

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)
Certificates of Convenience and Necessity) Case No. GD-2009-0378
and Tariffs of Missouri Gas Company, LLC)
and Missouri Pipeline Company, LLC)

**WITHDRAWAL OF MOTION TO CANCEL
CERTIFICATES OF CONVENIENCE AND NECESSITY**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and withdraws its request that the Missouri Public Service Commission (Commission) cancel the certificates of convenience and necessity (CCN) of Missouri Gas Company, LLC and Missouri Pipeline Company, LLC and the associated tariffs. In support of its Motion, Staff respectfully states the following:

1. On December 3, 1996, Missouri Gas Company, LLC was originally granted a CCN by the Commission in Case No. GA-95-231, as Missouri Gas Company.
2. In 2003, Missouri Gas Company changed its name to Missouri Gas Company, LLC, and the Commission issued a new CCN reflecting this change in Case No. GN-2002-1101.
3. On August 1, 1989, Missouri Pipeline Company, LLC was originally granted a CCN by the Commission in Case No. GA-89-126, as Missouri Pipeline Company.
4. In 2002, Missouri Pipeline Company changed its name to Missouri Pipeline Company, LLC, and the Commission issued a new CCN reflecting this change in Case No. GN-2003-0017.
5. Staff is asking to withdraw this request because of litigation pending in several courts, including an extraordinary writ filed in the Supreme Court of Missouri in Case No. SC90166. Staff will present its request after such pending litigation is resolved.

6. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989). No party has intervened or requested a hearing.

WHEREFORE, the Staff respectfully recommends the Commission permit Staff to withdraw its request to cancel the certificates of convenience and necessity granted to Missouri Gas Company, LLC, and Missouri Pipeline Company, LLC, and the associated tariffs.

Respectfully submitted,

/s/ Lera L. Shemwell
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Michael Mertz, registered agent for Missouri Gas Company, LLC, and Missouri Pipeline Company, LLC, Mogas Pipeline Company, LLC, 110 Algana Court, Saint Peters, Missouri, 63376; and The Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, opcservice@ded.mo.gov, and David Brown, Counsel for the Companies, 1714 Brandeis Court, Suite A, Columbia, MO 65203, this 24th day of June, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Lera L. Shemwell