

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 27th  
day of June, 2000.

In the Matter of the Application of )  
Southern Union Company for Authority )  
to Acquire the Common Stock of and to ) Case No. GM-2000-503  
Merge with Fall River Gas Company, )  
and in Connection Therewith, Certain )  
Other Related Transactions )

ORDER APPROVING APPLICATION

On February 17, 2000, Southern Union Company (Southern Union) filed an Application asking that the Commission grant it the authority to acquire the stock of and merge with Fall River Gas Company. Southern Union requested that the Commission approve its application effective no later than July 15, 2000. In order to comply with Southern Union's request for expedited consideration, the Commission issued an order on February 23 that directed the Staff of the Public Service Commission (Staff) to file its recommendation regarding Southern Union's application no later than June 15. That order provided that the Office of the Public Counsel (Public Counsel) might also file its recommendation on that date. On May 22, Southern Union filed an Amended Application that substituted a new paragraph 19 for the corresponding paragraph in its original application.

On June 15, Staff filed a Recommendation and Memorandum. Staff indicated that based on its review of Southern Union's Application, as

amended, and including the conditions indicated in that Application, Staff is of the opinion that Southern Union's request is "not detrimental to the public interest." Staff recommended approval of Southern Union's Application, as amended.

Public Counsel also filed its Recommendation on June 15. Public Counsel indicates that it does not oppose Southern Union's Application provided that the Commission adopts all of the conditions set forth in the initial Application and in the Amended Application filed on May 22.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on Southern Union's Application, as amended, and the recommendations of Staff and Public Counsel.

The Commission finds that Southern Union's request for authority to acquire the stock of and merge with Fall River Gas Company is not detrimental to the public interest and should be approved, subject to the conditions set forth in the Application, as amended.

**IT IS THEREFORE ORDERED:**

1. That the Application filed on February 17, 2000 by Southern Union Company, as amended on May 22, 2000, is hereby approved, subject to all of the conditions set forth in the Application, as amended.

2. That Southern Union Company is authorized to acquire the stock of and merge with Fall River Gas Company, subject to all the conditions set forth in its Application, as amended.

3. That this order shall become effective on July 7, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Lumpe, Ch., Drainer, Murray, Schemenauer,  
and Simmons, CC., concur

Woodruff, Regulatory Law Judge

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JUN 28 2000

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION