

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 23rd  
day of July, 1993.

In the matter of the joint application       )  
of Laclede Gas Company and Fidelity       )  
Natural Gas, Inc. to transfer               )  
certificate of convenience and necessity   )  
for service in Oak Grove Village, Missouri.)   Case No. GM-93-294

ORDER GRANTING TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY

On April 23, 1993, Laclede Gas Company (LGC) and Fidelity Natural Gas, Inc. (FNG) filed a Joint Application pursuant to Section 393.190, RSMo 1986, seeking approval from the Commission for the transfer of a certificate of convenience and necessity, originally issued to LGC in Case No. GA-91-82, to FNG for the provision of gas service within the corporate limits of Oak Grove Village, Missouri. The Applicants state that they have negotiated an agreement for the transfer of the certificate of convenience and necessity, as it would not be economically feasible for LGC to provide the service as originally contemplated. Alternatively, as FNG currently serves the area of Sullivan Missouri, which is immediately adjacent to Oak Grove Village, Applicants state that it would be both cost effective and efficient to extend the FNG service to Oak Grove Village.

Fidelity proposes to serve the transferred area in accordance with its currently effective rates, rules and regulations on file with this Commission. No plant is being transferred from Laclede to Fidelity as part of this application.

On May 19, 1993, the Commission issued an Order and Notice requiring appropriate notice of the Application by publication and setting an intervention

deadline of June 21, 1993. No requests for intervention in this matter were received by the Commission.

LGC is a Missouri corporation, in good standing, duly authorized to do business in the State of Missouri, with its principle place of business located at 720 Olive Street, St. Louis, Missouri. LGC is a regulated public utility engaged principally in the retail distribution and transportation of natural gas in the City of St. Louis and in the Missouri Counties of St. Louis, St. Charles, Jefferson, Ste. Genevieve, St. Francois, Madison, Iron, Butler, and Franklin.

FNG is a Missouri corporation in good standing, duly authorized to do business in the State of Missouri, with its principle place of business located at 64 North Clark, Sullivan, Missouri. FNG is a regulated public utility engaged principally in the business of the retail distribution and transportation of natural gas in the City of Sullivan, Missouri, and the Missouri Counties of Franklin and Crawford.

On July 13, 1993, the Staff of the Commission filed its recommendation in this matter, stating that all necessary information has been submitted by the Applicants in compliance with Commission rules. The Staff further stated that, based on the estimates and projections provided by Fidelity, it is the Staff's opinion that the transfer of service will have no detrimental effect on Fidelity's other customers. The Staff continued that, based on the data submitted by the Applicants, the Application for Transfer should be approved.

The Commission finds that, as there are no requests for intervention in this case and no party has requested a hearing, no hearing is required, and this matter may be decided based on the material submitted by the Applicants and Staff.

Upon review of the Application, attached schedules, and the Staff's recommendation, the Commission finds that provision of natural gas service to the proposed area, that being Oak Grove Village, Missouri, is desirable and in the

public interest. The Commission also finds that, based on information provided by Fidelity and examined by the Staff, that this natural gas service may be economically and efficiently provided by Fidelity, even though Oak Grove Village is currently located in the LGC service area. The proposed transfer of the certificated area, as set out in Schedule Nos. 1 and 2 of the Application, is reasonable and will be approved.

IT IS THEREFORE ORDERED:

1. That the certificate of convenience and necessity originally granted to Laclede Gas Company in Case No. GA-91-82 for service to an area known as Oak Grove Village, Missouri, and more specifically described in Schedules 1 and 2 of the Joint Application, incorporated herein by reference as if fully set out, is hereby transferred to Fidelity Natural Gas, Inc., including the authority to construct, install, own, operate, control, manage, and maintain natural gas facilities and to render natural gas service in the above-described service area.

2. That the Applicants shall file complete revised tariffs within thirty days of the effective date of this order consistent therewith and with the Application and attached schedules.

3. That the Commission makes no finding as to the prudence of the above transaction and reserves the right to consider the ratemaking treatment to be afforded the Applicants as the result of the above transaction in any later proceeding.

