

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

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 Platte)
County, Missouri, as an Expansion of its)
Existing Certified Area.)

Case No. GA-2007-0289

LIST OF ISSUES, ORDER OF WITNESSES, ORDER OF CROSS-EXAMINATION, AND

ORDER OF OPENING STATEMENTS

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its List of Issues, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements (hereafter referred to as the “List”), states as follows:

In its April 15, 2007, *Order Adopting Procedural Schedule* (Order), the Commission directed the Staff to file the List of issues, et al, in this matter.

The parties agree the listing of issues below is not an agreement by any party that any particular listed issue is, in fact, a valid or relevant issue. Indeed, in their position statements, some parties may state that they consider a particular listed issue to not be a valid issue. This “non-binding” listing of issues is not to be construed as impairing any party’s ability to argue about any of these issues or related matters.

List of Issues

1. Who has a certificate of convenience and necessity (CCN) to serve T52N, R35W sections 1, 2, 3, 10, 11, and 12 and T52N, R34W sections 4, 5 and 6, all in Platte County, Missouri?
2. Should Missouri Gas Energy (MGE) be granted a CCN to serve T52N, R35W sections 13 and 14 in Platte County, Missouri?
3. Should Empire District Gas (EDG) be granted a CCN to serve T52N, R35W sections 13, 14, 15, 22, 23 and 24, in Platte County, Missouri?
4. Has the Commission granted MGE a CCN authorizing MGE to provide natural gas service for Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Township 52 North, Range 35 West; Sections 1, 2, 3, 4, 5 and 6 of Township 52 North, Range 34 West; Sections 1 and 12 of Township 52 North, Range 36 West; and Sections 4, 5 and 6 of Township 52 North, Range 33 West, all in Platte County, Missouri?
 - If the Commission has not granted MGE a CCN authorizing MGE to provide natural gas service in these Sections of land, should the Commission order MGE to correct the service territory descriptions in its existing tariffs by excluding references to these Sections?
5. Has MGE constructed, installed, owned, operated, controlled, managed and/or maintained natural gas distribution facilities (gas plant) and/or provided natural gas service without first obtaining the required authorization from the Commission in Sections 10, 11, 12, 13 and 14 of Township 52 North, Range 35 West, in Platte County, Missouri? If so, what remedy(ies) or relief should the Commission order?

6. Should the Commission order MGE to formally provide notice to EDG of any future contact MGE has with developers in areas adjacent to the EDG service area boundaries in Platte County so that EDG can determine where and when future development is occurring along its boundaries?

Order of Witnesses and Order of Cross-Examination

MGE (Staff, OPC, EDG)
Robert Hack (available 8:30am to Noon, Oct. 25)
Mike Noack
EDG (Staff, OPC, MGE)
Dan Klein
Steven Teter
Ron Gatz (may be unavailable on Oct. 25)
Staff (OPC, EDG, MGE)
Henry Warren
Mike Straub

Order of Opening Statements

MGE
EDG
Staff
OPC

WHEREFORE, Staff, on behalf of the parties to this case and in accordance with the Commission's Order, submits this filing to the Commission as directed.

Respectfully submitted,

/s/ Robert S. Berlin

Robert S. Berlin
Senior Counsel
Missouri Bar No. 51709

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record 5th day of October 2007.

/s/ Robert S. Berlin