

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

Paul Brown and Debra Brown,)	
)	
Complainants,)	
)	Case No. GC-2017-_____
vs.)	
)	
Summit Natural Gas of Missouri, Inc.,)	
)	
Respondents.)	

COMPLAINT

COMES NOW Paul Brown and Debra Brown, by and through counsel, pursuant to Section 386.390, RSMo¹, and for their Complaint states as follows:

Introduction

1. This Complaint concerns Respondent's violation of its tariff and misrepresentations made to Complainants between February 2016 and August 2016.

Complainants

2. Complainants are residents of the State of Missouri with their principle place of residence located at 21650 Lawrence 1170, Verona, Lawrence county, Missouri 65769, acting by and through counsel as authorized by Commission Rule 4 CSR 240-2.070(1).

Respondents

3. Respondents, Summit Natural Gas of Missouri, Inc. ("Summit Gas") is a wholly owned subsidiary of Summit Utilities, Inc., and is a corporation duly incorporated under the laws of the State of Colorado with its principal offices located at 7810 Shaffer Parkway, Suite 120, Littleton Colorado 80127. Summit Gas is a Gas Corporation as defined in Section 386.020(18), engaged in the business of owning, operating, controlling or managing any gas plant operating

¹Unless otherwise specified, all statutory references are to the Revised States of Missouri ("RSMo").

for public use in Missouri. Summit Gas is a public utility subject to the jurisdiction of this Commission.

4. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this matter should be directed to:

Terry M. Jarrett
Penny M. Speake
3010 E. Battlefield, Suite A
Springfield, MO 65804
Phone: (417) 864-7018
Fax: (417) 864-7018
Email: terry@healylawoffices.com
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Jurisdiction

5. Summit Gas is a “gas corporation” within the intent of Section 386.020(18), and a “public utility” within the intent of Sections 386.020(43), and thus subject to the jurisdiction of this Commission and to the provisions of the Public Service Commission Laws at Chapter 386 and 393, RSMo.

Violation of Tariff

6. Summit Gas’ Tariff, specifically P.S.C. MO No. 3, Sheet No. 4J sets out the authorized service territory for Summit Gas within Lawrence County. A copy of P.S.C. MO No. 3, Sheet No. 4J is attached hereto as Exhibit 1.

7. Complainants’ residence is not within the authorized service territory for Summit Gas within Lawrence County.

8. Summit Gas’ Tariff, specifically P.S.C. MO No. 3, sheet no. 61, provides that Summit Gas “...will not offer any natural gas service (sales or transportation) to any person or legal entity who is not an end-user of natural gas on [Summit Gas’] distribution system.” A copy of P.S.C. MO No. 3, Sheet No. 61 is attached hereto as Exhibit 2.

9. Complainants' are not end-users of natural gas on Summit Gas' distribution system.

10. In January 2016, Complainants were contacted by David Wilson, a manager for Summit Gas who advised Summit Gas would provide natural gas to Complainants' residence.

11. David Wilson provided Complainants with a Summit Natural Gas Residential and Commercial Application and Usage/Sales Agreement (hereafter "the Application") which Complainants executed on or about February 18, 2016. The executed Application is attached hereto as Exhibit 3.

12. Summit Gas subsequently installed approximately 400 feet of gas lines on and across Complainants' property to allow for the aforesaid service of natural gas. The gas lines laid by Summit Gas run under Complainants' driveway and within approximately twelve (12) inches of Complainants' house.

13. In good faith reliance on the representations made by David Wilson and having executed the Application, Complainants installed appliances to accommodate natural gas.

14. In August 2016, more than six (6) months after executing the Application and less than thirty (30) days before Complainants were to occupy their new residence, Summit Gas advised Complainants their new residence was in Laclede Gas' tariffed territory and outside Summit Gas' tariffed territory.

15. Summit Gas advised Complainants that Summit Gas could not provide natural gas service to Complainants' new residence.

16. It would be cost prohibitive for Laclede Gas to provide natural gas service to Complainants' residence, even though they are within Laclede Gas' territory.

17. Laclede Gas has offered to do whatever it can to see that Summit Gas can serve Complainants, including supporting a Certificate of Convenience and Necessity expanding Summit Gas' certificated territory to include the Complainants' property.

18. Despite repeated requests, Summit Gas has refused to request a Certificate of Convenience and Necessity.

19. Complainants incurred costs to install appliances and gas lines for the promised natural gas service.

20. In September 2016, Complainants filed an informal complaint against Summit Gas with the PSC.

21. Complainants remain without any gas service at this time.

22. Complainants' total damages are in excess of three thousand (\$3,000.00) dollars.

23. Complainants still seek natural gas service from Summit Gas.

24. Summit Gas has a main transmission pipeline that runs perpendicular to Complainants' new residence.

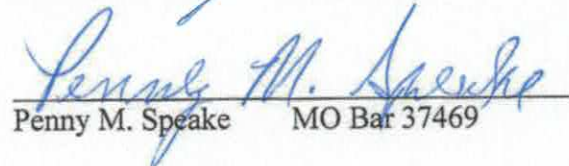
25. It is economically feasible and advantageous to both Summit Gas and Complainants for Summit Gas to provide service to Complainants.

WHEREFORE, Complainants pray that the Commission find and order that Summit Gas has violated its Tariff, and also grant a Certificate of Convenience and Necessity to allow Summit Gas to provide natural gas service to Complainants, and for such further relief as the Commission deems just and proper.

Respectfully submitted,

HEALY LAW OFFICES, LLC


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VERIFICATION

COUNTY OF GREENE)
) ss
STATE OF MISSOURI)

Paul Brown and Debra Brown, of lawful age, being duly sworn, depose and state that they are the Complainants in the foregoing Complaint, that they have knowledge of the facts stated therein, and that said facts are true to the best of their knowledge, information and belief.



Paul Brown



Debra Brown

Subscribed and sworn to me this 19th day of January, 2017.



Notary Public

My commission expire:

CANDACE K. NGUYEN Notary Public - Notary Seal STATE OF MISSOURI Greene County My Commission Expires Oct. 15, 2018 Commission #14630743

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed this 20th day of January, 2017 to:

Kevin Thompson
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