

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

In the matter of the Application of)
Southern Missouri Gas Company, L.P.)
d/b/a Southern Missouri Natural Gas)
for a certificate of public convenience)
and necessity authorizing it to construct,)
install, own, operate, control, manage)
and maintain a natural gas distribution)
system to provide gas service in)
Laclede County, Missouri, as an)
expansion of its existing service area.)

Case No. _____

APPLICATION AND MOTION FOR EXPEDITED TREATMENT

COMES NOW Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas, ("SMNG" or "Applicant"), by and through its counsel, and for its Application pursuant to Section 393.170, RSMo 2000,¹ 4 CSR 240-2.060(1) and 4 CSR 240-2.080(16) and 4 CSR 240-3.205 for a certificate of public convenience and necessity, respectfully states as follows:

1. Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas, a Missouri limited partnership, ("SMNG") owns and operates a natural gas transmission and distribution system located in southern Missouri which currently serves approximately 7,500 residential, commercial and industrial customers. SMGC is a "gas corporation" and "public utility" under the jurisdiction of the Missouri Public Service Commission, pursuant to Chapters 386 and 393, RSMo. 2000. The Company's street and mailing address is: 500 W. 19th Street, Mountain Grove, Missouri 65711. The Company's telephone number is: (417) 926-7533.

¹All statutory references are to Revised Statutes of Missouri 2000, unless otherwise indicated.

2. All correspondence, pleadings, orders, and documents in this proceeding should be addressed to:

James M. Fischer
Larry W. Dority
Fischer & Dority, P.C.
101 Madison Street--Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Email: jfischerpc@aol.com
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Mike Lumby, General Manager
Southern Missouri Gas Company, L.P.
500 W. 19th Street
Mountain Grove, Missouri 65711
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1001 Fannin--Suite 550
Houston, Texas 77022
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3. A copy of SMNG's Certificate Of Good Standing In Missouri from the Missouri Secretary of State was submitted in Case No. GA-2007-0212 and is incorporated herein by reference.

4. In Case No. GA-2007-0212, the Commission granted SMNG a certificate of convenience and necessity to expand its backbone pipeline system and to construct, install, own, operate, control and manage a gas distribution system for the public in the Cities of Lebanon,

Licking and Houston, Missouri, as an expansion of its then-existing certificated area, subject to the conditions set out therein.²

5. A major commercial business (i.e. Willard Asphalt Paving, Inc.) has requested that SMNG provide natural gas service to its facility located approximately four (4) miles outside the municipal limits of Lebanon, Missouri, within Section 28, Township 35 North, Range 15 West in Laclede County, Missouri. This is an area where SMNG currently does not hold a certificate for natural gas service from the Commission.

6. Attached hereto and marked as Appendix A is a map of the location of the proposed service area described above, which includes the area of the proposed line extension from SMNG's existing system by approximately four (4) miles. SMNG already has a certificate from the Commission to serve certain Sections and Ranges of Townships 33 North and 34 North in Laclede County.

7. Attached hereto and marked as Appendix B is a metes and bounds legal description of the boundaries of the proposed service area.

8. Attached hereto as Appendix C is SMNG's Feasibility Study and a summary of the plans and specifications for the project including the estimated cost of construction (Highly Confidential--filed under seal). Construction methods will follow SMNG's customary standards and the rules of the Commission.

9. Attached hereto and marked as Appendix D is a list of ten persons residing in or who are landowners with the proposed service area.

² The certificates granted were conditioned upon the Company's obtaining financing acceptable to the Commission and, pursuant to the Commission's *Order Approving Stipulation and Agreement* issued April 17, 2008, in Case No. GF-2007-0215, SMNG's Second Amended Financing Application was approved.

10. Because SMNG does not have a certificate from the Commission for the area where the potential customer is located, it is necessary for SMNG to obtain the requisite permission from the Commission.

11. Applicant will not require any additional franchises or permits from municipalities, counties, or other authorities in connection with the proposed construction other than the usual and customary state highway, railroad and county road permits which will be obtained prior to construction.

12. Applicant proposes to use its current rates and regulations, as approved by the Commission, for natural gas service contained in its existing tariff.

