

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
August 31, 2000**

**CASE NO: GE-2000-826**

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Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Enclosed find certified copy of a NOTICE in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 31st  
day of August, 2000.

In the Matter of Fidelity Natural Gas,	)	
Inc.'s Filing Pursuant to	)	<u>Case No. GE-2000-826</u>
4 CSR 240-40.017(8)	)	

**NOTICE RECOGNIZING EXEMPTION**

On June 16, 2000, Fidelity Natural Gas, Inc. (FNG) filed a pleading entitled Exemption Filing of Fidelity Natural Gas, Inc. FNG represents that it is currently engaged in activities that qualify as heating, ventilating and air conditioning (HVAC) services as defined by the HVAC Services Act (Sections 386.754 to 386.764, RSMo (Supp. 1999). The HVAC Services Act provides that a gas, electric or steam heating utility may not provide certain services relating to HVAC equipment unless it provides such services through an affiliate. Subsection 7 of Section 386.756 of the Act establishes an exemption to this requirement that permits a utility to continue to directly provide HVAC services so long as the utility provided the same type of HVAC Services five years prior to August 28, 1998. 4 CSR 240.017(8) requires a utility seeking to claim the exemption to file a pleading before the Commission asserting its entitlement to the exemption.

On August 15, the Staff of the Commission (Staff) filed a Recommendation in which it indicates that it has investigated FNG's claim to exemption and concludes that FNG is entitled to the exemption for the following services:

- Conversion of Furnaces
- Conversion of Ranges and Ovens
- Conversion of Range Tops
- Conversion of Hot Water Heaters

Conversion of Built-in Ovens  
Conversion of Clothes Dryers  
Conversion of Fireplaces  
Conversion of Gas Grills  
Conversion of Gas Deep Fryers  
Conversion of Gas Cooling Units for Air Conditioning  
Conversion of Gas Cooling Units for Refrigeration  
Conversion of Gas Operated Production Equipment  
Service and Repair of Gas Furnaces  
Service and Repair of Gas Appliances (residential)  
Service and Repair of Gas Appliances (Commercial)  
Service and Repair of Gas Appliances (industrial)  
Service and Repair of Gas Operated Production Equipment (industrial)

Because the exemption is established by statute, the Commission need not take any action to grant the exemption. It will merely recognize that FNG is entitled to the exemption for the services listed in Staff's Recommendation.

Based on Staff's Recommendation, the Commission recognizes that Fidelity Natural Gas, Inc. is entitled to the exemption established by Section 386.756(7), RSMo Supp. 1999.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Drainer, Murray, Schemenauer,  
and Simmons, CC., concur

Woodruff, Regulatory Law Judge

ALJ/Sec'y:

Woodruff/Boyce

8-25  
Date Circulated

GE-2000-826  
CASE NO.

SL  
Lumpe, Chair

nel  
Drainer, Vice Chair

om  
Murray, Commissioner

OU  
Schemenauer, Commissioner

KS  
Simmons, Commissioner

8-31  
Agenda Date

Action taken:

5-045

Must Vote Not Later Than

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 31<sup>st</sup> day of August 2000.

Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

