

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 6th day of
November, 2008.

Beverly A. Johnson,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2008-0295</u>
)	
Missouri Gas Energy,)	
)	
Respondent.)	

**ORDER DENYING PUBLIC COUNSEL'S MOTION FOR
RECONSIDERATION**

Issue Date: November 6, 2008

Effective Date: November 6, 2008

On October 7, the Missouri Energy Development Association ("MEDA") filed a petition for leave to file a brief as *amicus curiae* out of time and simultaneously submitted its *amicus* brief. The Commission granted the petition, accepted the *amicus* brief and set a deadline for responses. The Commission further directed that, because some of the issues identified in MEDA's *amicus* brief mirrored those in Staff's and MGE's post-hearing briefs, the parties would be allowed to file reply briefs to their original briefs. The Commission set a deadline of October 17 for filing briefs in reply to MEDA's *amicus* brief and for filing reply briefs to the original post-hearing briefs. No party elected to file a brief in reply MEDA's *amicus* brief. No party elected to file a reply brief to the original post-hearing briefs.

On October 16, the Office of the Public Counsel ("Public Counsel") filed a motion for reconsideration of the Commission's order granting MEDA's petition to late-file its *amicus* brief. If Public Counsel wished to constructively assist the Commission with its decision in this matter, it should have filed a substantive reply to MEDA's *amicus* brief when provided the opportunity. Public Counsel has not raised any valid legal argument or articulated any position on the substantive issues in this case that would require the Commission to reconsider its ruling to allow MEDA to file its *amicus* brief.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's Motion for Reconsideration, filed on October 16, 2008, is hereby denied.
2. This order shall become effective immediately upon issue.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Jarrett,
and Gunn, CC., concur.

Stearley, Senior Regulatory Law Judge