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September 12, 2003

Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

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

SEP 12 2003

RE: Case No. ~~GT-2004-0049~~  
CIA-2003-0192

Missouri Public  
Service Commission

Dear Mr. Roberts:

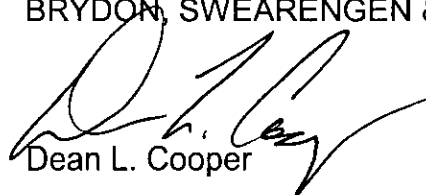
Enclosed please find an original and eight copies of Missouri Gas Energy's Response to Springfield's Motion to Reject or Suspend in the above-referenced matter. Please file stamp the enclosed extra receipt copy and return it to me for my records.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Dean L. Cooper

DLC/llv  
Enclosure  
cc:

Denny Frey  
Douglas Michael  
Jeffrey Keevil  
Robert Hack

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
SEP 12 2003

Missouri Public  
Service Commission

In the Matter of the Application of Missouri Gas )  
Energy, a Division of Southern Union Company, )  
for a Certificate of Public Convenience and )  
Necessity, Authorizing It to Construct, Install, Own, )  
Operate, Control, Manage, and Maintain a Natural )  
Gas Distribution System to Provide Gas Service )  
in Greene County, Missouri, as an Expansion of Its )  
Existing Certificated Area. )

Case No. GA-2003-0492

**MISSOURI GAS ENERGY'S RESPONSE TO SPRINGFIELD'S  
MOTION TO REJECT OR SUSPEND**

COMES NOW Missouri Gas Energy, a Division of Southern Union Company ("MGE"), and, in response to the City of Springfield's ("Springfield") Motion to Reject or Suspend Tariff, states as follows to the Missouri Public Service Commission ("Commission"):

**BACKGROUND**

1. On July 31, 2003, the parties to this case filed a Unanimous Stipulation and Agreement resolving all issues in the case. The Commission issued its Order Approving Stipulation and Agreement on August 21, 2003. The Order granted MGE "a certificate of convenience and necessity to construct and operate a natural gas supply line in Greene County, Missouri." On August 25, 2003, MGE filed a proposed tariff reflecting this grant of a line certificate. A copy of the proposed tariff, which contains a proposed effective date of September 25, 2003, is attached hereto as **Appendix A**.

2. On September 8, 2003, Springfield filed its Motion to Reject or Suspend Tariff and Motion for Expedited Treatment (the "Motion"). Springfield alleges that the tariff filed by MGE does not comply with the Unanimous Stipulation and Agreement (the "Stipulation"), the

Commission's Order or Springfield's view of the purpose of setting forth certificates in a tariff.

### **DISCUSSION**

3. The Stipulation and the Order direct MGE to file tariff sheets describing the route of the line to be constructed. The tariff sheet filed by MGE is found in the certificate section of MGE's tariff book and describes in relevant part the township, range and section in which the certificate authorizes the construction of a supply line. It further describes the authority as a "Line Certificate granted per Case No. GA-2003-0492."

4. Springfield alleges that this tariff language is insufficient because "if someone were to review MGE's tariffs for a description of its certificates, the tariff would not tell them where in [the section] the subject line certificate is located, and to the uninitiated may erroneously appear to allow MGE to locate its line anywhere within [the section]." MGE believes that the tariff fulfills what it believes to be the objective of this tariff. That is, the tariff sheet describes the locations where MGE holds area certificates and therefore can and must provide natural gas local distribution services to prospective customers. The description of the authority in the described section as a "line certificate" indicates that the authority held in that section is something different. For a more specific location of that line authority, a person is referred to the Commission's decision in Case No. GA-2003-0492. This having been said, MGE's tariffs should never be confused with a line locator service. Those services are provided by various entities on the ground and require much more detail than could ever be provided in a utility tariff.

5. Springfield further alleges that the case number would be of "little help unless the person was able to search the Commission's case files to find a description" "assuming that the order is published at the time of making the search." At one time, this might have been a valid argument.

However, not today. One no longer has to travel to the Commission or have access to the *PSC Reports* to obtain a copy of a Commission order. For this purpose, neither does one have to navigate EFIS. Within a few days of the issuance of a Commission order, a person can obtain a copy of that order by going to the "orders" section of the Commission web site. Doing so in this case and typing in "GA-2003-0492" as the search term quickly produces a copy of the Commission Order that clearly indicates the legal description of the line certificate held by MGE.

6. Thus, MGE believes that the tariff sheet it has proposed adequately addresses the needs of its customers. The tariff sheet alerts persons by township, range and section as to where MGE has area certificates and therefore provides natural gas local distribution service. The tariff sheet also provides a description of what authority MGE holds in the subject township, range and section - a line certificate - and a reference to a resource that more specifically describes that line certificate. This should be sufficient.

7. If, however, the Commission determines that the tariff sheet should contain additional information, MGE will make a filing that complies with any such Commission order.

WHEREFORE, MGE respectfully requests that the Commission issue its order denying Springfield's Motion to Reject or Suspend Tariff and allow MGE's proposed tariff sheet to become

effective on September 25, 2003.

Respectfully Submitted,

By:

  
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ATTORNEYS FOR MISSOURI GAS ENERGY,  
A DIVISION OF SOUTHERN UNION COMPANY

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered, or sent by U.S. Mail, postage prepaid, on the 12<sup>th</sup> day of September, 2003, to: Denny Frey, Public Service Commission, Governor Office Building, Jefferson City, Mo 65101; Jeffrey Keevil, 1001 Cherry Street, Suite 302, Columbia, Mo 65201; and, Douglas Micheel, Office of the Public Counsel, 6th Floor, Governor Office Building, Jefferson City, Mo 65101.

