

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19<sup>th</sup> day of October, 2017.

In the Matter of Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities' Tariff Revisions Designed to Implement a General Rate Increase for Natural Gas Service in the Missouri Service Areas of the Company	) ) ) ) ) )	<b><u>File No. GR-2018-0013</u></b> Tariff No. YG-2018-0036
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**NOTICE OF CONTESTED CASE AND  
ORDER SUSPENDING TARIFF AND DELEGATING AUTHORITY**

Issue Date: October 19, 2017

Effective Date: October 19, 2017

The Missouri Public Service Commission is suspending Liberty Utilities' rate increase tariff, giving notice of a contested case, and delegating authority. Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities filed its tariff on September 29, 2017, seeking an annual revenue increase in the amount of \$7.5 million. The tariff bears an effective date of October 29, 2017.

A. Suspension

The tariff effective date allows insufficient time for the Commission to determine whether the tariff is just and reasonable, as the law requires,<sup>1</sup> so the Commission will suspend the tariff.<sup>2</sup> The Commission may suspend a tariff for 120 days beyond the tariff's effective date.<sup>3</sup> If that period is not enough time to

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<sup>1</sup> Section 393.130.1, RSMo 2016.  
<sup>2</sup> Section 393.150, RSMo 2016.  
<sup>3</sup> Section 393.150.1, RSMo 2016.

conclude a full hearing on the tariff's propriety, the Commission may extend the suspension for a further six months.<sup>4</sup> The Commission's experience demonstrates that it cannot conclude a full hearing on the tariff's propriety in 120 days, so the Commission will order a six month extension of the suspension.

#### B. Notice of Contested Case

Suspension of the tariff may occur only pending a "full" hearing and decision on the tariff's propriety.<sup>5</sup> The provision for a full pre-decision hearing signifies that this action is now a "contested case."<sup>6</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,<sup>7</sup> including by stipulation and agreement.<sup>8</sup> This order and notice does not require any party to file an answer. The Commission's discovery regulations are at Commission regulation 4 CSR 240-2.090.

#### C. Delegation as to Discovery

The Commission may delegate any adjudicative authority to the regulatory law judge assigned to this action.<sup>9</sup> To ensure that all discovery disputes are ruled upon expeditiously, the Commission will delegate its authority to the regulatory law judge assigned to this action to rule on discovery disputes raised at the discovery conferences and to rule on all motions to compel discovery. The Commission will set forth further provisions for discovery by separate order.

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<sup>4</sup> Section 393.150.2, RSMo 2016.

<sup>5</sup> Section 393.150.1, RSMo 2016.

<sup>6</sup> Section 536.010(4), RSMo 2016.

<sup>7</sup> Section 536.050, RSMo 2016

<sup>8</sup> 4 CSR 240-2.115

<sup>9</sup> Section 386.240, RSMo 2016.

**THE COMMISSION ORDERS THAT:**

1. The tariff assigned Tracking No. YG-2018-0036 is suspended from October 29, 2017, for 120 days, plus six months, to August 26, 2018.
2. The regulatory law judge assigned to this action shall have full authority to rule on any discovery dispute, including any motion to compel, and may make any such ruling at a discovery conference.
3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and  
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 19<sup>th</sup> day of October 2017.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**October 19, 2017**

**File/Case No. GR-2018-0013**

**Missouri Public Service Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

*Sincerely,*



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.