

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

(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

(4) 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

David G. Brown                      Mo. #42559  
314 East High Street  
Jefferson City, MO 65101  
Telephone: (573) 893-4336  
Facsimile: (573) 893-5398  
E-mail: dbrown@lathropgage.com

*Attorneys for Applicant*

**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

Office Of Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

*/s/David Brown*