



**MISSOURI GAS ENERGY**

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**ROBERT J. HACK**

*Vice President, Pricing & Regulatory Affairs*

June 7, 2000

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
301 W. High Street  
Jefferson City, Missouri 65102

**FILED<sup>2</sup>**  
JUN 08 2000  
Missouri Public  
Service Commission

**RE: Exemption Filing Pursuant to 4 CSR 240-40.017(8) GE-2000-808**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and eight (8) conformed copies of **Exemption Filing of Missouri Gas Energy**.

A copy of this filing has been mailed or hand-delivered this date to the Office of the Public Counsel and the General Counsel's Office.

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: F. Jay Cummings  
Tom Imhoff  
Service List

Enclosures

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

**FILED<sup>3</sup>**

**JUN 08 2000**

In the matter of the filing of Missouri Gas  
Energy, a division of Southern Union Company,     )  
pursuant to 4 CSR 240-40.017(8).                     )

Missouri Public  
Service Commission

GE-2000-808

**EXEMPTION FILING OF MISSOURI GAS ENERGY**

**Comes now** Missouri Gas Energy ("MGE") a division of Southern Union Company, and in support of its exemption filing pursuant to 4 CSR 240-40.017(8)<sup>1</sup>, respectfully states as follows:

1. MGE is a public utility and gas corporation operating in the State of Missouri and is thereby subject to the Commission's regulatory jurisdiction.

2. Under the HVAC Services Act (*See* sections 386.754 to 386.764 RSMo. Cum. Supp. 1998), a gas electric or steam heating utility may not provide certain services relating to heating, ventilating and air conditioning equipment ("HVAC services") unless it provides such services through an affiliate. Subsection 7 of section 386.756, however, establishes a statutory exemption to this general requirement. Specifically, that subsection permits the utility itself to continue providing such HVAC services so long as the utility provided the same type of HVAC services five years prior to August 28, 1998.

3. In 1993, MGE engaged in activities that qualify as HVAC services under the provisions of sections 386.754 to 386.764 RSMo. These activities include the sale, installation, maintenance, warranty and/or repair of gas air conditioning and heating equipment.

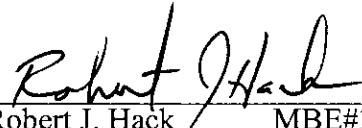
4. MGE submits that it fully qualifies for the statutory exemption set forth in subsection 7 of section 386.756 RSMo. by virtue of the fact that it provided HVAC services, as described in paragraph 3 above, as of August 28, 1993.

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<sup>1</sup> MGE makes this filing at the request of the Commission's staff. MGE has challenged the lawfulness of 4 CSR 240-40.017 through judicial review, which is not yet final. By making this filing at the request of the Commission staff, therefore, MGE does not acquiesce to the lawfulness of 4 CSR 240-40.017 or waive any arguments available to it.

**WHEREFORE**, for the foregoing reasons, MGE respectfully requests that the Commission issue any orders or approvals it deems necessary to find that MGE qualifies for the statutory exemption set forth in subsection 7 of section 386.756 RSMo. (Cum. Supp. 1998).

Respectfully submitted,



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ATTORNEY FOR MISSOURI GAS  
ENERGY

**Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was either mailed or hand delivered this 7<sup>th</sup> day of June, 2000, to:

Douglas E. Micheel  
Senior Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

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