13. There is no same or similar natural gas utility service, regulated or unregulated, available in the area requested. Since SMNG has the ability to provide natural gas service in this area by construction of additions to existing facilities, SMNG believes that potential new customers should be afforded the opportunity to take service from SMNG if they so desire, pursuant to SMNG's extension rule. The availability of natural gas to this area will support the public interest since natural gas is an economical, safe and reliable source of energy for customers. These facts support a finding that the granting of the application is required by the public convenience and necessity.

14. No gas transmission lines are required to be constructed as a part of this application.

15. The Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates which has occurred within three (3) years of the date of the Application.

16. The Applicant has no annual report or assessment fees that are overdue.

MOTION FOR EXPEDITED TREATMENT

17. Pursuant to 4 CSR 240-2.080(16), the Company requests that the Order Approving Certificate of Convenience And Necessity be effective no later than January 1, 2010, if possible. The commercial customer desires to have natural gas service as soon as possible. This pleading is also being filed as soon as it could have been once it became apparent that there was a need for natural gas service in the requested area. The benefit that will accrue from granting the application by the requested date is the commercial customer will be provided a safe and reasonably priced source of natural gas as soon as possible. No harm will accrue to SMNG's existing customers or the general public by granting this request for expedited treatment.

WHEREFORE, Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas respectfully requests an order from the Commission granting it a certificate of convenience and necessity on an expedited basis to construct, install, own, operate, control, manage, and maintain a system for the provision of natural gas service to the public pursuant to its approved rates, rules, and regulations contained in its tariff for Lebanon, Missouri, in the proposed service area in Laclede County, Missouri, as more fully described herein.

Respectfully submitted,

/s/ James M. Fischer

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Larry W. Dority Mo. Bar No. 25617
Fischer & Dority, P.C.
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Fax: (573) 636-0383
Email: jfischerpc@aol.com
lwdority@sprintmail.com

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed or mailed, postage prepaid, by U.S. Mail, First Class, this 13th day of October, 2009, to:

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

/s/ James M. Fischer

James M. Fischer

VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF) ss.

Michael Lumby, being first duly sworn, on his oath and in his capacity as General Manager states that he is authorized to execute this Application on behalf of Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas and has knowledge of the matters stated herein, and that said matters are true and correct to the best of his knowledge and belief.

Michael Lumby
Michael Lumby

Subscribed and sworn to before me this 13th day of October, 2009.

Linda A. Moore
Notary Public

My Commission Expires: 5/04/12

LINDA A MOORE Notary Public - Notary Seal State of Missouri Commissioned for Wright County My Commission Expires: May 04, 2012 Commission Number: 08414018

APPENDIX A

MAPS OF PROPOSED SERVICE AREA

APPENDIX B

METES AND BOUNDS DESCRIPTION OF PROPOSED SERVICE AREA

LACLEDE COUNTY, MISSOURI

<u>Township</u>	<u>Range</u>	<u>Section</u>
Township 34 North	Range 16 West	Section 1
Township 34 North	Range 15 West	Section 6
Township 35 North	Range 16 West	Section 31
Township 35 North	Range 15 West	Section 32
Township 35 North	Range 15 West	Section 29
Township 35 North	Range 15 West	Section 28

APPENDIX C

FEASIBILITY STUDY

(HIGHLY CONFIDENTIAL INFORMATION—FILED UNDER SEAL)

APPENDIX D

LIST OF TEN (10) LANDOWNERS IN PROPOSED SERVICE AREA

Willard Asphalt Paving, Inc.
P O Box 869
Lebanon, MO 65536

Phillip & Michelle Devasure
20092 Ripley Drive
Lebanon, MO 65536

Christa Landon
25183 Pecos Drive
Lebanon, MO 65536

Walter & Cathy Landon
22240 Ginger Road
Lebanon, MO 65536

Sarah McDowell
Route 5
Lebanon, MO 65536

James & Imogene Bledsoe
25393 Pecos Drive
Lebanon, MO 65536

Melvin Johnny & Freida J. Brackett
2330 S. Jefferson
Lebanon, MO 65536

Teresa Murray
23425 Grandview Road
Lebanon, MO 65536

Larry Joe & Terri Richardson
148 Crescent Drive
Lebanon, MO 65536

Michael Kurt & Marcal Vaun Eilenstein
4482 Quince Road
Lebanon, MO 65536