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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of December, 1998.

Staff of the Missouri Public Service)	
Commission)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-98-335</u>
)	
The Missouri Gas Energy Division of)	
Southern Union Company,)	
)	
Respondent.)	

ORDER OF DISMISSAL

The Staff of the Missouri Public Service Commission (Staff) filed a formal complaint with the Commission against Missouri Gas Energy (MGE) on February 9, 1998. The complaint alleges that the experimental gas cost incentive mechanism (EGCIM) in MGE's tariff is deficient in several ways and is therefore giving rise to unreasonable rates. MGE answered Staff's complaint on March 23, 1998 and moved to dismiss the same. MGE also suggested that Staff is not a proper party to bring this complaint. The Commission has repeatedly determined that Staff is a proper party to bring a complaint.¹

¹ Staff of the Missouri Public Service Commission v. Southwestern Bell Telephone Company, 2 Mo. P.S.C.3d 479 (1993), Staff of the Missouri Public Service Commission v. Union Electric Company, 29 Mo. P.S.C.3d (N.S.) 305 (1987), Staff of the Missouri Public Service Commission v. Missouri Power & Light Company, 27 Mo. P.S.C. (N.S.) 328 (1985).

MGE's tariff that included the EGCIM was approved by the Commission in the Report and Order in Case No. GO-94-318. The Staff was a party to Case No. GO-94-318 during which it presented testimony and argument. As MGE points out in its Motion to Dismiss, all issues related to this complaint were either raised or could have been raised and considered in GO-94-318.

The Commission finds that it is unnecessary to revisit the issues presented in GO-94-318. The rates charged by MGE as a result of the EGCIM were foreseeable when GO-94-318 was approved. The Commission will not reverse itself now, in view of the fact that there has not been a substantial change in circumstances warranting such a review.

IT IS THEREFORE ORDERED:

1. That this complaint is dismissed for reasons set out above.
2. That this order shall become effective on January 8, 1999.
3. That this case will be closed as of January 11, 1999.

BY THE COMMISSION

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Drainer, Murray
and Schemenauer, CC., concur.
Crumpton, C., dissents.

Gandhi, Regulatory Law Judge

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**COMMISSION COUNCIL
PUBLIC SERVICE COMMISSION**