

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

In the Matter of Missouri Gas Energy and)	
Its Tariff Filing to Implement a General Rate)	<u>Case No. GR-2009-0355</u>
Increase for Natural Gas Service)	Tariff No. YG-2009-0714

APPLICATION TO INTERVENE

COMES NOW Constellation NewEnergy-Gas Division, LLC (hereinafter referred to as "Constellation"), by and through counsel, and files its Application to Intervene in this case pursuant to Section 386.420 RSMo and 4 CSR 240-2.075.

In support of this application, Constellation states as follows:

1. Constellation NewEnergy-Gas Division, LLC is a Kentucky Limited Liability Company duly authorized to do business in Missouri. Constellation is a natural gas marketer whose principal place of business is located at: 9960 Corporate Campus Drive, Suite 2000, Louisville, Kentucky (KY) 40223.

2. All communications, pleadings and orders in this case should be served on:

William D. Steinmeier
Mary Ann (Garr) Young
WILLIAM D. STEINMEIER, P.C.
2031 Tower Drive, P.O. Box 104595
Jefferson City, MO 65110-4595
Phone: 573-659-8672
Facsimile: 573-636-2305
Email: wds@wdspsc.com
Myoung0654@aol.com

And on:

Richard Haubensak
Constellation NewEnergy-Gas Division, LLC

12120 Port Grace Blvd.
Suite 200
La Vista, Nebraska (NE) 68128
Phone: 402-829-3966
Email: Richard.Haubensak@constellation.com

3. On April 2, 2009, Missouri Gas Energy, a division of Southern Union Company (hereafter "MGE"), submitted to the Commission proposed tariff sheets intended to implement a general rate increase for natural gas service. The proposed tariff sheets bore a requested effective date of May 2, 2009. On April 6, 2009, the Commission issued its *Suspension Order and Notice* in this case, suspending the tariffs to February 28, 2010 and directing that interested parties wishing to intervene must do so no later than April 27, 2009. Therefore, this Application to Intervene is timely.
4. Pursuant to 4 CSR 240-2.075 (2), Constellation states that it is a major marketer of natural gas to industrial and commercial customers on MGE's Missouri natural gas distribution system. Constellation provides valuable natural gas supply and price risk management services to its customers located on the MGE distribution system. Constellation and its customers rely heavily on the transportation tariff availability and rates and the performance of the operator of the natural gas distribution system in question to provide this service. Constellation is continuing to review MGE's filing in this case and is currently unsure of the position(s) it will take in this matter.

5. Pursuant to 4 CSR 240-2.075 (4) (A), Constellation states that, as a natural gas marketer, Constellation has an interest in this matter which is different from that of the general public and which may be adversely affected by a final order arising from this case.
6. Pursuant to 4 CSR 240-2.075 (4) (B), Constellation states that it is also interested in the impact of any decisions in this proceeding on behalf of current and potential natural gas transportation customers on the MGE distribution system. Therefore, granting the instant Application to Intervene would serve the public interest.

WHEREFORE, Constellation NewEnergy-Gas Division, LLC, respectfully requests that the Missouri Public Service Commission grant its Application to Intervene in this matter and make Constellation a party to this proceeding for all purposes.

Respectfully submitted,

/s/ William D. Steinmeier

William D. Steinmeier, MoBar #25689
Mary Ann (Garr) Young, MoBar #27951
WILLIAM D. STEINMEIER, P.C.
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
Phone: 573-659-8672
Fax: 573-636-2305
Email: wds@wdspc.com

COUNSEL FOR CONSTELLATION
NEWENERGY-GAS DIVISION, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at opcservice@ded.mo.gov, on the General Counsel's office at gencounsel@psc.mo.gov, and on counsel for MGE at jswearengen@brydonlaw.com this 27th day of April 2009.

/s/ William D. Steinmeier

William D. Steinmeier