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JUN 6 2013

FORM 1. CIVIL CASE INFORMATION FORM SUPPLEMENT

Missouri Public Service Commission

MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

No. WD \_\_\_\_\_

Public Counsel,

Marc Poston, Bar Number 45722

Petitioner/Appellant

P.O. Box 2230  
Jefferson City, MO 65102

vs.

Missouri Public Service Commission

Shelly Brueggemann, Bar Number 52173

Defendant/Respondent

P.O. Box 360  
Jefferson City, MO 65102

Date Notice filed with the Public Service Commission June 6, 2013

The Record on Appeal will consist of a Legal File Only. (This will include records filed pursuant to Rules 81.13 and 81.16)

FACTUAL BACKGROUND: (Events Giving Rise to Cause of Action)

Judicial Review of the Missouri Public Service Commission's May 1, 2013 *Order Approving Change in Infrastructure System Replacement Surcharge, Rejecting Tariff, and Approving New Tariff* issued in Case Number GO-2013-0391, In the Matter of the Application of Southern Union Company d/b/a Missouri Gas Energy, for Approval to Change its Infrastructure System Replacement Surcharge.

ISSUE(S):

(Anticipated to be Presented by the Appeal; Appellant is Not Bound by this Designation)

OPC challenges the lawfulness of the Commission's legal conclusion that it has the authority under §393.1012.2 RSMo to approve ISRS petitions more than three years from the company's last rate case decision, when the gas company has not filed nor is the subject of a new general rate proceeding.