

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

In the matter of the application of )  
Missouri Gas Energy, a division of )  
Southern Union Company, for approval to )  
establish an infrastructure system )  
replacement surcharge. )

**Case No. GO-2005-0273**

**STAFF'S RESPONSE TO MGE'S  
REQUEST FOR EXPEDITED TREATMENT AND  
COMMISSION ORDER DIRECTING FILING**

**COMES NOW** the Staff of the Missouri Public Service Commission, and in response to the Commission's May 4, 2005 Order Directing Filing and to MGE's Motion for Expedited Treatment, also filed on May 4, Staff states:

1. Staff has reviewed MGE's tariff filing and has determined that it does comply with the Commission's order. The Staff Memorandum is Attachment A to this pleading.
2. On May 4, 2005, MGE filed its Motion for Expedited Treatment. Staff neither supports nor opposes MGE's Motion, but believes that the Commission should not routinely or automatically grant such motions absent a reasonable pleading of "good cause shown." The good cause should be sufficient to overcome the Legislatively mandated thirty days' notice requirement for tariffs such as MGE's May 4th ISRS tariff filing.
3. The legislature has determined that thirty days' notice, for tariffs that change customer charges, should be the normal procedure and that good cause should be demonstrated before deviation from that requirement. § 393.140(11) RSMo (2000). The Commission's rules at 4 CSR 240-2.080(16) indicate that a pleading requesting expedited treatment must "set out with particularity" . . . "[t]he harm that will be avoided, or the benefit that will accrue" or that

there will be no negative effect on customers or the general public, if the Commission is to grant the Movant's request.

4. Additionally, the Commission's ISRS rules require certain notices and, to be in compliance, before implementation of the higher charge, MGE should ensure that its bills conform to 4 CSR 240-3.265(7)(C) which states that bills must contain "a surcharge description on all affected customer bills, which informs the customers of the existence and amount of the ISRS on the bills."

5. If the Commission determines that MGE's Motion for Expedited Treatment should be granted, such authorization should be conditioned on customers' bills containing the notice required by Commission rules.

**WHEREFORE**, the Staff, while neither opposing nor supporting MGE's Motion for Expedited Treatment, respectfully suggests that if the Commission determines that MGE has pleaded good cause, the Commission should condition its grant of MGE's Motion with the requirement that MGE must include correct information in the required ISRS notice on customers' bills.

Respectfully submitted,

DANA K. JOYCE  
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**/s/ Lera L. Shemwell**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 6<sup>th</sup> day of May, 2005.

**/s/ Lera Shemwell**