

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

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|---------------------------------------|---|-----------------------|
| MISSOURI PROPANE GAS ASSOCIATION, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | File No. GC-2016-0083 |
| |) | |
| SUMMIT NATURAL GAS OF MISSOURI, INC., |) | |
| |) | |
| Respondent. |) | |

**MOTION TO FILE REPLY IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY DISPOSITION**

COMES NOW the Missouri Propane Gas Association (MPGA), by and through undersigned counsel, and files its Motion to File Reply in Support of Motion for Partial Summary Disposition. In support thereof, MPGA states as follows:

1. On May 13, 2016, MPGA filed its Motion for Partial Summary Disposition and Memorandum in Support.
2. On June 13, 2016, Summit Natural Gas of Missouri, Inc. (Summit) filed its Response in Opposition to Motion for Partial Summary Disposition and Memorandum in Support.
3. Attached is MPGA's Reply in Support of Motion for Partial Summary Disposition.
4. As the moving party, MPGA bears the burden of proof on its Motion for Partial Summary Disposition. *ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp.*, 854 S.W.2d 371, 378 (Mo. banc 1993).

5. Although Commission Rule 4 CSR 240-2.117 is silent on whether a moving party can file a Reply, nothing in that rule prohibits a moving party from filing a Reply.

6. As the moving party, MPGA should have the final word on its Motion for Partial Summary Disposition. For well over a century, the general rule in Missouri has been that the party on whom the burden of proof lies has the final say on that matter. *Porter v. Jones*, 52 Mo. 399, 403 (1873). *See* Mo. R. Civ. Proc. 74.04(c)(3) (permitting a movant for summary judgment to file a reply memorandum in support of summary judgment); Mo. R. Civ. Proc. 84.04(g) (permitting an appellant to file a reply brief). MPGA's Reply directly addresses the arguments raised by Summit, should assist the Commission in its analysis of the relevant issues, and is entirely appropriate.

WHEREFORE, MPGA prays that the Commission will accept its Reply in Support of Motion for Partial Summary Disposition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed this 17th day of June, 2016 to:

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