4. That this order shall become effective August 3, 1993.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

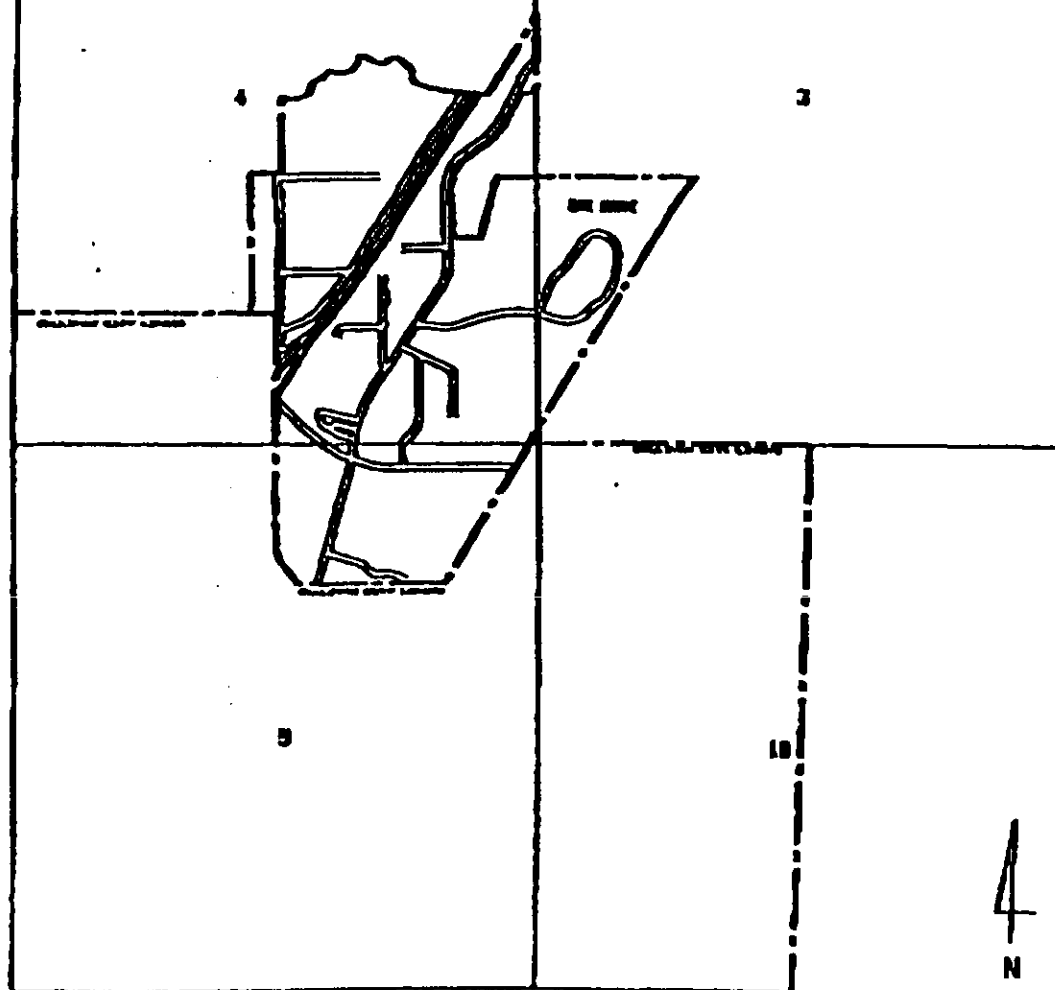
Mueller, Chm., McClure, Perkins,  
Kincheloe and Crumpton, CC.,  
Concur.

T. 41 N.

T. 40 N.

R. 2 W.

MERAMEC



## LEGAL DESCRIPTION OF OAK GROVE VILLAGE

"BEGINNING at the South-East (S.E.) Corner of the North-East Quarter (N.E.  $\frac{1}{4}$ ) of the South-West Quarter (S.W.  $\frac{1}{4}$ ) of Section Four (4), Township Forty (40) North, Range Two (2) West of the Fifth (5th) Principal Meridian, (P.M.); thence West Three Hundred (300) feet along the East and West Center-line of the South-West Quarter (S.W.  $\frac{1}{4}$ ) of said Section Four (4); thence North parallel to the North and South Center-line of said Section Four (4) to the East and West center-line of said Section Four (4); thence East Three Hundred (300) feet along the East and West Center-line of said Section Four (4); thence North along the North and South Center-line of said Section Four (4) to the Center-line of "Windsell Creek"; thence along same Eastwardly to the East Right-of-way line of United States Highway 66, (new); thence North-Eastwardly along the East Right-of-way line of United States Highway 66, (new) to the Section line between Sections Three (3) and Four (4); thence South along the Section-line between Sections Three (3) and Four (4) to the Center-line of Windsell Creek; thence Westwardly along the Center-line of said Creek to the East right-of-way line of United States Highway 66, (old); thence South-Westwardly along the East Right-of-way line of said Highway 66 the East and West Center-line of said Section Four (4); thence continuing along same, South, Nineteen (19) Degrees Twenty (20) Minutes West Ninety-seven (97) feet; thence South Six (6) Degrees Fifty (50) Minutes West. One Hundred (100) feet; thence South Two (2) Degrees Forty (40) Minutes East, One Hundred (100) feet; thence South Four (4) Degrees East Two Hundred Eighty-Three (283) feet and Six (6) inches; thence East Three Hundred and Four (304) feet and Six (6) inches; thence North Twelve (12) Degrees Thirty (30) Minutes East Five Hundred and Eighty-Nine (589) feet and Nine (9) inches to the East and West Center-line of said Section Four (4); thence East along same, Four Hundred Thirty-Six (436) feet to the Section-line between Sections Three (3) and Four (4); thence continuing Eastward along the East and West Center-line of Section Three (3) to the West Right-of-way line of the St. Louis and San Francisco Railroad; thence South-Westwardly along the West Right-of-way line of said Frisco Railroad to the East and West Center-line of the North Half (N.  $\frac{1}{2}$ ) of Section Nine (9); thence along the East and West Center-line of the North Half (N.  $\frac{1}{2}$ ) of Section Nine (9) to the West Right-of-way line of United States Highway 66, (new); thence North-Westwardly along the West Right-of-way line, to the North and South Center-line of Section Four (4); thence North along the North and South Center-line of Section Four (4) to the South-East Corner of the North-East Quarter (N.E.  $\frac{1}{4}$ ) of the South-West Quarter (S.W.  $\frac{1}{4}$ ) of said Section Four (4), or, to the place of beginning."