

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

In the Matter of Liberty Utilities)
(Midstates Natural Gas) Corp. d/b/a)
Liberty Utilities’ Tariff Revisions Designed)
To Implement a General Rate Increase)
For Natural Gas Service in the Missouri)
Service Areas of the Company.)

Case No. GR-2018-0013

**LIBERTY UTILITIES’ RESPONSE IN OPPOSITION
TO MISSOURI SCHOOL BOARDS’ ASSOCIATION
APPLICATION TO INTERVENE OUT OF TIME**

COMES NOW Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty Utilities”) and, pursuant to Commission Rules 4 CSR 240-2.075, 4 CSR 240-2.080 and the Commission’s *Order Establishing Time To Respond To Application To Intervene* entered in this matter on March 5, 2018, files its Response In Opposition to Missouri School Boards’ Association Application to Intervene Out of Time (“Response”), and respectfully states as follows:

1. On October 19, 2017, the Commission issued its *Notice of Hearing, Order Setting Conference Date, Directing Notice of Action, Establishing Intervention Date, and Directing Filings* (“Notice”) which, *inter alia*, ordered that Applications to Intervene in this matter shall be filed by November 6, 2017.

2. On March 5, 2018, four months after the intervention deadline, the Missouri School Boards’ Association (“MSBA”) filed its Application to Intervene Out of Time, seeking intervention in this proceeding “for the limited purpose of addressing the federal tax law change.” At Paragraph 3 of its pleading, MSBA makes the erroneous allegation that “On or

about July 14, 2017, Liberty filed a general rate case requesting rate increases for both gas and electric services in the state of Missouri.” Rather, as the Commission’s above-referenced Notice reflects, Liberty Utilities, on September 29, 2017, filed tariffs that would implement a general rate increase for its natural gas service.

3. Commission Rule 4 CSR 240-2.075(10) provides that “Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause.” While MSBA asserts that the federal enactment of the Tax Cuts and Jobs Act of 2017 was not a distinct issue when the instant case was originally filed, there can be myriad issues that may arise in the course of a general rate case proceeding, prompting other parties to timely intervene in compliance with the Commission’s deadline. The MSBA is a sophisticated party that is well aware of filings and proceedings at this Commission. Liberty Utilities, the Commission’s Staff, the Office of the Public Counsel and other parties will address such issue before the Commission as appropriate, and for MSBA to jump into the case at this late date would be disruptive. Accordingly, Liberty Utilities respectfully submits that good cause does not exist for granting the intervention out of time. (*See*, Order Regarding Motion for Reconsideration of Order Allowing Missouri Industrial Energy Consumers to Intervene, Case No. GM-2013-0254, May 29, 2013.)

4. While Liberty Utilities requests that the Commission deny the MSBA out-of-time application, should the Commission grant such application it should do so in accordance with Commission Rule 4 CSR 240-2.075(9), which provides that “The Commission may limit an intervention to particular issues or interests in a case.” MSBA has represented to the Commission that it “makes this filing for the limited purpose of addressing the federal tax law change,” and any participation of MSBA should be so limited.

WHEREFORE, Liberty Utilities respectfully submits its Response in opposition to MSBA's Application to Intervene Out of Time, and requests that the Commission deny the relief requested therein.

Respectfully submitted,

/s/ James M. Fischer

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to parties of record on this 9th day of March, 2018, and to the following:

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