

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

|  |   |                              |
|--|---|------------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                              |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-2003-0330</u> |
| be Reviewed in its 2002-2003 Actual Cost     | ) |                              |
| Adjustment.                                  | ) |                              |

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|--|---|-----------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                             |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-2002-348</u> |
| be Reviewed in its 2001-2002 Actual Cost     | ) |                             |
| Adjustment.                                  | ) |                             |

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|--|---|-----------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                             |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-2001-382</u> |
| be Reviewed in its 2000-2001 Actual Cost     | ) |                             |
| Adjustment.                                  | ) |                             |

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|--|---|-----------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                             |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-2000-425</u> |
| be Reviewed in its 1999-2000 Actual Cost     | ) |                             |
| Adjustment.                                  | ) |                             |

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|--|---|---------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                           |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-99-304</u> |
| be Reviewed in its 1998-1999 Actual Cost     | ) |                           |
| Adjustment.                                  | ) |                           |

|  |   |                           |
|--|---|---------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                           |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-98-167</u> |
| be Reviewed in its 1997-1998 Actual Cost     | ) |                           |
| Adjustment.                                  | ) |                           |

|  |   |                           |
|--|---|---------------------------|
| In the Matter of Missouri Gas Energy's       | ) |                           |
| Purchased Gas Adjustment Tariff Revisions to | ) | <u>Case No. GR-96-450</u> |
| be Reviewed in its 1996-1997 Actual Cost     | ) |                           |
| Adjustment Account.                          | ) |                           |

**ENBRIDGE PIPELINES (KPC)'S**  
**RESPONSE TO NOTICE OF WITHDRAWAL OF ISSUE**

Enbridge Pipelines (KPC), successor to entities variously referred to in these proceedings as Kansas Pipeline, Mid-Kansas Partners, and Riverside Pipeline, submits the following Response to Notice of Withdrawal of Issue by the Staff of the Commission.

1. Enbridge notes that any current or future prudence review of the Missouri Agreements following the 1996 Stipulation was expressly found to be unlawful by the Missouri Supreme Court, which stated:

The first sentence of paragraph 5 of the stipulation expressly provides that the PSC may not conduct ‘any further ACA prudence review’ on the ‘decisions associated with the execution of the Missouri Agreements.’ . . . Furthermore, by expressly providing that the stipulation does not preclude the PSC from conducting ‘compliance and operation review’ of the Missouri agreements, the stipulation necessarily implies that the PSC is precluded from conducting a prudence review of such agreements. There is no ambiguity. The contract speaks for itself and precludes any further ACA prudence reviews of the Missouri Agreements. As such, the PSC acted unlawfully in failing to disallow the ACA prudence reviews altogether and, thus, further acted unlawfully in conducting its own review of those prudence reviews.

2. Therefore, Enbridge agrees that the issue of any further prudence reviews for the Missouri Agreements should be withdrawn from the current dockets.

WHEREFORE, Enbridge respectfully requests that the Commission enter its Order regarding Staff’s Notice of Withdrawal of Issue incorporating the above-quoted language from the Supreme Court decision, or otherwise prohibiting any future prudence review of the Missouri Agreements, together with such other relief that the Commission deems appropriate.

s/ Greg L. Musil  
GREG L. MUSIL MO # 39277  
of  
SHUGHART THOMSON & KILROY, P.C.  
32 Corporate Woods, Ste. 1100  
9225 Indian Creek Parkway  
Overland Park, KS 66210  
(913) 451-3355  
Fax: (913) 451-3361  
[gmusil@stklaw.com](mailto:gmusil@stklaw.com)

DANIEL D. OWEN MO #41514  
of  
SHUGHART THOMSON & KILROY, P.C.  
120 West 12<sup>th</sup> Street, Suite 1700

Kansas City, Missouri 64105  
Telephone: (816) 421-3355  
Facsimile: (816) 374-0509  
[dowen@stklaw.com](mailto:dowen@stklaw.com)

ATTORNEYS FOR ENBRIDGE PIPELINES  
(KPC)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 29<sup>th</sup> day of May, 2007.

/s/ Greg L. Musil  
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