

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of October, 1995.

Application to allow waiver from Rule 4 CSR)
240-40.030(14)(C)3 granted to Western)
Resources for the St. Joseph District (now) CASE NO. GO-95-369
operated by Missouri Gas Energy) to remain)
in effect under revised Rule 4 CSR 240-40.030.)

ORDER GRANTING MOTION TO CONTINUE WAIVER

In Case No. GO-94-130, the Commission granted Western Resources, Inc. (Western Resources) a waiver from the provisions of 4 CSR 240-40.030(14)(C)3 which required Class 3 leaks to be repaired within five years and to be rechecked twice per calendar year at intervals not exceeding 6-1/2 months. The Commission permitted Western Resources to eliminate Class 3 leaks on the same schedule as its service line and cast iron main replacement program in its Joplin district and St. Joseph district. The waiver ended for Joplin in 1994 and will end for St. Joseph in 1999. Western Resources' systems in Missouri are now operated by Southern Union d/b/a Missouri Gas Energy (MGE). MGE currently uses the waiver granted to Western Resources.

On May 28, 1995, amendments to 4 CSR 240-40.030 became effective. However, subparagraph (14)(C)3 remained unchanged.

On May 15, 1995, the Staff of the Commission (Staff) filed a motion requesting that the waiver granted to Western Resources remain in effect for MGE. Staff stated the waiver should continue because the requirements of subparagraph (14)(C)3 have not changed and the specific circumstances under which the waiver was granted continue to exist.

Upon review of Staff's motion, the Commission is of the opinion that the motion is unnecessary. A waiver or variance granted by the Commission remains in effect until it is expressly rescinded by the Commission. Nevertheless, because the waiver granted to Western Resources would remain in effect anyway, the Commission finds Staff's motion should be granted.

IT IS THEREFORE ORDERED:

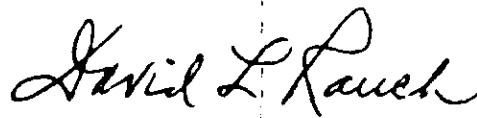
1. That the motion filed by the Staff of the Commission to continue the waiver of 4 CSR 240-40.030(14)(C)3 granted to Western Resources, Inc. is hereby granted.

2. That the waiver from the provisions of 4 CSR 240-40.030(14)(C)3 granted to Western Resources, Inc. in Case No. GO-94-130 shall remain in effect for Southern Union d/b/a Missouri Gas Energy unless otherwise ordered by the Commission.

3. That a copy of this Order shall be filed in the official case file of Case No. GO-94-130.

4. That this Order shall become effective on October 13, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., Kincheloe, Crumpton,
and Drainer, CC., Concur.
McClure, C., Absent.