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

In re: FERC Docket No. CP07-450,	)
MoGas Request for Authorization	) Case No. GO-2009-0094
under Blanket Certificate	)

## RENEWED MOTION FOR DETERMINATION ON THE PLEADINGS

COMES NOW Applicant MoGas Pipeline LLC ("MoGas") and states as follows.

- A. Applicant contends that the pleadings in this action encompass all of the issues realleged in Applicant's First Amended Application to Terminate and that such issues are properly before the Commission and ripe for decision at this time, regardless of the Commission's ruling on Applicant's Motion for Leave to file the First Amended Application to Terminate.
- B. Applicant hereby renews its Motion for a Determination on the Pleadings, filed 1/15/2009, incorporates such motion by reference, and further states that should the Commission grant leave to file the First Amended Application, the following remains true:
  - 1. There are no questions of material fact to be determined by an evidentiary hearing in this action.
  - 2. This action does not seek a rate increase and is not subject to an operation of law date.
  - 3. Disposition of this action on the pleadings is not contrary to law and is in the public interest.
  - 4. The Commission can—and should—resolve this matter on the pleadings before it.

WHEREFORE, MoGas moves this Commission to take this action under submission for a determination on the pleadings of all issues fairly raised in any pleading, and to enter its Final Order as follows:

(A) Granting Applicant all relief requested in Applicant's First Amended Application

to Terminate: and

(B) Determining the questions of general public interest and importance that are

presented by the pleadings in this action, as follows:

(1) That the Commission has neither express nor implied statutory authority to

intervene in a FERC case;

(2) That the Commission is affirmatively prohibited to intervene a FERC case by

§ 386.030, RSMo.;

(3) That the Commission is not authorized to expend state funds to retain a

private law firm to represent the Commission in a FERC case; and

That none of the above may, in any event, occur without the express

authorization of, and upon the recorded vote of, the Commission.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/David G. Brown

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Attorneys for Applicant

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 5<sup>th</sup> day of February, 2009, to:

General Counsel Office Missouri Public Service Commission 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102 GenCounsel@psc.mo.gov

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/s/David Brown	
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