



MISSOURI GAS ENERGY

3420 Broadway • Kansas City, MO • 64111-2404 • (816) 360-5755

ROBERT J. HACK

Vice President, Pricing & Regulatory Affairs

October 3, 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

RE: Case No. AX-2001-634

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and eight (8) conformed copies of **Missouri Gas Energy's Comments, Request for Information and Motion for Hearing**.

A copy of this filing has been mailed or hand-delivered this date to counsel of record.

Thank you for bringing this matter to the attention of the Commission. Please call me if you have any questions regarding this matter.

Sincerely,

C: Office of the Public Counsel
General Counsel's Office
Missouri Public Service Commission

Enclosures

FILED³

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Missouri Public
Service Commission

OCT 04 2001

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

Missouri Public
Service Commission

In the matter of the proposed rescission of)	
Commission rule 4 CSR 240-10.020)	Case No. AX-2001-634
Relating to income on depreciation fund)	
Investments.)	

**MISSOURI GAS ENERGY'S COMMENTS, REQUEST FOR INFORMATION
AND MOTION FOR HEARING**

Comes now Missouri Gas Energy ("MGE"), a division of Southern Union Company, by and through counsel, and hereby respectfully submits its comments, request for information and motion for hearing in this matter.

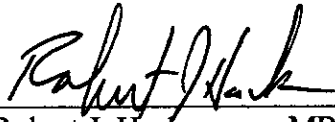
Based on the information presently in its possession, MGE opposes the proposed rescission of 4 CSR 240-10.020.

To develop a fully informed belief about whether the proposed rescission of 4 CSR 240-10.020 is reasonable and lawful, MGE needs, at a minimum, to know: 1) the original circumstances and rationale for the promulgation of 4 CSR 240-10.020; and 2) the full circumstances and rationale for the apparent disregard which has been accorded to 4 CSR 240-10.020 for many years now. MGE believes that the Commission's Staff is the entity most likely to be in possession of such information. Therefore, pursuant to 4 CSR 240-2.090(2), MGE hereby requests that the Commission Staff provide MGE with the foregoing requested information.

The Commission has indicated that the proposed rescission of 4 CSR 240-10.020 is authorized by section 393.240 RSMo 2000. This section provides such authority only "after hearing." Therefore, absent a withdrawal by the Commission of the proposed rescission of 4 CSR 240-10.020, MGE submits that a hearing must be held.

Wherefore, MGE respectfully requests 1) that the Commission Staff provide MGE with the information requested above and 2) that the Commission either withdraw the proposed rescission or set this matter for evidentiary hearing.

Respectfully submitted,



Robert J. Hack MBE #36496

3420 Broadway

Kansas City, MO 64111

816/360-5755

FAX: 816/360-5536

e-mail: rob.hack@southernunionco.com

ATTORNEY FOR MISSOURI
GAS ENERGY

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered this 3d day of October, 2001, to:

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

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

