

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

The Staff of the Missouri Public Service)
Commission,)
)
Complainant,)
)
v.)
)
Missouri Gas Energy, a Division of)
Southern Union Company)
)
)
Respondent.)

Case No. GC-2011-0100

ANSWER

COMES NOW Missouri Gas Energy, a division of Southern Union Company (“MGE”) and for its answer to the Complaint filed by the Commission’s Staff (“Staff”) on October 7, 2010, states as follows:

Introduction

1. Paragraph 1 of the Complaint contains Staff’s characterization of the case and, as such, does not require a response. To the extent a response is required, Respondent admits that the Complaint concerns its tariff sheet R-34 entitled “Company Liability”. Respondent denies the remaining allegations contained in paragraph 1.

Complainant

2. Respondent admits the allegations contained in paragraph 2 of the Complaint.

Respondent

3. Respondent admits the allegations contained in paragraph 3 of the Complaint.

Jurisdiction

4. Respondent admits the allegations contained in paragraph 4 of the Complaint.

5. Respondent admits that the Commission has the authority to hear and determine certain complaints as provided by law. The quoted statutory language in paragraph 5 of the Complaint speaks for itself and does not require a response. Respondent denies the remaining allegations contained in paragraph 5 of the Complaint.

6. Respondent admits that the Commission has the authority to hear and determine certain complaints as provided by law. The quoted language in paragraph 6 of the Complaint speaks for itself and does not require a response. Respondent denies the remaining allegations contained in paragraph 6 of the Complaint.

7. Respondent admits that the Commission issued a Report and Order in its Case No. GT-2009-0056 on January 13, 2010. Respondent admits that the subject matter of that case with certain tariff sheets proposed by Laclede Gas Company. Respondent admits that Laclede is a public utility that distributes natural gas at retail in Missouri pursuant to tariffs approved by the Commission. Respondent further states that the Commission's Report and Order in its Case

No. GT-2009-0056 speaks for itself and does not require a response. Respondent denies the remaining allegations contained in paragraph 7.

8. Respondent admits that Exhibit A to the Complaint is a true and correct copy of its current tariff sheet R-34 filed with and approved by the Commission in 2007. Respondent is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the remaining allegations contained in paragraph 8 of the Complaint and therefore denies same.

9. Respondent denies that its tariff sheet R-34 is not just and reasonable for any of the reasons set forth in paragraph 9 of the Complaint.

10. Respondent denies that its tariff sheet R-34 does not comply with the Commission's natural gas safety rules 4 CSR 240-40.030(10)(J) and 4 CSR 240-40.030(12)(S) for any of the reasons set forth in paragraph 10 of the Complaint.

11. Respondent denies the allegations contained in paragraph 11 of the Complaint.

12. With respect to paragraph 12 of the Complaint, Respondent admits that its representatives met with representatives of Staff on several occasions to discuss Staff's concerns with respect to Respondent's tariff sheet R-34 in the context of Staff's then-pending Complaint in Commission Case No. GC-2009-0036. Respondent further admits that the parties were unable to resolve their differences in a manner that was mutually agreeable.

Affirmative Defenses

13. Staff's Complaint fails to state a claim upon which relief may be granted.

14. Respondent's tariff sheet R-34 enjoys a presumption that it is lawful and reasonable. See, §386.270 RSMo.

15. Staff's Complaint is an impermissible collateral attack on the Commission's April 3, 2007 Order Regarding Motion for Expedited Consideration and Approval of Tariff Sheets in compliance with the Commission's Report and Order in Case No. GR-2006-0422. See, §386.550 RSMo.

16. The Complaint is in the nature of an application for rehearing of the Commission's Report and Order in Case No. GR-2006-0422 and is time-barred. See, §386.480 RSMo.

17. Staff is estopped from making a complaint concerning the lawfulness and reasonableness of Respondent's tariff sheet R-34.

WHEREFORE, having fully answered the Complaint, Respondent prays the Commission dismiss the Complaint for the reasons aforesaid.

Respectfully submitted,

/s/ Paul A. Boudreau
Paul A. Boudreau MBE #33155
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
Phone: (573) 635-7166
Fax: (573) 634-7431
paulb@brydonlaw.com

Todd J. Jacobs, Senior Attorney
Missouri Gas Energy,
a division of Southern Union Company
3420 Broadway
Kansas City, MO 64111
Phone: (816) 360-5976
Fax: (816) 360-5903
todd.jacobs@sug.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to all counsel of record on this 12th day of November, 2010.

Kevin Thompson
Public Service Commission
200 Madison Street
Jefferson City, MO 65102

Robert Berlin
Public Service Commission
200 Madison Street
Jefferson City, MO 65102

Lewis Mills
Office of Public Counsel
200 Madison Street
Jefferson City, MO 65102

/s/ Paul A. Boudreau
Paul A. Boudreau