection"). In support of its Objection, SMNG states as follows:

1. On November 8, 2007, Ozark Energy Partners, LLC ("OEP") and the Staff of the Missouri Public Service Commission ("Staff") filed a "Stipulation And Agreement," which among other things, recommends that the Commission issue its order granting OEP a Certificate of Convenience and Necessity to construct and operate a Natural Gas Utility to serve portions of the Missouri counties of Christian, Stone and Taney, including the municipality of Branson, Missouri and other municipalities, subject to certain specified conditions. As this stipulation and agreement was entered into by fewer than all of the parties to this proceeding, it is, by virtue of Commission Rule 4 CSR 240-2.115(2)(A), a "Nonunanimous Stipulation and Agreement."

2. On November 6, 2007, the Commission granted SMNG's Motion To Substitute Party in this case, granting SMNG the right to participate in this matter in place of Allegiance Gas Energy Corporation. SMNG currently has the municipal franchise to serve the City of

Branson, Missouri, and SMNG has filed an Application for a certificate of convenience and necessity for the City of Branson, Missouri, which is pending in Case No. GA-2007-0168. Hearings are scheduled in Case No. GA-2007-0168 to commence on November 27-28, 2007.

3. OEP's Application filed on June 30, 2006, has requested a certificate of convenience and necessity, pursuant the Section 393.170. Section 393.170(3) states as follows:

The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. (emphasis added).

4. 4 CSR 240-2.115(2)(D) states:

(D) A nonunanimous stipulation and agreement to which a timely objection has been filed shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. All issues shall remain for determination after hearing. (emphasis added)

5. Pursuant to 4 CSR 240-2.115(2), SMNG hereby objects to the approval of the "Stipulation And Agreement" filed on November 8, 2007, and requests the scheduling of an evidentiary hearing on this matter. SMNG has a statutory right to an evidentiary hearing in this matter, pursuant to the provisions of Section 393.170(3) and 4 CSR 240-2.115(2)(D).

6. SMNG reserves the right to inquire into all aspects of the "Stipulation And Agreement," and the application filed by OEP in this matter.

**WHEREFORE**, SMNG respectfully files its Objection To Non-Unanimous Stipulation And Agreement and Request for Hearing, and requests the scheduling of a prehearing conference in this matter so that the parties may discuss a proposed procedural schedule to submit to the Commission for its consideration.

Respectfully submitted,

/s/ James M. Fischer

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ATTORNEYS FOR SOUTHERN MISSOURI  
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MISSOURI NATURAL GAS

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 13th day of November, 2007.

/s/ James M. Fischer

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James M. Fischer