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July 23, 2001

FILED³

JUL 23 2001

Missouri Public
Service Commission

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**Re: Gateway Pipeline Company
Case No. GM-2001-585**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **MOTION TO JOIN IN REQUEST TO MODIFY PROCEDURAL SCHEDULE**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

M. Ruth O'Neill
Assistant Public Counsel

MRO:jb

cc: Counsel of Record

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

FILED³
JUL 23 2001

In the Matter of the Joint Application)
of Gateway Pipeline Company, Inc.,)
Missouri Gas Company and Missouri)
Pipeline Company)

Case No. GM-2001-585

Missouri Public
Service Commission

MOTION TO JOIN IN REQUEST TO MODIFY PROCEDURAL SCHEDULE

COMES NOW, the Office of the Public Counsel (Public Counsel), and respectfully requests this Commission to modify the procedural schedule in this matter by extending the schedule for a period of approximately 45 days. In making this request, Public Counsel formally joins in the Motion filed on July 20, 2001, by the Staff of the Missouri Public Service Commission (Staff). In support of this motion, Public Counsel states:

1. Public Counsel originally agreed to an expedited schedule in this matter under the express condition that the applicant companies comply with discovery requests made by the parties. However, in investigating this matter, a number of concerns have arisen regarding the ability of Gateway Pipeline Company, Inc. (Gateway) to operate the Missouri regulated utilities at issue in this matter in a fashion which is consistent with the public interest.

2. Based upon the information provided thus far, Public Counsel has not been able to ascertain whether Gateway has sufficient financial resources to allow it to operate Missouri Gas Company (MGC) and Missouri Pipeline Company (MPC) on an ongoing basis without detriment to the public interest. This issue must be further investigated in reference to both Gateway and Gateway's parent company.

3. The Commission's decision regarding whether to approve the proposed transfer of regulated utilities in this case will be based on a determination of whether the transaction is detrimental to the public interest. State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz, State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz, 596 S.W.2d 466 468 (Mo. App. 1980).

4. All of the concerns raised by Staff in paragraphs 1 through 6 of its Motion to Modify the Procedural Schedule are shared by Public Counsel in this instance, and are hereby incorporated by reference.

WHEREFORE, Public Counsel joins the Staff in urging the Commission to extend the procedural schedule for a period of 45 day in order to allow Public Counsel sufficient time to complete its investigation and evaluation of the proposed sale.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 
M. Ruth O'Neill (#49456)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 23rd day of July 2001:

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