

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

June 4, 2001

CASE NO: GE-2001-647

Office of the Public Counsel

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Enclosed find certified copy of an Order in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri Gas Energy)
for a Variance from 4 CSR 240-40.030(14)(C)3)
Regarding the Time Period in which a Particular Class 3)
Leak in St. Joseph, Missouri, will be Required to be)
Repaired.)

Case No. GE-2001-647

ORDER DIRECTING RESPONSE TO APPLICATION FOR TEMPORARY VARIANCE

On May 24, 2001, Missouri Gas Energy, a division of Southern Union Company, (MGE) filed an Application for Variance and for Temporary Variance Pending Resolution. MGE's Application requests that the Commission grant it a variance from the requirements of 4 CSR 240-40.030(14)(C)3, which would require MGE to repair a certain class 3 gas leak, located in St. Joseph, by June 24, 2001. A class 3 gas leak is defined by regulation as "a leak that does not constitute a hazard to property or the general public but is of a nature requiring routine action." The regulation requires that such leaks be repaired within five years. MGE indicates that extensive public improvement projects in the St. Joseph area will require the full attention of MGE personnel, and that repairs to this class 3 leak would draw attention away from higher safety priority work. MGE requests an additional two years in which to make the required repairs to the class 3 leak.

MGE's application also requests that the Commission grant it a temporary variance if the Commission is not able to rule on its request for variance by June 24. Such a temporary variance would permit MGE to avoid starting work on repairing the class 3 leak while the Commission considers its request for a two-year variance.

While it may not be able to rule on MGE's full application by June 24, the Commission would like to be able to rule on MGE's request for a temporary variance before that date. Therefore, the Commission's Staff will be directed to file, no later than June 12, 2001, its recommendation regarding MGE's request for temporary variance. Any other party that wishes to be heard regarding MGE's request for temporary variance may file an appropriate pleading no later than June 12, 2001.

IT IS THEREFORE ORDERED:

1. That the Staff of the Public Service Commission shall file, by June 12, 2001, a recommendation regarding Missouri Gas Energy's Application for Temporary Variance Pending Resolution.
2. That any other party that wishes to make a recommendation to the Commission regarding Missouri Gas Energy's Application for Temporary Variance Pending Resolution shall do so not later than June 12, 2001.
3. That this order shall become effective on June 12, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of June, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 4th day of June 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge