

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 10th
day of February, 1993.

In the matter of the application of Ozark)
Natural Gas Company, Inc., for an order and)
certificate of service authorizing applicant to)
transport and distribute natural gas from near) CASE NO. GA-93-157
Nixa, Missouri, to Branson and Hollister,)
Missouri, with distribution to intermediate)
points adjacent to the route in the Counties of)
Christian, Stone and Taney, State of Missouri.)

ORDER DENYING INTERVENTION
AND SETTING PROCEDURAL SCHEDULE

On November 13, 1992, Ozark Natural Gas Company, Inc. (Applicant) filed an application with the Commission seeking a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage and maintain a natural gas distribution system in parts of Christian, Stone and Taney Counties, Missouri. On November 20, 1992, the Commission issued an Order and Notice directing that applications to intervene be filed on or before December 24, 1992. An application to intervene was timely filed by Williams Natural Gas Company (Williams). On December 30, 1992, the Commission granted intervention to Williams and scheduled a prehearing conference for January 15, 1993.

On January 14, 1993, Western Resources, Inc., d/b/a Gas Service (Western Resources) filed a motion to intervene out of time. On January 15, 1993, Conoco, Inc., Morris Propane, Town & Country Propane, Empire Gas of Lebanon, and Synergy Gas, Inc. (collectively referenced as Propane Dealers) filed a request for leave to intervene. At the prehearing conference on January 15, 1993, Western Resources was granted intervention and the Propane Dealers' request was taken under advisement.

Pursuant to 4 CSR 240-2.100(14), in order to intervene, the Propane Dealers must show that they have an interest different from that of the general public; that their intervention would serve the public interest; or that they are a municipality or other political subdivision. Based upon the pleadings, the Commission finds that none of the conditions for intervention have been satisfied by the Propane Dealers.

The Propane Dealers have not shown an interest different from that of the general public. Applicant does not threaten the legitimate business interests of the Propane Dealers. Applicant is seeking authority to construct the necessary facilities to transport natural gas to those with which it has contracts. The authority sought by Applicant would not interfere with any contracts the Propane Dealers may have, nor would it interfere with the Propane Dealers' efforts to transact business with any other entity. Thus, without legitimate business interests to protect, the Propane Dealers have no different standing than the general public.

Also, the Propane Dealers have not shown that their intervention would serve the public interest. The Propane Dealers' interest in this case is shared with the general public and, as such, is adequately represented by Public Counsel and Staff. To allow the Propane Dealers to intervene in order to represent an interest which is already adequately represented would needlessly complicate and delay the disposition of this case. Thus, the Propane Dealers intervention would not only not serve the public interest, but could possibly harm the public interest.

Further, the Propane Dealers are not, nor do they claim to be, a municipality or a political subdivision. Thus, intervention cannot be granted on that basis.

The Commission has found that the Propane Dealers have not met any of the criteria required for intervention. Thus, the Commission determines that

the Propane Dealers' request for leave to intervene should be denied. The Commission also determines that a procedural schedule should be set in order to facilitate the disposition of this case.

IT IS THEREFORE ORDERED:

1. That the request for leave to intervene of Conoco, Inc., Morris Propane, Town & Country Propane, Empire Gas of Lebanon, and Synergy Gas, Inc., is hereby denied.

2. That Ozark Natural Gas Company, Inc. shall file fifteen (15) copies of its prepared direct testimony with the Executive Secretary of the Commission, and serve two (2) copies of same upon the Public Counsel and each intervenor, on or before March 22, 1993.

3. That Staff, Public Counsel, and the intervenors shall each file fifteen (15) copies of their prepared rebuttal testimony with the Executive Secretary of the Commission, and shall serve two (2) copies of same upon the other parties, on or before June 11, 1993.

4. That Ozark Natural Gas Company, Inc., shall file fifteen (15) copies of its prepared surrebuttal testimony with the Executive Secretary of the Commission, and shall serve two (2) copies of same upon the Public Counsel and each intervenor, on or before July 2, 1993.

5. That Staff, Public Counsel, and the intervenors shall each file fifteen (15) copies of their prepared cross-surrebuttal testimony with the Executive Secretary of the Commission, and shall serve two (2) copies of same upon the other parties, on or before July 2, 1993.

6. That a prehearing conference is hereby scheduled for July 8, 1993, commencing at 10:00 a.m., and continuing through July 9, 1993, as necessary, in the Commission's Conference Room 4 located on the fifth floor of the Harry S Truman State Office Building, Jefferson City, Missouri.

7. That the parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of terms used to describe those issues, and each party's position on those issues on or before July 15, 1993.

8. That a hearing in this matter is hereby scheduled for July 19, 1993, commencing at 10:00 a.m., and continuing through July 20, 1993, as necessary, in Room 850 of the Harry S Truman State Office Building, Jefferson City, Missouri.

9. That this Order shall become effective on February 23, 1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC., Concur.