

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

In the matter of the application of Summit Natural	)	
Gas of Missouri, Inc., for a certificate of	)	
convenience and necessity authorizing it to	)	
construct, install, own, operate, control, manage	)	File No. GA-2012-0285
and maintain a distribution system to provide gas	)	
service in Benton, Morgan, Camden and Miller	)	
Counties in Missouri, as a certificated area.	)	

**SNGMO'S RESPONSE TO APPLICATION TO INTERVENE**

Comes now Summit Natural Gas of Missouri, Inc. (formerly known as Missouri Gas Utility, Inc.) (SNGMO or Company), and, in response to the Application of Michael McDuffey to Intervene, states as follows to the Missouri Public Service Commission (Commission):

1. SNGMO (under its previous name - Missouri Gas Utility, Inc.) first applied for (by application filed July 9, 2009), and was granted effective November 30, 2009, a certificate of convenience and necessity for the Lake Ozark service territory in Commission File No. GA-2010-0012. Notice was issued pursuant to the Commission's order dated July 13, 2009.

2. Subsequently, this project was delayed due to a significant increase in the total cost. Due to the passage of time and the change in circumstances both as to costs and SNGMO/MGU's structure due to its merger with Southern Missouri Natural Gas, L.P., SNGMO reapplied for a certificate to provide natural gas service in the Lake Ozarks area. That application was filed with the Commission on March 2, 2012. Notice was again provided. This time pursuant to the Commission's Order Directing Notice

and Setting Deadline for Intervention Requests, issued March 6, 2012. That order further set an intervention deadline of April 5, 2012 (thirty days thereafter).

3. On April 12, 2012, no applications to intervene having been received, the Commission directed its Staff to indicate when it could file a recommendation. Staff initially indicated it would file a recommendation on May 25, 2012. That deadline was later extended to June 1, 2012, and the Staff did, in fact, file its recommendation on June 1, 2012. SNGMO responded to that recommendation as of June 4, 2012.

4. On June 4, 2012, Michaela McDuffey filed the Application of Michaela McDuffey to Intervene. Ms. McDuffey states that she seeks to intervene out of time because she says she first received notice as a result of a SNGMO letter received in May of 2012. The intervention application does not allege that there was any violation of Commission rule or order in regard to the notice given, nor was there any such violation by SNGMO.

5. The intervention application has been filed at a point in the proceeding where an intervention could greatly extend SNGMO's application process. We are currently at a point in the proceeding where a Staff Recommendation has been filed and there appears to be no objection from the Company. This path (rather than a procedural schedule leading to an evidentiary hearing) was taken precisely because there were no interveners. A grant of the requested intervention would put the matter in a litigation posture and greatly change the time line of this case. Such delay would likely cause SNGMO to miss an entire construction season and add further delay and expense to a project that is estimated to result in an investment of approximately \$90 million in the State of Missouri.

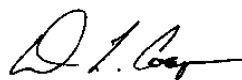
6. Ms. McDuffey's sole stated interest, while certainly important to her, is to address her concern that one of the potential pipeline routes may cross her real estate. That interest does not address the public interest in this project, which is designed to bring a new fuel source alternative to approximately 5,000 Missouri customers.

7. Further, while Ms. McDuffey may have an interest that is different from that of the general public, it is not clear that that interest will be impacted by a decision in this case. A Missouri public utility has the right to place its necessary lines anywhere within a certificated area. *See State ex rel. Harline v. Pub. Serv. Comm'n*, 343 S.W.2d 177, 183 (Mo. App. 1960). In fact, it is common for the placement of lines to change after the grant of an area certificate to address any number of unforeseen circumstances (road construction, rock, obstacles, terrain and other matters). No route is absolutely certain until the line is actually laid, and it would be impractical and unwieldy for the Commission to attempt to regulate the precise routes of lines within a certificated territory.

8. The Commission should deny the Application of Michael McDuffey to Intervene for the reasons stated herein and allow this matter to proceed on its current timeline.

WHEREFORE, SNGMO respectfully requests that the Commission issue its order denying the Application of Michael McDuffey to Intervene.

Respectfully submitted,



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OF MISSOURI, INC.**

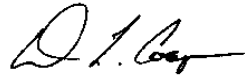
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 7<sup>th</sup> day of June, 2012, to:

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