

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 19th
day of May, 1995.

In the matter of the application of Tartan)
Energy Company, L.C., d/b/a Southern Missouri)
Gas Company, for a certificate of convenience)
and necessity authorizing it to construct,)
install, own, operate, control, manage, and)
maintain gas facilities and to render gas)
service in and to residents of certain areas) **CASE NO. GA-94-127**
of Wright, Texas, Howell, Webster, Greene)
and Douglas Counties, including the)
incorporated municipalities of Seymour,)
Cabool, Houston, Licking, Mountain Grove,)
Mountain View, West Plains, Ava, Mansfield,)
Marshfield, and Willow Springs, Missouri.)

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY FOR MOUNTAIN
VIEW, MISSOURI, AND AUTHORIZING CONSTRUCTION OF DISTRIBUTION FACILITIES
IN MOUNTAIN VIEW, MISSOURI, AND IN TEXAS AND WRIGHT COUNTIES**

On September 16, 1994, the Commission issued a Report and Order which granted Tartan Energy Company, L.C., d/b/a Southern Missouri Gas Company (Tartan) a Certificate of Convenience and Necessity authorizing it to construct, install, own, operate, control, manage, and maintain gas facilities and render gas service in and to the residents of certain areas of Wright, Texas, Howell, Webster, Greene, and Douglas Counties, including the incorporated municipalities of Cabool, Houston, Licking, Mountain Grove, West Plains, Ava, Mansfield, Marshfield, and Willow Springs, Missouri, as well as Mountain View, Missouri, if the franchise granted by Mountain View was ratified by its voters. The Report and Order contained a number of conditions with which Tartan was required to comply prior to approval of its tariffs and authorization for the construction of gas facilities. On April 14, 1995, the Commission issued an Order Approving Tariffs and Authorizing the Commencement of Construction of Gas Facilities.¹ In that order, the

¹In that order, the Commission inadvertently referred to Seymour as one of the incorporated municipalities for which Tartan had received a Certificate of Convenience and Necessity. In fact, Tartan dropped its request with respect to Seymour in its First Amended Application, as it had not received a franchise from Seymour. Tartan has subsequently filed an application seeking a Certificate of Convenience and Necessity for Seymour and other incorporated municipalities in Case No. GA-95-349.

Commission noted that there remained only three areas where Tartan could not yet commence construction. Specifically, the Commission stated: "Tartan may not construct distribution facilities to serve residents in the unincorporated portions of Texas and Wright Counties unless it has obtained any necessary county franchises authorizing it to do so, and has a filed either a certified copy of the county franchise or an affidavit indicating that the county franchise has been obtained, and Tartan may not construct distribution facilities to serve residents in the city of Mountain View until it files with the Commission a certified copy of the franchise ratified by the voters of Mountain View, or an affidavit indicating that the voters ratified the franchise in the voter ratification election."

On May 2, 1995, Tartan filed the affidavit of Tom M. Taylor, President of Tartan, indicating that Tartan has received county franchises from the county commissions of Texas and Wright Counties, and that the voters of Mountain View, Missouri, duly ratified the franchise granted to Tartan in Mountain View at an election held on April 4, 1995. Additionally, copies of the franchises were filed, along with a document titled Official Return of Election by Verification Form, indicating the results of the Mountain View election.

The Commission has reviewed the affidavit and other materials filed by Tartan, and finds that Tartan is in compliance with 4 CSR 240-2.060(2), with the Commission's Report and Order issued on September 16, 1994, and the Order Approving Tariffs and Authorizing the Commencement of Construction of Gas Facilities issued on April 14, 1995. The Commission is of the opinion that for the clarity of the record, it would be appropriate to formally grant to Tartan a Certificate of Convenience and Necessity with respect to the incorporated municipality of Mountain View, Missouri. The original certificate issued in the Commission's Report and Order was made contingent upon voter ratification of the franchise granted by Mountain View to Tartan. Appropriate documents indicating that the voters of Mountain View

have indeed ratified the franchise granted to Tartan have been filed with the Commission. In addition, the remainder of Tartan's Certificate of Convenience and Necessity was made effective simultaneously with the effective date of Tartan's tariffs, which were approved by the Commission in its Order Approving Tariffs and Authorizing the Commencement of Construction of Gas Facilities on April 14, 1995. As Tartan's Certificate of Convenience and Necessity with respect to the incorporated municipality of Mountain View will be effective as of the effective date of this order, Tartan will also *a fortiori* be authorized as of the same date to commence construction of its municipal distribution facilities in the incorporated municipality of Mountain View without further action by Tartan. The Commission also finds that Tartan should be authorized to commence construction of its distribution facilities in the unincorporated portions of Texas and Wright Counties, as Tartan has filed with the Commission appropriate documents indicating receipt of county franchises from the county commissions of Texas and Wright Counties.

IT IS THEREFORE ORDERED:

1. That Tartan Energy Company, L.C., d/b/a Southern Missouri Gas Company, L.C. be and is hereby granted a Certificate of Convenience and Necessity authorizing it to construct, install, own, operate, control, manage, and maintain gas facilities and to render gas service in and to the residents of the incorporated municipality of Mountain View, Missouri.

2. That Tartan Energy Company, L.C., d/b/a Southern Missouri Gas Company, L.C. be and is hereby authorized to commence construction of municipal distribution facilities in the incorporated municipality of Mountain View, Missouri, and distribution facilities in the unincorporated portions of Texas and Wright Counties.

3. That this order shall become effective on May 30, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

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